
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: 18 June 2015

Appeal Ref: APP/R3325/W/14/3000233
Oakridge, Townsend, Ilminster TA19 0JA

- 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 Ms J Searle and Ms D Wosley against the decision of South Somerset District Council.
 - The application Ref 14/03570/FUL, dated 28 July 2014, was refused by notice dated 6 October 2014.
 - The development proposed is erection of a detached dwelling with integral garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the Council made its decision it has adopted the South Somerset Local Plan 2006-2028 (2015) (LP). Policies EH1, ST5 and ST6 of the South Somerset Local Plan (2006), referred to in the Council's decision notice, have been superseded and no longer form part of the development plan.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.
3. I have considered the impact of the proposal on the two listed buildings located to the north of the appeal site. Whilst the Council has not expressed any concerns in this respect I have had regard to the statutory duty to pay special attention to the desirability of preserving the listed buildings. Nevertheless, given the distance and vegetation between the site and the listed buildings and the topography of the area I have no reason to disagree with the view the Council has reached. Therefore I am satisfied that it would preserve those interests.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of its surroundings, including the setting of Ilminster Conservation Area, and its effect on highway safety in relation to Townsend.

Reasons

Character and appearance

5. The appeal site is located on a steep slope and a road (Townsend) is situated to the south of the site. It is surrounded by residential properties, including a property orientated to the east which contains a modest sized thatched

- cottage. A number of the properties have boundary walls fronting onto Townsend. The site also abuts the boundary of Ilminster Conservation Area. I have not been provided with a Conservation Area Appraisal, or similar document, identifying the significance of this heritage asset. Nevertheless, in my view, the area's significance relates to the buildings contained within it. In particular their traditional design and use of materials, especially natural stone, which is a prominent feature of the area.
6. The principle of developing a new residential dwelling at the site is acceptable. I acknowledge the appellants' point that the site is situated adjacent to the eastern edge of the Conservation Area. In addition I accept that there is variation in the design style of the dwellings in proximity of the site and the appellants' view that the 'barn like' appearance of the proposed dwelling would assimilate with the neighbouring development and would bring about an enhancement to the main part of the development site. Furthermore, I note the suggestion that whilst the proposed dwelling would be three storeys high it reads as two storeys given the third storey is located within the roof space. I also observe the opinion that the design of the proposed dwelling allows it to sit into the topography of the site so that the relationship with the road located to the south of the site is appropriate.
 7. However, given the scale of the proposed dwelling, including in terms of its height, and the fact that it would be situated on raised ground it would have a dominating effect on its surroundings particularly the modest sized thatched cottage to its east. This effect would be exacerbated by the fact that the dwelling would be clearly visible from Townsend located to the south of the site. Furthermore, the failure of the proposal to provide a front boundary wall adjacent to Townsend would be out of keeping with the surrounding area. Consequently, the proposal would not sit comfortably within its surroundings.
 8. With regards to its design style, I note the view that the proposed dwelling would take account of its surroundings and the opinion that the materials proposed would not look out of place or context with nearby buildings such as those at Fortnum Place. Furthermore, I acknowledge that the large area of glazing proposed for the south facing elevation of the dwelling has been incorporated into the design to maximise solar gain. I also note the landscaping that has been incorporated into the proposal and the fact that the proposal seeks to retain some of the original landscape features on the west side of the access driveway.
 9. Nevertheless, the proposal includes a large number of openings, which as a result of their varying size and positioning, would result in the proposed dwelling having an incongruous appearance. In addition, the large roller shutter door and timber boarding proposed would result in the appearance of the dwelling being at odds with the majority of surrounding dwellings which are mainly constructed from traditional materials. These factors add to my overall concerns regarding the proposal.
 10. For these reasons the proposed development would cause unacceptable harm to the character and appearance of its surroundings, including the setting of Ilminster Conservation Area. Although the harm to the Conservation Area would be 'less than substantial' when assessed against the advice set out in the Government's Planning Practice Guidance I consider that there are no public

benefits associated with the proposal that outweigh the harm that would be caused.

11. As a result there would be a conflict with LP policies EQ2 and EQ3. 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. Policy EQ3 details that heritage assets will be conserved and where appropriate enhanced for their historic significance and important contribution to local distinctiveness, character and sense of place.

Highway safety

12. As previously outlined there is a steep incline associated with the appeal site. The parking area and garage relating to the proposed dwelling would be accessed off the existing driveway which serves both Oak Ridge and Copper Beeches located to the north-west of the site. This existing driveway is accessed off Townsend which is located to the south of the site.
13. I note the concerns raised in respect of the gradient of the driveway and the space that would be available for vehicles to turn around. In addition the worries expressed by local residents regarding the speed at which vehicles travel along Townsend and the implications of the proposal on highway safety particularly given the existing access relating to the residential dwellings at Fortnum Place opposite the site.
14. However, there is no evidence in front of me to suggest that the existing driveway, which provides access to Oak Ridge and Copper Beeches, has a negative impact on Townsend in terms of highway safety. Furthermore, given the space that would be available within the site for vehicles to either access or egress from the proposed parking area I am satisfied that vehicles would not need to manoeuvre on Townsend in order to access or egress from the parking area.
15. For these reasons the proposed development would not result in significant harm to the adjoining highway in terms of highway safety. As a result there would be no conflict with LP Policy TA5 which details, amongst other things, that new development shall be designed to ensure safe and convenient access on foot, cycle and by public and private transport.

Other Matters

16. I note the appellants' references to the planning history relating to the site including an alternative proposal for a dwelling which has been granted planning permission by the Council. Whilst I have made my decision in the knowledge of this scheme each proposal should be considered on its own merits and it is on this basis that I have assessed the proposed development.
17. Additionally, I observe that Ilminster Town Council supports the proposed development and the appellants consider that the proposal would be acceptable in terms of its impact on the living conditions of the occupiers of Fortnum Place. Furthermore, I note the suggestion that the proposed development would cause no greater harm to the Conservation Area than previous developments that have taken place. Nevertheless, given the harm that I have identified such factors do not provide a basis for allowing the proposal.

Conclusion

18. Notwithstanding my conclusions on highway safety, they do not outweigh the harm that I have identified in respect of character and appearance. For the reasons given above, and having considered all matters raised, I conclude that the appeal should be dismissed.

Edward Gerry

INSPECTOR