

Joint Area Committee – North – 25 November 2009

16. Planning Appeals – (For Information)

<i>Strategic Director</i>	<i>Rina Singh, Place and Performance</i>
<i>Assistant Director</i>	<i>Simon Gale, Economy</i>
<i>Service Manager</i>	<i>David Norris, Development Control Manager</i>
<i>Lead Officer</i>	<i>As above</i>
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Purpose of the Report

To inform Members of the appeals that have been lodged, decided upon or withdrawn.

Recommendation

That Members comment upon and note the report.

Background

The Area Chairmen have asked that a monthly report relating to the number of appeals received, decided upon or withdrawn be submitted to the Committee.

Appeals Lodged

None

Appeals Dismissed

08/05025/FUL – Scotts Farm, Water Street, Hambridge
Conversion of modern agricultural building into farm shop and the construction of an access track.
(Committee decision to refuse - April 2009)

09/01314/FUL – 2 Lower Orchard, Barrington TA19 0JE
The erection of a dwelling
(Committee decision to refuse - May 2009)

Appeals Allowed

09/02549/FUL – 17 Hayes End, South Petherton TA13 5AG
Formation of vehicular access, alterations and extension to dwellinghouse.
(Officer delegated decision to refuse - August 2009)

09/00766/LBC – The Old Hall, Cow Square, Somerton TA11 7NG
The carrying out of internal alterations.
(Officer delegated decision to refuse – April 2009)



Appeal Decision

Site visit made on 29 September 2009

by **John Wilde** C.Eng M.I.C.E.

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

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Decision date:
16 October 2009

Appeal Ref: APP/R3325/A/09/2107643

Scotts Farm, Underhill, Hambridge, Langport, Somerset, TA10 0AJ

- 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 E Shaqer against the decision of South Somerset District Council.
- The application Ref 08/05025/FUL, dated 18 October 2008, was refused by notice dated 20 May 2009.
- The development proposed is the conversion of modern agricultural building into farm shop and access track.

Decision

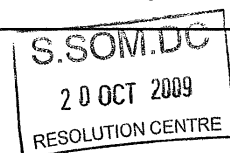
1. I dismiss the appeal.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The proposed track would be constructed in a flat agricultural field, running parallel to, and about 8m north of, an existing hedgerow. To the south of this hedgerow there is an existing track and a developed area consisting of Scotts farm and a collection of dwellings. The field through which the proposed track would pass has a very rural aspect, and the hedgerow effectively defines the boundary between this unspoilt rural area and the developed land to the south.
4. Although set flush with the level of the field, the proposed track would be readily visible from the raised road to the west, and would appear as an intrusive scar across an otherwise undisturbed agricultural terrain. The presence of vehicles on the track would also detract from its rural setting, and in my opinion, further planting would not overcome this detrimental impact.
5. In coming to this view I acknowledge that the proposed track would be an improvement over the existing one in terms of its width and visibility at the junction with the main road. I have also taken into account the appellant's business plans and his need of a suitable access to fulfil these plans. These factors do not, however, in my view, overcome the harm to the character and appearance of the area that I have identified.
6. The proposed development, in causing this harm, would conflict with policies ST5 and ST6 of the South Somerset Local Plan (SSLP), both of which seek,



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amongst other things, to ensure that development respects the form, character and setting of the locality. The proposed development would also conflict with policy ST3 of the SSLP, which seeks, amongst other things, to ensure that development maintains or enhances the environment.

Other matters

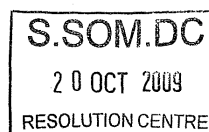
7. My attention has been drawn to the fact that the proposed track would be within a Flood Risk Zone 3 area, and I have been made aware of a letter from Gary Gabriel Associates dated 24 February 2009, which offers brief initial observations on the potential flooding ramifications of the proposed track.
8. The track would be constructed in porous materials, be flush with the level of the field and have 450mm diameter pipes installed in the ramp to facilitate drainage. In view of these factors, and also taking into account the conclusions of the Environment Agency, the Area Engineer (Technical Services Department) and the Parrett Internal Drainage Board, I consider that the proposed track would not exacerbate any existing flood risks.

