
Appeal Decision

Site visit made on 18 November 2014

by **David Richards BSocSci DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: **11 December 2014**

Appeal Ref: APP/R3325/E/14/2225076

The Castle PH, High Street, West Coker, Yeovil, BA22 9AT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Firstcourt Accommodation against the decision of South Somerset District Council.
 - The application Ref 14/02466/LBC, dated 21 May 2014, was refused by notice dated 20 August 2014.
 - The works proposed are alterations to the roof to reinstate the north slope with tiles instead of thatch.
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Decision

1. The appeal is allowed and listed building consent is granted for alterations to the roof to reinstate the north slope with tiles instead of thatch at The Castle PH, High Street, West Coker, Yeovil, BA22 9AT in accordance with the terms of the application Ref 14/02466/LBC, dated 21 May 2014, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The works for which consent is hereby granted shall be carried out in accordance with the following approved plans: Location Plan (received by the Council on 5 June 2014; Plan 1 – Site Plan; Plan 2 – Elevations and Rear roof slope as proposed.
 - 3) No work shall take place until details and a sample of the specific roofing material (handmade clay tile) to be used has been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

Main Issue

2. The main issue is whether the works proposed would preserve the special architectural and historic interest of the listed building.

Reasons

3. The appeal building is listed grade II and is of 17th century origins, built in local stone rubble with Ham stone dressings. The premises were damaged by fire in 2013, when the thatched roof was completely destroyed. A repair

schedule was agreed to install a new timber roof structure and recover it with thatch.

4. The application to which this appeal relates sought consent to re-cover the rear roofslope with clay tiles. The front roof slope would be thatched, as previously agreed, extending over the ridge to include the upper part of the rear roof slope.
5. Section 66(1) of the Planning (Listed Building and Conservation Areas Act) 1990 requires decision makers to 'have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses.' Paragraph 132 of the National Planning Policy Framework (the Framework) advises that in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
6. The Framework distinguishes between substantial harm to significance and harm which is less than substantial. The damage to the thatched roof caused by the fire was extensive, resulting in the effective loss of all the thatching and roof timbers. The appeal proposal would not result in any further loss of historic fabric. An agreed scheme for the replacement of the frame, in a traditional style, has now been implemented. Nevertheless, replacement of the rear roof slope covering in anything other than thatch would clearly involve some harm to the significance of the building.
7. Given the history of the fire, and the fact that the masonry survived intact, I consider that the harm to the significance of the asset would be less than substantial. Paragraph 134 of the Framework requires that where the harm to significance would be less than substantial, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
8. I agree with the Council that, having regard to policy and practice relevant to the protection of historic buildings, the normal expectation following fire damage to a listed building would be for it to be repaired in a traditional style, using materials matching those lost as closely as possible, in this case thatch.
9. The Appellant considers that enhanced safety represents a public benefit which outweighs any harm to significance. The original building was substantially altered by the construction of a rear extension in 1986, including a flat roofed linking element, which is very close to the lower edge of the rear roof slope of the original building. It is argued that for safety reasons, it is preferable to avoid thatch reaching down to within half a metre of a flat roof, particularly where the flat roof also functions as a fire exit and escape route. The Council has indicated that it would not resist a proposal to tile the lower 500 mm of the roof slope, for safety reasons.
10. The response to consultation by English Heritage acknowledges that if the argument regarding safety were substantiated, it would be a valid justification for the proposed change. To my mind, there would be a significant safety benefit arising from the proposed change in that it would reduce the potential for ignition of the thatch from the adjacent walkway on the flat roof, and the potential for the escape route from the first floor being prejudiced. It would be a public benefit in that the building has remained publicly accessible, with a public bar on the ground floor. I acknowledge that there is no direct access

from the ground floor to the first floor, an internal staircase having been removed, but this is not a matter before me. Nevertheless, I accept that there would be a public safety benefit

11. Furthermore, the less than substantial harm to the special architectural and historic interest would additionally be mitigated by a number of considerations, chief of which is the substantial alteration to the rear of the property when it was extended. Although this work postdates the listing, I consider its form would now be regarded as an unsympathetic extension, which detracts from the setting and significance of the original building. It also has the effect of restricting public views of the proposed change as well as views from within the site. Although glimpses could be obtained through the gap between Nos 1 and 3 Brookside, and from the public footpath which crosses a field on rising ground to the north of the appeal site, I do not consider that the change would have any material effect on the setting of the building or on the surrounding conservation area. While limited visibility is not a justification for development proposals which are harmful to the significance of a heritage asset, I consider that it is appropriate to take such matters into account as mitigation in the particular circumstances of this case. There are some local precedents for replacing thatch with tile on less visible elevations, to which the appellant has drawn attention, though it is likely that these pre-date listing and current approaches to the protection of heritage assets, and as such I accord them little weight in reaching my decision.
12. Nevertheless, while I attach great weight to the asset's conservation, in the particular circumstances of this case I find that the public benefit of the proposal, in terms of improved safety, outweighs the less than substantial harm to the significance of the listed building, and provides a clear and convincing justification for the proposed alteration. In reaching this conclusion I attach particular importance to the acknowledged fact that the proposed change would involve no further loss of the historic fabric of the building.
13. I therefore conclude that the appeal should be allowed. A condition requiring compliance with the submitted plans is necessary to define the scope of the consent. A condition dealing with materials is necessary to ensure a satisfactory appearance and finish.

