



# Appeal Decision

Site visit made on 25 February 2008

by **R W N Grantham** BSc(Hons) C.Chem  
MRSC MCIWEM

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

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Decision date:  
13 March 2008

**Appeal Ref: APP/R3325/A/07/2059888/NWF**

**Part OS map ref 9969, Moorlands, Folly Road, Kingsbury Episcopi, Martock, Somerset TA12 6BH**

- 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 B Male against the decision of South Somerset District Council.
- The application Ref 07/01487/COU, dated 26 March 2007, was refused by notice dated 23 May 2007.
- The development proposed is a change of use from agricultural to residential.

## Decision

1. I dismiss the appeal.

## Procedural Matter

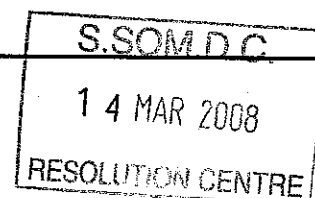
2. No representative from the Council attended the site visit. As a result, and with the appellant's consent, I carried out the visit unaccompanied.

## Main issue

3. The main issue here is the impact of the proposed development on the character and appearance of the local landscape.

## Reasons

4. Moorlands backs onto an attractive, but level area of countryside where a small scale field pattern of strip pasture, separated by hedges and ditches, creates an intimate landscape redolent of traditional farming practice. I recognise that the appeal site has now been purchased by the occupiers of Moorlands and that it, together with a further parcel of land to the south, is enclosed by wood rail fencing. Even so, the proposed development would interfere with the historic pattern by removing the central section, of a strip field, from agricultural use and allowing it to become domesticated through non-indigenous planting and the paraphernalia of recreational use. This would fragment the landscape, in an unsympathetic way, and would detract from its rural simplicity. The change would not be widely visible from public vantage points although it could be seen, at least in winter, from the footpath to the east. Nevertheless, as was alluded to in a similar appeal concerning the neighbouring property, the government's aim is to protect the countryside for the sake of its intrinsic character.



5. Certainly, the scheme now proposed would encroach upon the countryside and undermine the clear boundary with the development envelope of the village. It would fail to respect or enhance the established pattern of the local landscape and, for the reasons I have already given, would be harmful to its distinctive character and appearance. This would be contrary to Policy EC3 of the (2006) South Somerset Local Plan.
6. I appreciate the appellant's strong local connections and I can understand her desire for a larger garden. I also note her references to more extensive gardens, that exist nearby, and to permissions that have been granted for similar development in East Lambrook. However, each case fails to be considered on its own particular merits and nothing I have seen or read outweighs my concerns regarding the impact of the current proposals on the landscape in this part of Kingsbury Episcopi.
7. For the reasons given above, and having taken account of all other matters raised, I conclude that the appeal should be dismissed.

*Rupert Grantham*

INSPECTOR



# Appeal Decision

Site visit made on 3 March 2008

by **Gareth Symons** BSc(Hons) DipTP  
MRTPI

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Decision date:  
14 March 2008

**Appeal Ref: APP/R3325/A/07/2059531**

**The Poppins, Bow Street, Langport, Somerset, TA10 9PR**

- 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 Brookvale Homes (SW) Ltd against the decision of South Somerset District Council.
- The application Ref: 07/01572/FUL, dated 29 March 2007, was refused by notice dated 10 July 2007.
- The development proposed is residential development, demolition of church meeting room, rebuilding of church meeting room, replacement of boundary wall with railings, 14 parking spaces & cycle store.

## Decision

1. The appeal is dismissed.

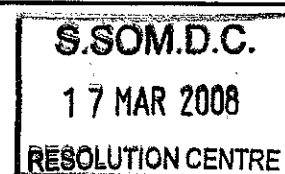
## Main Issues

2. There are four main issues. These are the effects of the proposal on:
  - the character and appearance of the area bearing in mind the site's location in the Langport and Huish Episcopi Conservation Area and trees on the site that are protected by a tree preservation order;
  - flood risk;
  - highway safety;
  - the living conditions of future occupiers of the apartments with regard to outdoor amenity space.

## Reasons

### *Character and Appearance*

3. I note what is said about the wide variety of external finishes and architectural features in the conservation area. However, in my view, the overriding characteristics of the area are buildings of traditional form, generally laid out close to Bow Street. Where there is back land development it is often accessed through archways that afford glimpsed views of buildings to the rear. In stark contrast the appeal buildings with their more or less flat roofs, modern block designs, timber cladding, and on the main building the external galleries, would be invasive and almost wholly uncharacteristic forms of development bearing



scant resemblance to their surroundings. The proposed access would cut through some outbuildings. While these have limited architectural merit their demolition would open up views of the main building, protruding above the manse, thus adding to the negative impact of the proposal on the street scene.

