



Appeal Decision

Site visit made on 14 February 2019

by Matthew Jones BA(hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd April 2019

Appeal Ref: APP/R3325/W/18/3215837

10 Victoria Avenue, Chard TA20 1HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Pape against the decision of South Somerset District Council.
 - The application Ref 18/00555/FUL, dated 30 January 2018, was refused by notice dated 10 May 2018.
 - The development proposed is erection of dwelling in rear garden of no.10 Victoria Avenue including the provision of two car parking bays (off street).
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs was made by South Somerset Council against Mr David Pape and by Mr David Pape against South Somerset Council. These applications are the subject of separate Decisions.

Procedural Matters

3. In February 2019, after all evidence from both parties had been received, the latest version of the National Planning Policy Framework (the Framework) was introduced. However, the revisions to the Framework are not directly relevant to the issues in this appeal. I have therefore used the latest version of the Framework in my assessment without prejudice to any party.
4. The appellant has raised matters concerning the Council's conduct with regard to a pre-application enquiry, its interpretation of the scheme of delegation and the way in which the planning application was determined. These are matters which do not influence my assessment of the planning merits of the appeal.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site forms the rear of the back-garden area behind no.8 and no.10 Victoria Avenue, which are within a row of semi-detached and terraced two storey houses. At the time of my visit the site appeared to be in residential use and was open to the rear of no.10. The rear of the properties back onto the public open space called Stringfellow Park.

7. Although there are a small number of exceptions, the properties on the east side of Victoria Avenue generally have reasonably long and adequately proportioned rear gardens which, in combination with the narrow plots and shared building line, are an integral characteristic of the area.
8. The proposed bungalow would maintain a simple roof design and a low profile and would be of a subservient scale and appearance. As such, the proposed dwelling would not be visually incongruous when viewed from Stringfellow Park.
9. However, the achievement of good design is not limited to only the aesthetic value of a residential development, but also its integration into the distinctive character of an area. In this case, the proposal would have an unduly restricted layout. The dwelling would appear cramped within the rear garden and would relate poorly to the long and narrow layouts which are the positive and defining characteristic of the area.
10. A schedule of garden sizes and plot coverage is provided relating to a limited number of properties nearby. It includes figures for the gardens of nos.8 and 10, which have been purposefully reduced, and the proposed bungalow itself. The Council has identified that one site, given as no.14a, does not have planning permission. The limited examples have disparately small garden sizes in exception to the otherwise characteristically long gardens serving the majority of other dwellings within Victoria Avenue. As such I do not consider that they set a desirable precedent for further cramped residential development in the area.
11. A spreadsheet has been submitted which identifies development elsewhere, including on the west side of Victoria Avenue. However, only limited information has been supplied of each case, and without substantive detail I am unable to assess the potential relevance of these other sites to this appeal.
12. The appellant also identifies that large outbuildings could be constructed under permitted development. The associated indicative plan is not consistent with the appellant's alternative evidence that the rear gardens of nos.8 and 10 have been reduced. In any case, this appeal proposal seeks a dwelling, not an outbuilding, which has materially different design implications. I have therefore attributed this fall-back position limited weight in my assessment.
13. Consequently, I find that the proposed development would be harmful to the character and appearance of the area. It would conflict with Policy EQ2 of the South Somerset Local Plan (adopted 2015) and paragraph 127 of the National Planning Policy Framework which, amongst other things, seek development to reinforce local distinctiveness and respect local context.

Other Matters

14. I note comments made by the appellant with regard to a previous appeal decision within the site. Although that decision is a material consideration, I have made my assessment on its own individual planning merits and based on the evidence before me. I have also had regard to the support from interested parties, including the Town Council, but this has not altered my findings against the main issue.

Conclusion

15. For the reasons outlined above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR