

Appeal Decision

Site visit made on 3 December 2007

by Roger Eagle BA

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

The Planning Inspectorate
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Decision date:
20 December 2007

Appeal Ref: APP/R3325/A/07/2046496 Tintinhull Forts, Tintinhull, Yeovil BA22 8WT

- 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 Roger Plant against the decision of South Somerset District Council.
- The application, Ref. 06/03179/COU dated 4 September 2006, was refused by notice dated 30 November 2006.
- The development proposed is caravan storage facility and siting of motor home as office/residence for security guard.

Decision

1. I dismiss the appeal for the reasons set out below.

Main issues

2. The main issues are (1) the effect of the proposal on the character and appearance of the surrounding countryside, (2) whether the proposal would be contrary to the objectives of local planning policy which seek to control development in the countryside and (3) its effect on road safety.

Reasons

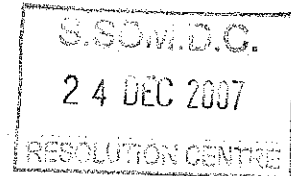
3. The appeal site is a field adjacent to the A303 Tintinhull Forts Interchange, with the A303 and a slip road adjoining two sides. Access to the site is off the slip road, between the A303 and the local road which crosses over the A303 by a bridge. Apart from those roads, the site is surrounded by fields within relatively flat open countryside and is outside any settlement boundary.
4. The proposal would provide storage facilities on the 2.06 hectare site for around 200 caravans, together with a portakabin office, three trailer units providing storage, workshop and power generation areas and a motor home to provide residential accommodation for one person. The appellant proposes constructing an earth bund approximately 3m high topped by shrubs and bushes around the site to screen it from view.
5. The caravans are likely to be light coloured increasing their visibility and I consider the extensive amount of caravans and other structures on the site would be out of keeping with the surrounding open countryside. Whilst the earth bund would restrict views into the site, I consider the size of the bund would itself be an obtrusive feature in the surrounding countryside and the interior of the site would still be visible from the bridge over the A303.
6. The appellant refers to the use of similar fields in the area for the storage of wrapped bales and farm machinery but I consider these examples differ

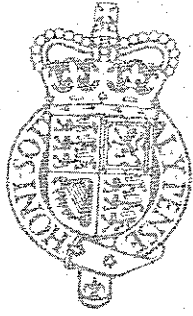
- significantly from the proposal in that they are an agricultural use in keeping with the countryside.
7. Policy ST3 of the 2006 South Somerset Local Plan (SSLP) provides that development outside defined development areas will be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. For the reasons given above I consider the proposal would not maintain or enhance the environment of the surrounding countryside.
 8. Whilst the commercial development proposed might provide some benefit to economic activity, I am not persuaded that its location needs to be at a site within the countryside to achieve this purpose. The appellant says that travel would be reduced as users would leave their caravans at this site nearer to their holiday destination. However that would only reduce travel without a caravan rather than overall distances and there is no evidence before me as to the likely home location and holiday intentions of users to support this argument. In any event, I consider there would also be an increase in travel from owners who would be living at some distance visiting their caravans from time to time for cleaning, maintenance or similar purposes.
 9. Accordingly I conclude on the first two issues that the proposal would harm the character and appearance of the surrounding countryside and would be contrary to the objectives of local planning policy which seek to control development in the countryside. It would not comply with Policy ST3 or the requirements in the SSLP for development to reduce the need to travel and to respect the character of the locality (Policy ST5), and not to harm the natural environment, character and quality of the locality and the landscape (Policies ST6 and EC3).
 10. The heavily trafficked A303 dual carriageway road is part of the Core National Trunk Road Network, subject to the national 70 mph speed limit with the 85th percentile speed of traffic being close to this for substantial periods of the day. The diverge roads off the A303 at this junction are relatively short and there is no significant acceleration lane for traffic joining the trunk road. I consider the proposal would result in increased use of this junction, especially by relatively slow traffic towing caravans. The appellant says this would be a small percentage compared to existing use but I do not consider the likely number of additional vehicle movements, estimated by the appellant at around 2000 per year, to be insignificant. I acknowledge that the access is presently used by farm and Heavy Goods traffic but do not consider this a justification for allowing this appeal in view of the likely increased use especially by towing vehicles.
 11. Accordingly, having regard to that increased use and the relatively low design standard of this junction, I consider the proposal would be harmful to road safety and note that it would conflict with government advice at TD 22/06 of the Design Manual for Roads and Bridges which says that private means of access on connector roads are not permitted. The proposal would also not meet the requirement in SSLP Policy ST5 for a satisfactory means of access to be provided.
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12. I acknowledge that the nature of the proposal means that the site could be relatively easily restored to open countryside but I do not consider that justifies allowing the proposal for a limited period in view of the harm I have identified. I note the appellant's reference to planning permission being granted in 1990 and 1992 for a golf club on this site. However, I do not have details of those permissions or whether any relevant circumstances have changed since those dates. Accordingly they do not assist me greatly in determining this appeal.
13. I note the appellant's personal circumstances and reasons for seeking permission for this development but do not consider these outweigh the harm that would result from the proposal. The appellant also contends that to allow the appeal would protect his human rights by allowing him a place to live and a source of employment income. However, refusing permission would prevent harm to matters of legitimate public interest in respect of protection of the countryside and road safety and so would not, in my view, be a disproportionate interference with his rights.
14. I therefore conclude that the appeal should not succeed.

