



Appeal Decision

Site visit made on 24 November 2008

by **Brian G Meardon** BA DipTP MRTPI

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
4 December 2008

Appeal Ref: APP/R3325/A/08/2081552

10 Vicarage Street, Tintinhull, Yeovil, BA22 8PY

- 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 and Mrs M & J Tidball against the decision of South Somerset District Council.
- The application Ref 08/02233/FUL, dated 8 May 2008, was refused by notice dated 22 July 2008.
- The development proposed is the erection of a single detached dwelling.

Decision

1. I allow the appeal, and grant planning permission for the erection of a single dwelling at 10 Vicarage Street, Tintinhull, Yeovil, BA22 8PY in accordance with the terms of the application, Ref 08/02233/FUL, dated 8 May 2008, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority; the development shall be carried out in accordance with the approved details.
 - 3) No development shall take place until details of the material and external finish to be used for windows, doors, eaves/fascia board, guttering, down-pipes and any other rainwater goods have been submitted to and approved in writing by the local planning authority, and the development shall be carried out in accordance with the approved details.
 - 4) Before development is commenced details of the finished floor levels of the dwelling to be erected on the site, relative to an ordnance datum or other fixed feature to be agreed with the local planning authority, shall be submitted to and approved in writing by the local planning authority; the development shall be carried out in accordance with the levels approved.
 - 5) The dwelling hereby permitted shall not be occupied until the access, parking and turning space shown on drawing 4025/1 Rev B, have been constructed and surfaced in accordance with the details shown together with provision of the lowered front boundary wall to not exceed 0.9m height; the parking and turning area shall be kept free of obstruction and available for its approved purpose at all times.

S.SOM.DC

08 DEC 2008

RESOLUTION CENTRE

- 6) No development shall commence until full details of the altered front boundary wall have been submitted to and approved in writing by the local planning authority; the wall shall be provided in accordance with the approved details before the dwelling is occupied.

Main issues

2. The main issues are the effect of the proposals on the character and appearance of this part of the village Conservation Area and the effect of the proposed access arrangements on safety in Vicarage Street.

Reasons

3. The site lies at the edge of the Conservation Area where mainly traditional buildings with some infill developments within the designated area give way to dwellings of a more recent vintage. The property is the end of a short terrace which stands forward on Vicarage Street, contrasting with the neighbouring bungalows that stand back on elevated plots.
4. The proposed house, occupying the side garden to no 10, would be of restrained design and built of local stone and clay tiles. The ground would be excavated to ensure that the ridge line would be consistent with the next door bungalow no 12. The Council maintains that the house would be an unacceptably narrow fronted dwelling between the larger buildings to each side. I accept that it would be of lesser width than the bungalows but on the other hand it would be of comparable width to no 10 itself. Set back so as to retain exposure of the pleasant side façade of this end terrace house in the street scene and aligned to accord with the neighbouring bungalow, I consider that the proposed house would make for an acceptable transition in relation to the framing dwellings without appearing cramped in this setting or harmful to the character of the Conservation Area.
5. I do not find that inclusion of the two dormers on the front elevation to the proposed house would be out of keeping in the Conservation Area. Instances of dormers are to be seen on traditional and modern buildings within and outside the Conservation Area; indeed, a dormer is present on the side of no 10 so that those comprised in the proposal would be complimentary to the appearance of the existing house in the street scene.
6. Other than at the present access to the property, there is a stone wall along the garden frontage topped with planting. The wall connects with walling at no 12 but the continuity of this boundary treatment is materially compromised by the wide apron to the accesses serving the two bungalows. In its own right, the walling at the site is not a feature in the street scene of such visual or characterful significance that alterations to it would be materially harmful to this part of the Conservation Area. In proposing a more centrally positioned access, it is intended also to retain a portion of the wall at 0.9m height for visibility purposes. This would provide for a degree of screening to the vehicle parking on the hard surfaced area to be created on the lowered ground, in such a way that there would be no material impact on the character or visual qualities of Vicarage Street in this locality.
7. The proposals provide for two parking spaces each for the existing and new dwellings. The present access is located hard up against the side of no 10



- that vision for an emerging driver is virtually nil in this direction and is restricted in the other: In repositioning the access, vision in the former direction would increase to around 7-8m from 2m back and would be about 30m towards nearside traffic. Within the 30mph zone, *Manual for Streets* advises that vision of 43m should desirably be achieved. The proposals would fall short in that regard.
8. However, the new access arrangement would result in an improvement on visibility from that which currently exists. Moreover, there would be scope for vehicles to be turned on the hardstanding area so as to emerge in forward gear as opposed to the present situation where vehicles would either be reversed out of or into the access. While it is likely that the access would be more intensively used than has hitherto been the case, I consider this eventuality to be outweighed by the improvements to the access and visibility which would flow from the development. This balance leads me to conclude that the proposals would not be inconsistent with safety on Vicarage Street in the vicinity. I also note the intention to provide a footpath along the site frontage, replacing the white line markings, which would benefit pedestrian safety bearing in mind the intermittency of a footpath along the street.
 9. All these considerations lead me to conclude that, in respecting the character of the locality and providing for acceptable access, the proposal would not be in conflict with policies ST5 and ST6 of the South Somerset Local Plan or policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review. It would also be consistent with the aim and criteria of policy EH1 in the Local Plan which is specifically directed to development in the Conservation Area.
 10. Several conditions have been put forward by the Council in the event of the appeal being allowed. Some of them, concerned with submission of additional details necessary to ensure that the house satisfactorily blends into its setting, have been combined in the condition which I have imposed. Full details of the altered front boundary wall should also be approved before development commences and the proposed parking area should be completed before occupation of the dwelling. Finished floor levels of the house should be established and agreed in order to secure an appropriate relationship with the neighbouring dwellings. I have not endorsed the suggested withdrawal of 'permitted development' rights as I do not consider that the circumstances here are so exceptional as to warrant such a condition.

Brian G Meardon

Inspector