4. From Northstreet Moor the main building would be a strident and dominating feature compared with the more subtle arrangement of extensions and buildings of a mostly lesser scale within the rear curtilages of the properties in Bow Street. Contemporary architecture can have its place and pastiche development is not always the right solution. That said I see little in the evidence before me to justify why this design is acceptable in terms of respecting or reinforcing the local distinctiveness of the area.
5. The thoughts behind re-establishing the presence and setting of the church and the manse are noted. However this would be let down by the incursion of two parking spaces and metal railings into the foreground of the buildings. It may be that the church had railings to the front instead of the current wall but this does not justify the fence line proposed. Removing the existing boundary walls would, in my view, also undermine the enclosed ambience of the garden set just off the busy street.
6. There are two yew trees in front of the church and the manse. Their size and maturity give them a significant presence in the street scene and they are valuable assets in terms of visual amenity. The proposed plans show that a new car parking space would be partly below the crown spread of one of the trees. Works relating to removing the walls and the erection of the new railings would also come close. I acknowledge that no works are proposed to the trees. However I do not have an independent arboriculture report prepared prior to the design proposed. The absence of this means that the impact of the development cannot be properly assessed and so I do not accept that works within the root protection zone could be considered and controlled by condition. As such, I consider that the health of the trees would be at risk and so to would their contribution to the character and appearance of the area.
7. Against the above background I have no doubt about the harm that the scheme would cause to the character and appearance of the area. My finding therefore conflicts with the desirability of preserving or enhancing the character or appearance of, including views into, the Langport and Huish Episcopi conservation area. The proposal would fail to meet the design and conservation aims of policies STR1 and 9 from the Somerset and Exmoor National Park Joint Structure Plan and policies ST5, ST6 and EH1 from the South Somerset Local Plan. I have not been supplied with policies EN3 and EN4 from RPG10 but I consider that the local development plan policies provide an appropriate context in which to consider this case.

#### *Flood Risk*

8. The appeal site is in a flood zone 3 which identifies areas that have a high probability of flooding. The submitted flood risk assessment (FRA) makes no mention of the sequential approach needed to identify whether there are reasonably available alternative sites in areas of less flood risk that could come forward for the type of development proposed. I note that the FRA seeks to take account of what is believed to be existing flood protection measures.

However this is a matter to be taken into account after the sequential test has been applied. Furthermore, although the FRA advocates the raising of floor levels, these are unrelated to flood level and flood defence height information. Therefore it is not possible to tell whether the proposed remedial measures would be appropriate. Against this background I consider that the FRA does not meet the minimum requirements set out in PPS25 Development and Flood Risk. It is worth noting that the FRA predates the publication of PPS25. I have little alternative but to conclude that the site would probably flood and, consequently, place at risk people and property. Therefore the flood avoidance aims of local plan policies ST5 and EU5 would not be met.

9. I note the appellant's case in their grounds of appeal about taking into account other material considerations such as the sites sustainable location on previously developed land. However these fall some way short of overcoming the concerns expressed above and those by the Environment Agency.

#### *Highway Safety*

10. I note the local highway authority's view that large vehicles would find it difficult to enter and leave the site. However, it has not been disputed that a previous commercial use of the site next door used the access and that there is nothing to prevent this restarting. In the absence of any evidence to the contrary it seems to me that the highway concerns in this regard are limited.
11. I do accept that the entrance splay and visibility for drivers would not be ideal. However, traffic speeds along Bow Street are low and from what I saw vehicles often slow even further so that they can negotiate passing each other due to the narrowness of the road. Vehicles using the site access may have to wait for an emerging or entering vehicle to pass but in the context I have described this would only cause perhaps very limited traffic congestion not unlike what already occurs. Furthermore I do not have any evidence that waiting on the highway would harm highway safety. Visibility in one direction would be substandard but in the circumstances not unduly so.
12. Overall I find that the concerns raised do not amount to a substantive reason for refusal and as such I consider that the proposal would not materially increase the risk to highway safety. Therefore I do not find a conflict with the aims of policy 49 from the structure plan.

#### *Living Conditions*

13. The Council has not referred me to any standards by which to judge the claim that outdoor amenity space would be inadequate. In my experience it is not unusual for flats in town or village centre locations to have little by way of on site outdoor space. They usually rely on existing public recreational facilities. In this case the appeal site backs on to open land across which run public footpaths. With this in mind, and the external spaces proposed on the site, I find little harm to the living conditions of future residents.

#### *Other Matters*

14. It is acknowledged that with regard to other aspects of national and local planning policies, such as the site's easy access to services, efficient use of land and the type of dwellings for which there is a local demand, the scheme

would be acceptable. I have also noted how the existing church facilities would be upgraded bringing about wider community benefits. However none of these, or any other matters referred to, have enough weight to persuade me from my findings above.

