



Appeal Decision

Site visit made on 6 January 2009

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

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:
22 January 2009

Appeal Ref: APP/R3325/A/08/2085279

Stable House, Hamdon Stables, Montacute, Somerset TA15 6XN

- 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 A Gillespie against the decision of South Somerset District Council.
- The application Ref 08/02999/FUL, dated 7 July 2008, was refused by notice dated 2 September 2008.
- The development proposed is to modify existing windows, introduce new windows and install "sunpipes" to north roof slope.

Decision

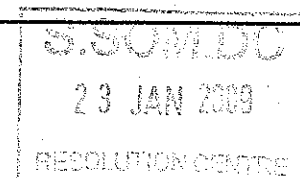
1. I allow the appeal, and grant planning permission to modify existing windows, introduce new windows and install "sunpipes" to north roof slope at Stable House, Hamdon Stables, Montacute, Somerset TA15 6XN, in accordance with the terms of the application Ref 08/02999/FUL, dated 7 July 2008, and the 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 details of the design, materials and finish to be used in the windows, window reveals, doors, eaves and other external elements of the development hereby permitted have been submitted to and approved in writing by the local planning authority. These details shall include sectional drawings at a scale of at least 1:5. The development shall be carried out in accordance with the approved details and shall not be altered thereafter without the prior written agreement of the local planning authority.
 - 3) Roof lights, in the development hereby permitted, shall be flush with the roof covering unless otherwise agreed in writing by the local planning authority.

Main issue

2. The main issue here is whether the proposed development would be unduly harmful to the character and appearance of Stable House.

Reasons

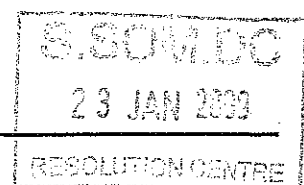
3. Stable House is part of a barn conversion scheme that was permitted in 1994. Whilst this detached dwelling faces north onto a courtyard, which also serves the other residential units here, its south elevation faces the road and is prominent in public views.



4. The Council's (1991) supplementary planning guidance on barn conversions points out that such schemes should only be considered if an acceptable design can be achieved largely without the need for extra doors and windows. In the case of Stable House, it seems that the conversion of this traditional stone building sought to minimise the need for openings on the south elevation. Certainly, the four small openings here allow the building's simple agricultural form to remain its dominant characteristic in the views of passers by. First floor gable end windows are also visible from the road outside and, whilst the eastern end has fenestration at ground floor level too, the building relies heavily on openings to the north for its natural light. As a result, the interior is poorly lit.
5. The appeal proposals seek to improve the situation by increasing the area of glazing, on the courtyard frontage, and cutting back the roof which overhangs this part of the northern elevation. Two modestly sized rooflights above would serve as sun pipe collectors and minor alterations would be made to the gable ends of the building, including the insertion of a small ground floor window on the western face. Even so, I accept that some alterations to the south elevation would be needed to achieve reasonable levels of light in the lounge, study, stairway and hall.
6. The scheme now proposed is the result of extensive negotiations with the Council's Conservation Manager. However, the new and enlarged openings which would be provided on the south elevation are not desirable alterations, in terms of the building's appearance, because they would further detract from the substantial area of largely uninterrupted wall that would have characterised the original structure. This would be contrary to Policies ST4 and ST6 of the (2006) South Somerset Local Plan.
7. Nevertheless the building is neither listed, nor in a conservation area, and I recognise that the proposed changes are probably the minimum that is needed to allow reasonable living conditions for occupants. Also, instead of the wooden frame windows which currently exist, the scheme makes provision for powder coated metal frames, in gunmetal or similar colour, so as to encourage a clearer perception of the building's original fabric. This would be consistent with the (2006) advice of English Heritage on the Conversion of Traditional Farm Buildings which points out that new openings can properly be expressed as modern interventions.
8. These considerations lead me to conclude that the proposed development would not be unduly harmful to the character and appearance of Stable House. I do however believe that, in order to minimise such harm as might be caused and thereby maximise the success of the scheme overall, the rooflights should be flush and great care should be taken over the detailed design, finish and choice of materials to be used in the external elements of the proposed alterations; these are matters that can be covered by suitably worded conditions.
9. For the reasons given above I conclude that the appeal should be allowed.