Overall conclusion

9. Notwithstanding this, however, by virtue of my conclusion on the main issue, and having had regard to all other matters raised, including the Council's officer's recommendation, I conclude that the appeal should be dismissed.

John Wilde

Inspector





Appeal Decision

Site visit made on 29 September 2009

by **John Wilde** C.Eng M.I.C.E.

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

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Decision date:
19 October 2009

Appeal Ref: APP/R3325/A/09/2109740

2 Lower Orchard, Barrington, Ilminster, Somerset, TA19 0QZ

- 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 Anthony Turner against the decision of South Somerset District Council.
- The application Ref 09/01314/FUL, dated 25 March 2009, was refused by notice dated 1 July 2009.
- The development proposed is the erection of a three bedroom detached dwelling.

Decision

1. I dismiss the appeal.

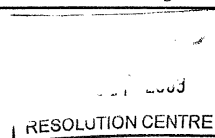
Main issues

2. The main issues are the effect of the proposed development on the character and appearance of the area.

Reasons

Character and appearance

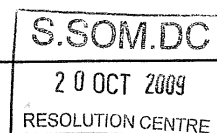
3. Lower Orchard is a small development of detached and semi-detached houses orientated in a traditional manner with frontages facing or visible from the cul-de-sac. The development has a relatively spacious character, brought about partly by the views over the single storey garages. The houses within the cul-de-sac are finished in either stone or render or a combination of both, with thatched, tiled or slate roofs. Despite the varying materials the development achieves a pleasant coherency, due in part to the addition of porches and a consistency of window design, which in general comprises of casement windows with two or three lights and glazing bars.
4. My attention has been drawn to the South Somerset Local Plan (SSLP) and its inset map for Barrington, NO3. This map has a golden shaded area which identifies the development area. The Lower Orchard development is, regrettably, not shown on this map. The Council have, however, produced a subsequent map which does show Lower Orchard, and upon which they have drawn a line, which is their interpretation of the extent of the golden shaded area on NO3. This line map shows the development boundary as passing through the middle of the existing garage.



5. The appellant has provided relatively comprehensive evidence to show that the Council's map is incorrect in relation to NO3. Furthermore the distances involved are only relatively small and even if the proposed dwelling was outside the development boundary line, it would still be within the curtilage of No 2. I consider therefore, that this matter is of only limited significance in relation to the main issue that I have identified.
6. The proposed dwelling would be built on the site of an existing garage to the north of 2 Lower Orchard. The proposed dwelling would be constructed in a combination of stone and render and would be largely in keeping with others in Lower Orchard in this respect. It would, however, be orientated differently to the other dwellings in Lower Orchard, in that its frontage would face the countryside to the north, and would not be visible from the cul-de-sac.
7. Although views of the proposed dwelling when approaching from the cul-de-sac would be somewhat limited, they would be predominately of the west and part of the south elevations rather than a traditional frontage. The over riding impression would be of a large blank elevation relieved only by a row of small rectangular ground floor windows with two small first floor rectangular windows orientated at right angles. The dwelling would therefore appear anonymous, with no frontage reference to identify it as a separate and coherent entity relative to the other properties in Lower Orchard.
8. The elevations of the proposed dwelling would contain a variety of shapes and sizes of fenestration, including balcony doors and windows, skylights, and a large trapezoidal window in the east elevation. These would be completely at odds with the casement windows with glazing bars prominent in the existing properties in Lower Orchard.
9. As well as having a different orientation to other properties in Lower Orchard the proposed dwelling would be higher and wider than the existing garage, and its side elevation would be further to the west. These factors would lead to the dwelling being more prominent than the existing garage and would reduce the characteristic openness that presently exists by virtue of the views to the north over the existing garage. Views of the proposed dwelling would also be available from Bakers Lane to the west. In presenting its front elevation to the countryside to the north the proposed development would also be at odds with much of the existing development in Barrington, which faces the road network.
10. The proposed dwelling would be out of keeping in terms of its orientation, position and fenestration detailing with the other dwellings in the immediate area. It would, therefore, conflict with policies ST5 and ST6 of the SSLP, both of which seek, among other things, to ensure that development respects the form, character and setting of the locality.

