



Appeal Decisions

Site visit made on 1 October 2010

by **C J Tipping** MA(Cantab)

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

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Decision date:
19 October 2010

Appeal A - Ref: APP/R3325/A/10/2132305

1 Highfield Terrace, Bower Hinton, Martock TA12 6LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr David Carpenter against the decision of South Somerset District Council.
- The application, Ref 10/00567/OUT dated 5 February 2010, was refused by notice dated 1 April 2010.
- The development proposed is the erection of a detached dwelling on garden land.

Appeal B - Ref: APP/R3325/A/10/2132335

1 Highfield Terrace, Bower Hinton, Martock TA12 6LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr David Carpenter against the decision of South Somerset District Council.
- The application, Ref 10/01739/OUT, dated 10 May 2010, was refused by notice dated 1 July 2010.
- The development proposed is the erection of an attached dwelling on garden land.

Procedural matters

1. These appeals both relate to garden land to the south of 1 Highfield Terrace. Appeal A relates to a detached dwelling; the dwelling the subject of Appeal B would be attached to the southern end of Highfield Terrace.

Appeal A

Decision

2. The appeal is dismissed.

Main issue

3. The main issue in this appeal is the impact of the proposed development on the character and appearance of the area.

Reasons

4. Policy ST6 of the South Somerset Local Plan, adopted in April 2006, requires proposals for new development to respect the form, character and setting of the settlement or local environment, and to preserve and complement the key characteristics of the location. The Policy was saved by direction of the Secretary of State dated 24 April 2009. The land on which the proposed

dwelling would be located lies at the southern end of an existing terrace of dwellings, in an area of Bower Hinton in which most small dwellings are terraced or semi-detached. Unlike the remainder of the dwellings in the terrace, where the entrances face west, the entrance of the proposed dwelling would face south. The detached dwelling proposed would to my mind fail to respect the form and character of the existing terrace adjacent to which it would be located, and would also not reflect the semi-detached or terraced character of the majority of small dwelling houses in the vicinity.

5. The plot on which the dwelling would be built is a small area of garden land. If a detached dwelling is erected on the site, its separation from the existing dwelling and the proposed south-facing entrance would occupy a substantial part of the available plot, and in my view give the site an overdeveloped appearance. The new dwelling would have the appearance of having been shoe-horned into the plot.
6. For these reasons, I conclude that the proposed development would fail to respect the form, character and setting of the area, contrary to local development plan policy. The appeal is therefore dismissed.

Appeal B

Decision

7. The appeal is dismissed.

Main issues

8. The main issues in this appeal are:
 - (a) Whether the proposed parking provision is adequate having regard to highway safety;
 - (b) The impact of the proposed parking provision for the existing dwelling at 1 Highfield Terrace on the living conditions of future occupiers of the proposed dwelling; and
 - (c) The impact of the proposed development on the character and appearance of the area.

Reasons

Issues (a) and (b)

9. As with the application that is the subject of Appeal A, this is an application for outline planning permission, with all matters reserved save for access and layout. As shown on Drawing No. C4620/101, both pedestrian and vehicular access to the proposed dwelling would be from Blind Lane to the south and through the garden land. The submitted layout provides for parking and turning space in the garden space to the east and south of the proposed dwelling. This arrangement satisfies Somerset County Council, as highway authority.
10. However, the County Council has unresolved concerns about the proposals for parking for the existing dwelling at 1 Highfield Terrace. As I noted in the course of my site visit, this is currently provided in the garden area appeal site with vehicular access from Blind Lane.

11. There is also a small parking area off-road on the corner of Blind Lane and Highfield Terrace. It is proposed that this area would be improved and extended so as to provide two replacement parking spaces for 1 Highfield Terrace. The County Council is not satisfied that the area would be sufficient in size to allow two vehicles to be parked clear of the highway. It would therefore lead to further on-street parking and would also require vehicles leaving the parking area to carry out excessive manoeuvring on the highway, particularly if intending to travel eastward along Blind Lane, adversely affecting highway safety.
12. Policy 49 of the of the Somerset & Exmoor National Park Joint Structure Plan 1991-2011 (saved by direction of the Secretary of State) requires development proposals to be compatible with the existing transport infrastructure. In the Council's view, the proposed development would be contrary to Policy 49 for the reasons set out above.
13. The parking area for 1 Highfield Terrace would be located immediately in front of the proposed new dwelling. A pedestrian access less than 1 metre wide would lead from the garden space to the south-east of the new dwelling to the front door in its western elevation. There would be a wall between this access and the parking area for 1 Highfield Terrace. As shown on the submitted plan, the nearest point of the proposed parking space would be only about 1 metre from the front elevation of the proposed dwelling.
14. The parking proposals for the existing dwelling at 1 Highfield Terrace are to my mind inadequate. The limited size of the available area would render it unlikely to my mind that two vehicles of average size could or would be regularly parked there. If so, I agree that there would be a degree of additional manoeuvring which would compromise highway safety, albeit to a limited extent. If not, there would be likely additional on-street parking, also affecting highway safety.
15. The very close proximity of the parking for 1 Highfield Terrace to the front of the new dwelling and its associated pedestrian access would to my mind have a significantly intrusive impact on the future occupiers of the proposed dwelling, adversely affecting their living conditions, contrary to saved Local Plan Policy ST6.

Issue (c)

16. This issue did not form part of the reasons for refusal in the District Council's decision of 1 July 2010. However, in its appeal statement submitted on 19 August 2010, the LPA noted that recent revisions to Planning Policy Statement 3 altered the context within which the appeal was to be considered. The withdrawal of the presumption in favour of development on existing garden land, and the deletion of the minimum housing density requirements militated against the cramped form of development which even the end-of-terrace dwelling now proposed would represent.
17. I have had regard to the objection to the proposal of the Bower Hinton Parish Council and of a number of local residents. These note that this is the latest in a series of applications for development of the appeal site, and that it remains clear, despite successive revisions of the proposal, that the site is inadequate to accommodate a new dwelling.

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18. I have also had careful regard to the grounds of appeal and to the other submissions of the Appellant, including his final comments dated 10 September 2010. The appellant considers that the highways objection has been fully addressed and that, while the parking area for 1 Highfield Terrace is in fairly close proximity to the new dwelling, this is normal for a development of this type, and acceptable.
19. The problems that I have identified above with regard to parking provision both in terms of highway safety and the impact on the living conditions of future occupiers of the proposed dwelling are to my mind clear indications that even the end-of-terrace dwelling now proposed would amount to an over-development of the site. Although a somewhat smaller area of garden land would be taken up by the terraced dwelling now proposed, this can be achieved only by accommodating what seems to me a very cramped pedestrian access to the front door of the proposed dwelling, and providing parking for the existing dwelling at 1 Highfield Terrace on a restricted triangular area of land, which occupies a prominent position on the corner of Blind Lane and Highfield Terrace. To my mind, this would represent a clear overdevelopment of the site and have a significant damaging impact on the character and appearance of this part of the village, contrary to development plan policy.

Conclusions as to Appeal B

20. I have identified above the adverse traffic and highway safety impacts and the adverse impacts on the future occupiers of the new dwelling that I believe the proposed development would cause. These adverse impacts and that on the character and appearance of the surrounding area are in my view all the result of a proposal, which, like that proposed in Appeal A (albeit to a somewhat lesser extent), would amount to over-development of the available site. The appeal accordingly falls to be dismissed.

CJ Tipping

Inspector