Rupert Grantham

INSPECTOR





Appeal Decision

Site visit made on 6 January 2009

by **Olivia Spencer** BA BSc DipArch RIBA

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:
19 January 2009

Appeal Ref: APP/R3325/A/08/2086308

5 Roundwell Street, South Petherton TA13 5AA

- 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 Westpalm Ltd against the decision of South Somerset District Council.
- The application Ref 08/01811/FUL, dated 10 April 2008, was refused by notice dated 21 August 2008.
- The development proposed is demolition of the existing house and outbuildings, and erection of 6no. houses and associated works.

Decision

1. I allow the appeal, and grant planning permission for demolition of the existing house and outbuildings, and erection of 6no. houses and associated works at 5 Roundwell Street, South Petherton TA13 5AA in accordance with the terms of the application, Ref 08/01811/FUL, dated 10 April 2008, and the plans submitted with it, additional drawings 07/772/04F and 07/772/06, and amended by submission of drawings 07/772/07A, 07/772/08A and 07/772/04G, 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 roofs of the buildings hereby permitted, and details of the means by which they are to be fixed, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 3) No development shall take place until full details and sample panel(s) of the new natural stonework external walls of the buildings and boundary walls hereby permitted have been submitted to and approved in writing by the local planning authority. Details shall include materials, coursing, bonding, mortar mix, profile, colour and texture and a sample panel of the walling constructed on site. The panel shall remain available for inspection throughout the duration of the construction work. Development shall be carried out in accordance with the approved details.

- 4) No development shall take place until details of the design, materials and external finishes of all doors, windows, boarding and openings on the exterior of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Details shall include drawings of sections and of frames within reveals at a scale of at least 1:5. Windows shall be side hung painted timber casements with equal sized panes of glass. Development shall be carried out in accordance with the approved details and retained as such thereafter.
- 5) No development shall take place until details of all fascias, roof eaves, verges, watertabling, corbels and abutments, to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) No development shall take place until details of the roof lights to be used on the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) All electrical and telephone services to the development shall be run underground. All service intakes and all soil and waste plumbing shall be run internally and not visible on the exterior of the buildings. All meter cupboards and gas boxes shall be positioned within the dwellings. Any satellite dishes shall be of a dark coloured mesh and shall not be fixed to the street elevations of the buildings or to roofs.
- 8) The buildings shall not be occupied until the windows on the western elevation of units on plots 1 and 4 have been fitted with obscured glass and the windows shall be retained as such thereafter.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed on the western elevation of units on plots 1 and 4.
- 10) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; external lighting; vehicle and pedestrian access and circulation areas; hard surfacing materials. All hard landscape works shall be carried out prior to the occupation of any part of the development.
- 11) Soft landscape works shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development. All planting, seeding, turving or earth moulding shall be carried out in the first planting and seeding season following first occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of five years from completion of the development die, are removed or become seriously

damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

- 12) No dwelling shall be occupied until the area shown on drawing 07/772/04G for access, turning and parking has been drained and surfaced in accordance with details submitted to and approved in writing by the local planning authority, and that area shall not thereafter be used for any purpose other than for the turning and parking of vehicles.
- 13) No development shall take place (including any demolition or site clearance) until a protected species mitigation plan detailing measures for the avoidance of harm, mitigation and compensation in respect of legally protected species (badgers and bats) has been submitted to and approved in writing by the local planning authority. The proposed measures shall be based upon up to date surveys. Development shall be carried out in accordance with the approved plan unless the Local Planning Authority gives written consent to any variation.
- 14) No demolition or construction work shall be carried out on the site outside the following times 08.00 to 18.00 on Mondays to Fridays and 08.00 to 13.00 on Saturdays, or at any time on Sundays, Bank or Public Holidays.

Section 106 unilateral undertaking

2. The appellant has submitted a unilateral undertaking to make a contribution towards the provision of public open space and leisure facilities in the area. The proposed development would increase the density of occupation on the site and it is reasonable to assume therefore that an additional burden will be placed on local public sports and recreation facilities. The sum proposed reflects calculations made by the Council on the basis of requirements set out in development plan policies. I therefore give the undertaking substantial weight.