Other matters

11. I am aware that the appellant has stated that he would be willing to alter fenestration detail. This would not, however, overcome the matters of orientation or position. I also note that the proposed dwelling would be of sustainable construction. This would not, in my view, outweigh the harm that I have previously identified.



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Overall conclusion

12. In light of my reasoning on the main issue, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Wilde

Inspector

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20 OCT 2009
RESOLUTION CENTRE



Appeal Decision

Site visit made on 26 October 2009

by **David Saul** BSc DMS MSc CEnv FRICS

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

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Decision date:
2 November 2009

Appeal Ref: APP/R3325/D/09/2113179

17 Hayes End, South Petherton, Somerset TA13 5AG

- 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 C Brann against the decision of South Somerset District Council.
- The application Ref 09/02549/FUL, dated 23 June 2009, was refused by notice dated 17 August 2009.
- The development proposed is extensions and alterations to a single dwelling house and access.

Decision

1. I allow the appeal, and grant planning permission for extensions and alterations to a single dwelling house and access at 17 Hayes End, South Petherton, Somerset TA13 5AG in accordance with the terms of the application, Ref 09/02549/FUL, dated 23 June 2009, and the plans submitted with it, and subject to the conditions on the schedule attached to this decision.

Main issue

2. The main issue is the effect of the proposal on the character and appearance of the street scene.

Reasons

3. The appeal site lies in a residential street within a rural village. The proposal contains a number of elements including the relocation of the existing access and the construction of a new garage in the front garden of the host dwelling.
4. The garage would be positioned well forward of the existing building line and would be raised up due to the ground level. However, there is considerable mature planting in the elevated front gardens of the neighbouring houses which are set well back with some established boundary hedges growing on top of garden walls. As a result, the original open character of the street scene has been much reduced with views of the proposal from the street being substantially limited by screening and the topography. I consider, therefore, that the building line is not particularly apparent or significant at this point in the street scene.
5. The street forms a main approach to the village but in the immediate vicinity of the appeal site, the road is characterised by a significant proportion of more modern and rather sub-urban housing. In my view, this pattern of housing reduces the importance of the road at this point. Also, the garage has been

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designed so that, despite the elevated ground level, the roof would be relatively low with a shallow pitch. In addition, the building would be comparatively small and would be set back a significant distance from the highway. I consider that, as a result, the structure would not appear dominant or incongruous in this setting.

6. I conclude, for the reasons set out above, that the scheme would not harm the character or appearance of the street scene and would not conflict with the aims of Policies ST5 and ST6 of the South Somerset Local Plan adopted April 2006. I also consider that the proposal would not conflict with Policy ST2 of the Local Plan although it is not clear to me that this policy would directly bear on the matter before me.

Other matters

7. The current proposal appears to be significantly different from the nearby development at Manor Garden particularly in terms of form, proximity to the highway and prominence within the street scene. Whilst, I am not aware of the full planning history of the Manor Garden development, I saw nothing to convince me that the current proposal before me would be unacceptable.
8. There are concerns that the current case might create a precedent for further developments forward of the building line within the street. However, each application must be determined on its individual merits and I do not consider that a relatively generalised fear of precedent is central to my decision. Also, I am satisfied that I have been able to establish the proposed location of the garage relative to the pavement and I have no persuasive evidence that the proposed access would interfere with the use of the post box. All other matters raised have been taken into account but do not, either individually or collectively, outweigh the main conclusions reached in this decision.
9. Given the proximity of the proposed development to the boundary with the neighbouring dwelling, I have imposed condition 2) in the interests of protecting the privacy of neighbouring occupiers. Conditions 3) and 4) are in the interests of highways safety. It seems to me that the parking and turning areas are not particularly constrained and I see no specific justification in this particular case for the restriction of the use of the parking or turning areas. Not do I consider that there would be any particular justification for the imposition of a condition requiring compliance with the submitted plans.