David Richards

INSPECTOR



Appeal Decision

Site visit made on 27 October 2014

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 December 2014

Appeal Ref: APP/R3325/A/14/2223386

108 Larkhill Road, Yeovil, Somerset BA21 3HQ

- 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 Mrs Samantha Gibbs against the decision of South Somerset District Council.
 - The application, Ref. 14/02705/FUL, dated 6 June 2014, was refused by notice dated 29 July 2014.
 - The development proposed is described as 'Change of use from a dwelling house to a mixed use residential property by the introduction of an improved access and conversion to a dog grooming salon in the current utility room situated at the rear of the property. This includes the formation of a hardstanding and change to the front garden from lawn to a parking area and turning bay. External door in utility'.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from a dwelling house to a mixed use residential property by the introduction of an improved access and conversion to a dog grooming salon in the current utility room situated at the rear of the property. This includes the formation of a hardstanding and change to the front garden from lawn to a parking area and turning bay. External door in utility, at 108 Larkhill Road, Yeovil, Somerset in accordance with the terms of the application, Ref. 14/02705/FUL, dated 6 June 2014, subject to the conditions in the attached schedule.

Procedural Matter

2. The application is in part retrospective as the property is already used for dog grooming and works in respect of the access / turning area have been commenced and in part completed.

Main Issue

3. The main issue is the effect of the proposal on highway safety.

Reasons

4. The Council's reason for refusal of the application is set out in more detail in the officers' report. Essentially the concern is that the combination of the intensification of activity at the site as a result of the business, combined with the proposed turning area being too small, would increase the likelihood of
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- vehicles reversing out into the road. It is argued that this would cause danger to the drivers and other users of the highway.
5. However a turning area is to be provided in the dwelling's front garden and although smaller than the required standard it would nonetheless be available for turning, albeit with one or two additional manoeuvres. As an alternative it could be used for resident or business parking for the property, and bearing in mind that the former does not at present exist this would free up spaces in the nearby laybys on both sides of the road or such other spaces as may be presently used by the appellants.
 6. In respect of the Highway Authority's specific concern that there would be an additional hazard as vehicles would not leave the appeal premises in forward gear, there are a number of mitigating factors with the potential to reduce any increased risk. Firstly from the information supplied it is clear that the appellants use their own vehicle to collect and deliver the dogs, whilst the location is such that others can be walked to and from the premises. Bearing this in mind, together with the modest area of the premises to be used for the business, it is likely that the number of customers using their own transport would not be significant. Moreover in my view some of those who do use cars would be likely to use a free space in one of the laybys as this would be perceived as easier than driving right up to the premises and out again.
 7. However to the extent that there is an increase in the use of the access by vehicles in reverse gear I saw on my visit that on-site spaces without turning facilities at properties is already a characteristic of Larkhill Road. There has been no evidence produced to suggest that these arrangements have been the cause of accidents. In the case of No. 108 itself, there is good visibility in both directions above the minimum required in Manual for Streets and adequate street lighting.
 8. I also consider that the existing traffic calming measure in the form of a 'build out' in the road directly opposite the appeal property would both reduce traffic speeds and increase driver awareness of vehicles entering or leaving the concrete driveway.
 9. Taking all these points together I conclude that the use of No. 108 as both a dwelling and a small-scale dog grooming business would not have an adverse effect on highway safety. I have taken the objections from the occupiers of No. 153 Larkhill Road into account but do not consider that the impact of the appeal proposal would be sufficient to cause the hazards referred to.
 10. There would therefore be no conflict with paragraph 5 of Saved Policy ST5 of the South Somerset Local Plan 2006. Furthermore, as any effect would not be 'severe', there would additionally be no conflict with Government policy in paragraph 32 of the National Planning Policy Framework 2012. In these circumstances I additionally consider that I should give substantial weight to the entirety of paragraph 21 of the Framework. This requires the planning system to support businesses and economic activity including through facilitating flexible working practices such as the integration of residential and commercial uses in the same unit. I shall therefore allow the appeal.
 11. The Council has suggested conditions if the appeal is allowed and for the most part I consider that these are reasonable and necessary, subject to some minor

rewording to improve their precision. However as the development has already commenced I see no need for the standard three year time limit condition.

12. A condition requiring the development to be in accordance with the approved plans and a condition to restrict dog grooming to the proposed salon are needed for the avoidance of doubt and in the interests of proper planning. However the use will run with the property and it would be inappropriate for the condition to be personal to the applicant, especially as in this case the restricting of dog grooming to a single room effectively precludes the growth of the business at these premises.
13. A condition requiring details of the materials for the turning area and retaining walls will safeguard the visual amenity of the area, whilst a condition restricting the hours of operation of the business will safeguard the living conditions as regards noise and disturbance for the occupiers of the adjoining dwelling in the semi-detached pair.

Conclusion

14. For the reasons set out above the appeal is allowed subject to the stated conditions.

Martin Andrews

INSPECTOR

Schedule of Conditions

- 1) The development and use hereby permitted shall be carried out in accordance with the following approved plans: OS based Block Plan with site edged red; 'Drawing for Proposed Driveway' at scale 1:100; 'Existing Salon Entrance' & 'Proposed Salon Entrance' (2 drawings at scale 1:100); 'Proposed New Salon Entrance' (Elevation Drawing at scale 1:50); Cross section drawings of construction details of turning area and retaining walls (scale not stated);
- 2) The construction of the turning area and retaining walls shall not be commenced until particulars of the materials, including samples as may be requested, have been submitted and approved in writing by the Local Planning Authority;
- 3) The dog grooming parlour hereby permitted shall not be used for the delivery or collection of dogs or the grooming of dogs other than between the hours of 0900 to 1700 Mondays to Saturdays and not at all on Sundays and Bank Holidays. No dogs shall be kept overnight on the premises in connection with the permitted use;
- 4) The grooming of dogs shall at all times be restricted to the area marked 'Grooming Salon' on the approved plans.