Main issue

3. The main issue is the effect of the proposed development on the character and appearance of the South Petherton Conservation Area.

Reasons

4. The appeal site is close to the centre of the village, within the Conservation Area which is characterised by a charming mix of building sizes, age and design that reflect the community's historic development. The site at present has a building, located at the front of the site, with former gardens and outhouses occupying the rest of the extensive plot. Other similar large plots are to be found within the village, but dense rows of modest cottages also are a feature both of Roundwell Street and the Conservation Area as a whole.
 5. The semi-detached pair of houses on plots 1 and 2 and the enclosing front wall of unit 3 would provide a strongly defined street frontage in a manner very similar to the existing structures. The buildings would be stone faced cottages with characteristic vernacular features such as timber casement windows under
-

oak lintels and they have been designed with traditionally proportioned and subtly informal elevations.

6. The structure spanning the access way would be set well back from the dominant replacement buildings on plots 1 and 2 and would as a result appear as a modest and discreet element. It may not replicate those found elsewhere in the village, but it is not a wholly alien form and would, together with the proposed timber gates, provide an appropriate continuity of enclosure along the street edge.
7. Street frontage properties are a feature of the village and units 1 to 3 would conform to this pattern. But houses set deeper within plots are also characteristic of the Conservation Area and it is evident from the remaining structures currently on the site, from the location plan and from the submitted aerial photograph that in many instances outhouses and ancillary structures are to be found behind the frontage buildings. The site is sufficiently large to accommodate the 6 proposed units, parking and circulation areas and provide small but adequate gardens. The development would not therefore in my view be overly dense and whilst the appearance of the site would undoubtedly change, I conclude the character of the Conservation Area would be preserved. I thus find no conflict with the objectives of Policy EH1 of the South Somerset Local Plan 2006.

Other considerations

8. I note the views of local residents that the existing cottage should be retained. However Conservation Area Consent for demolition of the buildings was granted in 2007 subject to an appropriate scheme for redevelopment. I have concluded that the proposed development would preserve the character of the Conservation Area and it would thus meet this requirement in accordance with the advice set out in paragraph 4.27 of Planning Policy Guidance 15: Planning and the Historic Environment.
9. Roundwell Street is a narrow lane and I saw for myself at the site visit that on-street parking is not readily available. However visibility in both directions from the proposed entrance would be adequate, the scheme includes 1.5 on-site parking spaces per dwelling and village centre facilities are readily available within walking distance. In these circumstances I do not consider there is sufficient justification on highway grounds for dismissing the appeal.

Conditions

10. I have considered the conditions suggested by the Council having regard to advice in Circular 11/95 and have altered the suggested wording to reflect that advice. Prior approval of building materials is necessary to ensure the appearance of the development is consistent with surrounding buildings. I have combined walling and external joinery conditions for clarity. Windows are a prominent and important feature of a building and control of their appearance and of future changes is important to ensure the character and appearance of the Conservation Area is preserved. The quality of detailing of items such as verges and abutments, and the running of services and soil pipes on the outside of buildings can have a significant impact on their appearance and prior approval of these is therefore necessary. However I consider it is unreasonable to impose control over these items, or over roof lights located on the rear roof
-

slope in perpetuity. Concealed running of services and the enclosure of meter and gas boxes is necessary to preserve the traditional character of the development. How this would be achieved is in my view a matter for the developer.

11. I have imposed conditions requiring obscure glazing and for control over the construction of new windows on the western elevations of the units to protect the privacy of adjoining residents. The Council has not however put forward any substantial reason why further restrictions on permitted development should be imposed. I have concluded that the houses would sit comfortably within the Conservation Area and I consider it would be unreasonable therefore to prevent future occupiers benefiting from permitted development rights generally available to householders.
12. The Council has suggested a number of conditions of the sort typically applicable to the construction of estate roads on large housing sites. Many of the details required such as footways, tactile paving, street furniture and driveway gradients are clearly not relevant to the small courtyard scheme proposed. Visibility splays shown on the application drawings are across the existing public footway. Conditions requiring construction of the footway and for non obstruction of visibility across it are not therefore necessary. I have however attached conditions requiring the provision and retention of access and car parking areas to ensure proper access to the dwellings and to prevent displacement of cars onto the highway. Prior approval of hard and soft landscaping is necessary to ensure an appropriately high quality setting is provided for the buildings.
13. Badgers are present on the site and prior approval of a plan for their protection, and protection of other protected species is therefore necessary. Drainage details are a matter for other authorities.
14. The site is surrounded by residential properties and I consider a condition limiting the hours of work is necessary to protect adjoining occupiers from unreasonable disturbance.