Conclusion

10. For the reasons given above I conclude that the appeal should be allowed.

David Saul

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

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- 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows/dormer windows other than those expressly authorised by this permission shall be constructed in the South elevation.
- 3) No development shall take place until schemes for all of the following works have been submitted to and approved in writing by the Local Planning Authority; i) the construction of pedestrian visibility splays to both sides of the proposed access, ii) the installation of drop kerbs at the carriageway edge and the construction of a vehicle cross-over across the footway, all in connection with the proposed access, iii) provision for the disposal of surface water so as to prevent its discharge onto the highway, iv) the permanent closure of the existing vehicular access and reinstatement of the footpath and, v) the proper consolidation and surfacing (not loose stone or gravel) of the proposed access over at least the first 5.0m of its length, as measured from the edge of the adjoining carriageway. The schemes shall be carried out in accordance with the approved details to a timetable to be agreed with the Local Planning Authority and shall thereafter be retained.
- 4) The gradient of the proposed access over the first 5.0m of its length, as measured back from the nearside carriageway edge, shall not be steeper than 1 in 10.



Appeal Decision

Site visit made on 3 November 2009

by **Neil Pope BA (Hons) MRTPI**

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for Communities and Local Government

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Decision date:
11 November 2009

Appeal Ref: APP/R3325/E/09/2107241

The Old Hall, Cow Square, Somerton, Somerset, TA11 7NG.

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr Alexander Stirling against the decision of South Somerset District Council.
- The application Ref. 09/00766/LBC, dated 19 February 2009, was refused by notice dated 15 April 2009.
- The works proposed are *the removal of the door and frame and dismantling of the partition enclosure to the WC compartment of 1100mm x 850mm and its replacement with an enlarged WC compartment of 2100mm x 1100mm in timber stud framework for plasterboard and skim plaster finish with the replacement door and frame.*

Preliminary Matters

1. A more concise description of the scheme is internal alterations to bathroom/toilet. These works have already been undertaken.

Decision

2. I allow the appeal, and grant listed building consent for internal alterations to bathroom/toilet at The Old Hall, Cow Square, Somerton, Somerset, TA11 7NG. Consent is granted in accordance with the terms of the application Ref. 09/00766/LBC, dated 19 February 2009 and the plans submitted with it.

Main issue

3. Whether the works preserve the special architectural or historic character of this grade II listed building.

Reasons

4. The appeal property is a large, detached 18th century house with earlier fragments. The special architectural qualities of this building include its layout and some of the internal spaces. During my visit I noted that whilst some rooms within the building were spacious others included partitions and reflected the different lifestyles of the previous occupants. I agree with the appellant's architect that this all adds to the function, interest and character of the building.
5. I understand that the bathroom where the internal works have been undertaken was previously a bedroom. At some stage in the past one of the alcoves in this sizeable room was partitioned to create a small WC. The works now undertaken on behalf of the appellant, following his restoration of the property, have resulted in a very modest increase in the size of the WC. This

has enabled him and his wife to use an existing facility and allows for a more flexible use of the bathroom.

6. The enlarged partition is of a very limited size. It neither detracts from the spacious character of the bathroom nor disrupts the overall layout of the building. It does not stand out as an awkward or alien feature within the bathroom. I also note that in undertaking these works no disturbance was caused to the adjacent wall and ceiling surfaces. I have also been informed that this partition could be easily removed if future occupiers wish to reinstate the previous arrangements. These sensitive works of alteration meet the aims of relevant national¹ and local² policies which seek to protect listed buildings.
7. The works preserve the special architectural and historic character of this grade II listed building. I therefore conclude that the appeal should succeed.

Neil Pope

Inspector

¹ Planning Policy Guidance 15 'Planning and the Historic Environment'

² Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review