Roger Eagle

INSPECTOR





Appeal Decision

Site visit made on 27 November 2007

by **RN Parry BA DipTP MRTPI**

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

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Decision date:
17 December 2007

Appeal Ref: APP/R3325/A/07/2052996

4 Four Seasons Mews, Bow Street, Langport, TA10 9PT

- 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 Miss D O'Niely against the decision of South Somerset District Council.
- The application Ref 06/04733/FUL, dated 15 December 2006, was refused by notice dated 19 February 2007.
- The development proposed is alterations to form room in loft space to include new dormer and velux windows.

Summary of Decision: The appeal is allowed subject to the conditions set out in the Formal Decision below.

Main Issue

1. On the basis of the written representations and my site inspection I consider that the decision in this case primarily turns on whether the alterations to the roof elevations would be detrimental to the appearance and character of the appeal property and thereby fail to preserve or enhance the character and appearance of the wider Langport Conservation Area.

Reasons

2. The appeal property is a recently constructed semi-detached 2 storey dwelling. The appeal proposal would create a new third bedroom in the roofspace lit by a dormer window in the front elevation and a rooflight in the rear elevation. An identical proposal in respect of the adjoining dwelling is the subject of a separate appeal.
3. The appeal property is part of a small residential development that lies to the rear of property along Bow Street – the main thoroughfare through the town. Vehicular access is obtained via a passageway off Bow Street. The residential development in question occupies land that was formerly in commercial use and the design of the new dwellings incorporates features that are intended to reflect the historic use of the land.
4. This part of the Langport Conservation Area contains both commercial and residential development. While the buildings along the nearby length of Bow Street are long-standing and make a significant contribution to the historic character and attractiveness of the conservation area there has been a significant amount of more recent residential development on the “burgage” plots to the rear of the frontage properties.

5. So far as the proposed change to the appearance of No 4 is concerned, the Council argues that the dormer window is excessive in size and does not reflect the commercial heritage of the site. I accept that the dormer is a significant size relative to the parent dwelling. However, I do not accept the assertion that it damages the appearance of the building; indeed by "breaking up" the front roof elevation and introducing detail it arguably enhances the look of the building. Similarly I am not convinced that the introduction of the dormer would mean that the dwelling would challenge the dominance of the larger buildings that tend to front onto Bow Street. At the site inspection I also noted that dormer windows of various sizes and design are commonplace in the locality, indeed I am tempted to say that they are one of the characteristics of built development in this part of the town. Many of these are in old historic buildings but I noted they are also present in newer buildings including a recently constructed dwelling on Bow Street only a few yards from the entrance to the appeal property.
6. Moreover I am not convinced that the introduction of a dormer window of itself reinforces the domestic appearance of No 4. Certainly many of the dormer windows in the vicinity are present at properties that are seemingly in commercial rather than residential use. In any event and accepting that the Council has sought to ensure that the design of the new dwellings reflects the site's commercial heritage, at the end of the day the appeal property is very clearly and obviously a residential dwelling.
7. Given my conclusion that the proposed dormer window would not be detrimental to the character and appearance of the appeal property it follows that I do not consider the proposal to be contrary to policy ST6 of the adopted South Somerset Local Plan. And as I am also satisfied that it would at the least preserve the appearance and character of the wider conservation area, it likewise would not be at odds with policy EH1.
8. With regard to the rear rooflight, I note that the appellant accepts that a smaller "conservation style" rooflight would be a more appropriate feature than the larger rooflight originally proposed. The Council is of the same opinion and would not oppose the introduction of a smaller rooflight in the rear elevation. I see no reason to disagree. I have, accordingly, attached a condition to the grant of planning permission to confirm this arrangement.
9. I have taken account of all of the other points drawn to my attention but they do not outweigh my conclusions on the main issue.