Olivia Spencer

INSPECTOR



Appeal Decision

Site visit made on 6 January 2009

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

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:
22 January 2009

Appeal Ref: APP/R3325/A/08/2085280

Bramble Field, Vagg Lane, Chilthorne Domer, Somerset BA21 3PX

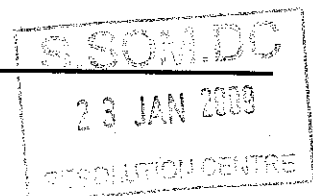
- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mrs M Andersen against South Somerset District Council.
- The application Ref 08/00518/FUL, is dated 28 January 2008.
- The development proposed is alterations and extension to property to include raising the roof, loft conversion and alteration and extension to garage.

Decision

1. I allow the appeal, and grant planning permission for alterations and extension to property to include raising the roof, loft conversion and alteration and extension to garage at Bramble Field, Vagg Lane, Chilthorne Domer, Somerset BA21 3PX in accordance with the terms of the application Ref 08/00518/FUL, dated 28 January 2008, and the (14 January 2008) plans submitted with it, that are numbered 07-246/01 Rev A, 07-246/03 Rev A and 07-246/04 Rev A, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Development shall not begin until details of foul and surface water drainage works, to serve the development, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Bramble Field.

Procedural Matters

2. The Council have now decided not to contest the appeal and I have determined it on the basis of the description of the development that is given on the application form.



Main Issue

3. The main issue here is whether the development would cause harm to any interests of acknowledged importance, such as the living conditions of neighbours or the character and appearance of the area.

Reasons

4. The appellant's chalet bungalow is in a small settlement, on the side of a hill, and therefore visible from some distance away. Its layout is essentially cruciform. The development now proposed would include raising the east-west ridge, by about 2m, and the construction of 2-storey extensions at either end of this axis. Provision is also made for a conservatory and for a larger garage building than that which currently exists.
5. Whilst the enlarged dwelling would be more obviously 2-storey, than now, I see no reason to believe that this, or any other aspect of its form, would be harmful to the character and appearance of the area; details of the external materials to be used are matters that can properly be controlled by condition. Nor do I find any cogent evidence to show that this larger building would be unduly dominant in the outlook from dwellings nearby, given their orientation and elevated position further up the hillside.
6. It seems that the development plan places no particular upper limit on the amount by which a dwelling in the countryside, such as this, can be extended. However, neighbours have expressed concerns that the appeal scheme is intended to allow the property to be converted into business premises and that this will result in more cars being parked on the lane. Nevertheless, whilst I understand that the appellant sometimes works from home, there are no proposals for a change of use before me and I note that the highway authority raise no objection to the scheme.
7. There is also the suggestion that, if the scheme were to proceed, the property could be divided into two separate units. Certainly, the proposals allow for independent living in part of the extended dwelling, to the extent that provision is made for additional accommodation, including a kitchen and new stairway, which could be accessed via the conservatory entrance at this end of the building. I understand that this is to be provided because friends and family, including the appellant's sons and elderly mother, often come to stay. However the accommodation itself would remain long after the appellant's need for it has ceased and, if it were to be occupied as a separate unit, issues such as the need for more parking might arise. I therefore consider it necessary to attach a condition which would protect against future sub-division of the property.
8. Also, in view of concerns over the effectiveness of the existing drainage arrangements and the potential for environmental problems to arise through overloading, a condition is needed to ensure that adequate arrangements would be in place to serve the enlarged dwelling.
9. However, I see no need for a condition requiring the development to be carried out in accordance with particular plans as these can be specified in the wording of the permission.

S.SOM.DC
23 JAN 2009
DECISION OFFICE

10. These considerations lead me to believe that the development would not cause undue harm to any interests of acknowledged importance. I have taken account of all other matters raised but, for the reasons given above, I conclude that the appeal should be allowed.

Rupert Grantham

INSPECTOR