**Conclusion**

15. Despite my positive findings in relation to highway safety, living conditions and other matters, I have found harm to the character and appearance of the conservation area and flooding. In my opinion these issues are overriding and so I conclude that the appeal should fail.

*Gareth Symons*

INSPECTOR



# Appeal Decision

Site visit made on 3 March 2008

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by **Gareth Symons** BSc(Hons) DipTP  
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an Inspector appointed by the Secretary of State  
for Communities and Local Government

Decision date:  
13 March 2008

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## Appeal Ref: APP/R3325/A/07/2061803

### Part 7 George Lane, South Petherton, Somerset, TA13 5BU

- 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 P Eley against the decision of South Somerset District Council.
- The application Ref: 07/04317/FUL, dated 6 September 2007, was refused by notice dated 1 November 2007.
- The development proposed is 1 no. house.

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## Decision

1. The appeal is dismissed.

## Main Issues

2. There are three main issues. First, the effect of the proposed development on the character and appearance of area bearing in mind the site's location in the South Petherton Conservation Area. Second, whether the proposal would preserve the setting of 1 Palmer Street which is a grade II listed building. Third, the effect of the proposal on highway safety.

## Reasons

### *Character and Appearance*

3. I note that the Council do not have a conservation area character appraisal or a village design statement. Despite this I consider that the character of the area is generally defined by buildings which have a traditional appearance predominantly finished in yellow ham stone. In this context the design of the proposed dwelling and use of indigenous materials would not, in principle, look out of place. However there are two aspects that require further consideration. These are the contribution that the current openness of the appeal site and the narrowness of George Lane make to the character and appearance of the area.
4. Notwithstanding its elevated position above Palmer Street and the high retaining walls, I consider that the appeal site is a clearly visible gap in the street scene. Along with an adjoining side garden it provides a significant separation between 1 and 3 Palmer Street. Also, from George Lane, there are views across the appeal land of the substantial and attractive house called The Manse. Although the new house would be set down into the site it would significantly obscure such views and intrude into the openness of the area.

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RESOLUTION CENTRE

5. I acknowledge the attempts to overcome the concerns of the local highway authority. However setting back the appeal site's roadside wall and widening the splay at the junction with Palmer Street would undermine the intimacy of George Lane created by its narrowness and the high boundary walls. It may be that the wall to be moved is relatively new but it is its presence against the highway, rather than its age, that gives the lane its character. The new house would provide a new visual context but not sufficient, in my view, to overcome the loss of enclosure caused by how the lane would be widened.
6. Against this background I find that the scheme would undermine the character and appearance of the area thus conflicting with the requirement to preserve the character of the South Petherton Conservation Area. Therefore the proposal would fail to meet the design and conservation aims of policies STR1, STR5, 8 and 9 from the Somerset and Exmoor National Park Joint Structure Plan and policies ST5, ST6 and EH1 from the South Somerset Local Plan.

#### *Setting of 1 Palmer Street*

7. In this case I consider that the setting of 1 Palmer Street is reasonably limited to its curtilage. Therefore, despite my findings above, due to the space at the side of 1 Palmer Street, and the distance that the appeal dwelling would be away, the proposal would not impinge on the listed building's surroundings. Furthermore the relatively small size of the new dwelling would not compete with the greater scale and height of 1 Palmer Street. In these circumstances the setting of the listed building would be preserved and so I do not find a conflict with the aim of structure plan policy 9 as it relates to such matters.

#### *Highway Safety*

8. I accept that the proposed site layout only shows sufficient space for parking one car. However there is parking available on Palmer Street very nearby. The local highway authority would prefer such parking not to take place but my attention has not been drawn to any highway safety problems if it did. Also the appeal site is in a sustainable location wherein parking levels should be minimised to discourage car use. Although the highway authority may wish for two spaces I consider that the proposed parking provision would be adequate.
9. In terms of visibility at the widened junction it may be that certain standards would not be met. Despite this, the existing situation would be improved and the cars associated with only one dwelling would not constitute a material increase in traffic. Therefore I consider that the proposal in this regard would not affect road safety unduly. Turning in and out of the proposed parking space might be awkward. However bearing in mind that any manoeuvring would be within George Lane, where traffic speeds and vehicle numbers are very low, any difficulties would not be dangerous.
10. Taking into account the above and any other highway objections, I find that the proposal would meet the highways safety aims of structure plan policy 49.

#### *Other Matters*

11. I agree with the appellants that in several other regards, including the appeal site's previously developed status, the proposal would be acceptable and in line with national planning policy. I also note the references to other developments



in the settlement that have been approved or where my attention has been drawn to certain buildings. However none of these matters, or my positive findings in relation to two of the issues, carries sufficient weight to override what I have found in relation to how the character and appearance of the conservation area would be harmed.

**Conclusion**

12. For the reasons given I conclude that the appeal should fail.

*Gareth Symons*

INSPECTOR

S.SOM.D.C.

14 MAR 2008

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