

Appeal Decision

Site visit made on 21 April 2015

by **Edward Gerry BA (Hons) MSc MRTPI**

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

Decision date: 12 May 2015

Appeal Ref: APP/R3325/D/15/3005735

19 Boundary Close, Yeovil, Somerset BA21 3DU

- 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 & Mrs Andrew Payne against the decision of South Somerset District Council.
 - The application Ref 14/04308/FUL was refused by notice dated 25 November 2014.
 - The development is erection of carport single storey.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application, the subject of this appeal, has been dealt with by the Council as a retrospective application under section 73A of the Town and Country Planning Act 1990.
3. Since the Council made its decision it has adopted the South Somerset Local Plan 2006-2028 (2015) (LP). Policies ST5 and ST6 of the South Somerset Local Plan (2006), referred to in the Council's decision notice, have been superseded and no longer form part of the development plan. Therefore, my deliberations below do not make reference to these policies.
4. The description of development set out on the application form is longer than the description that I have outlined in the banner heading above. The application form description includes arguments in support of the proposed development. On this basis I have limited the length of the description of development in the banner heading above so that only the nature of the proposal is detailed.

Main Issue

5. The main issue is the effect of the development on the character and appearance of its surroundings.

Reasons

6. The appeal site, which occupies a prominent corner plot, is located on a residential road (Boundary Close) which consists of dwellings set within fairly spacious plots. To the north of the appeal site on the opposite side of the road is a row of large trees.

7. A carport, comprised of a timber sub-frame and a clear polycarbonate roof, has been constructed to the north of the dwelling located at the site. I note that the appellants have attempted to make the appearance of the carport as attractive as possible so that it fits in with its surroundings. In addition, as was evident from my site visit, one side of the carport has been partially filled with decorative trellis to allow plants to grow up it. Nevertheless, as a result of its scale and its siting it is of a cramped appearance and it has resulted in an overdevelopment of the site. It appears out of keeping with the spacious character of the surrounding area. Furthermore, although I accept that Boundary Close is a no through road and I acknowledge that no one lives opposite the carport in a northerly direction, given the location of the carport on a prominent corner plot it is conspicuous within the street scene.
8. I note the appellants' view that the large tree which overhangs their property is in a dangerous condition and their comments regarding problems relating to tree sap and bird excrement. Therefore, I can understand the reasons why the appellants constructed the carport and in particular the need to provide protection against falling branches from the large tree that overhangs the appellants' property. However, given the harm that I have identified above such factors do not form a basis for allowing this appeal. Furthermore, if the tree is a danger in terms of health and safety then other legislation exists to enable appropriate tree works to be undertaken to address this issue.
9. For these reasons the development causes unacceptable harm to the character and appearance of its surroundings. As a result there is a conflict with LP Policy EQ2 and the National Planning Policy Framework (the Framework). LP Policy EQ2 sets out that development will be designed to achieve a high quality, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district. Paragraph 64 of the Framework outlines that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Conclusion

10. For the reasons given above, and having considered all matters raised, I conclude that the appeal should be dismissed.

Edward Gerry

INSPECTOR