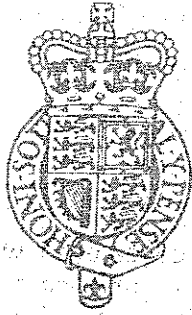
Formal Decision

10. In exercise of the powers transferred to me I hereby allow this appeal and grant planning permission for alterations to form a room in the loft space to include new dormer and velux windows at 4 Four Seasons Mews, Bow Street, Langport, in accordance with the application 06/04733/FUL dated 15 December 2006 and the plans submitted therewith subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall not be commenced until details of the rooflight have been submitted to and agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing, the rooflight shall be of a conservation type, top hung and

flush with the roof covering. Such approved details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Robert Parry

Inspector



Appeal Decision

Site visit made on 27 November 2007

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Decision date:
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Appeal Ref: **APP/R3325/A/07/2052995**

5 Four Seasons Mews, Bow Street, Langport, TA10 9PT

- 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 Miss N Steers against the decision of South Somerset District Council.
- The application Ref 06/04725/FUL, dated 15 December 2006, was refused by notice dated 20 February 2007.
- The development proposed is alterations to form room in loft space to include new dormer and velux windows.

Summary of Decision: the appeal is allowed subject to the conditions set out in the Formal Decision below.

Main Issue

1. On the basis of the written representation and my site inspection I consider that the decision in this case primarily turns on whether the alterations to the roof elevation would be detrimental to the appearance and character of the appeal property and thereby fail to preserve or enhance the character and appearance of the wider Langport Conservation Area.

Reasons

2. The appeal property is a recently constructed semi-detached 2 storey dwelling. The appeal proposal would create a new third bedroom in the roofspace lit by a dormer window in the front elevation and a rooflight in the rear elevation. An identical proposal in respect of the adjoining dwelling is the subject of a separate appeal.
3. The appeal property is part of a small residential development that lies to the rear of property along Bow Street – the main thoroughfare through the town. Vehicular access is obtained via a passageway off Bow Street. The residential development in question occupies land that was formerly in commercial use and the design of the new dwellings incorporates features that are intended to reflect the historic use of the land.
4. This part of the Langport Conservation Area contains both commercial and residential development. While the buildings along the nearby length of Bow Street are long-standing and make a significant contribution to the historic character and attractiveness of the conservation area there has been a significant amount of more recent residential development on the “burgage” plots to the rear of the frontage property.

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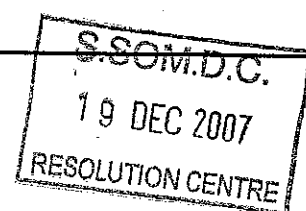
19 DEC 2007

RESOLUTION CENTRE

5. So far as the proposed change to the appearance of No 5 is concerned, the Council argues that the dormer window is excessive in size and does not reflect the commercial heritage of the site. I accept that the dormer is a significant size relative to the parent dwelling. However, I do not accept the assertion that it is damaging to the appearance of the building; indeed by "breaking up" the front roof elevation and introducing detail it arguably enhances the look of the building. Similarly I am not convinced that the introduction of the dormer would mean that the dwelling would challenge the dominance of the larger buildings that tend to front onto Bow Street. At the site inspection I also noted that dormer windows of various sizes and design are commonplace in the locality, indeed I am tempted to say that they are one of the characteristics of built development in this part of the town. Many of these are in old historic buildings but I noted they are also present in newer dwellings including a recently constructed dwelling on Bow Street only a few yards from the entrance to the appeal property.
6. Moreover I am not convinced that the introduction of a dormer window of itself reinforces the domestic appearance of No. 5. Certainly many of the dormer windows in the vicinity are present at properties that are seemingly in commercial rather than residential use. In any event and accepting that the Council has sought to ensure that the design of the new dwellings reflect the site's commercial heritage, the end of the day the appeal property is very clearly and obviously a residential dwelling.
7. Given my conclusion that the proposed dormer window would not be detrimental to the character and appearance of the appeal property it follows that I do not consider the proposal to be contrary to policy ST6 of the adopted South Somerset Local Plan. And as I am also satisfied that it would at the least preserve the appearance and character of the wider conservation area, it likewise would not be at odds with policy EH1 of the adopted South Somerset Local Plan.
8. With regard to the rear rooflight I note that the appellant accepts that a smaller "conservation style" rooflight would be more appropriate feature than the larger rooflight originally proposed. The Council is of the same opinion and would not oppose the introduction of a smaller rooflight in the rear elevation. I see no reason to disagree. I have, accordingly, attached a condition to the grant of permission to confirm this arrangement.
9. I have taken account of all of the other points brought to my attention but they do not outweigh my conclusions on the main issue.

Formal Decision

10. In exercise of the powers transferred to me I hereby allow this appeal and grant planning permission for alterations to form a room in the loft space to include new dormer and velux windows at 5 Four Seasons Mews, Bow Street, Langport, in accordance with the application 06/04725/FUL dated 15 December 2006 and the plans submitted therewith subject to the following conditions:
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