



Appeal Decision

Site visit made on 8 March 2011

by Paul Griffiths BSc(Hons) BArch IHBC

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

Decision date: 29 March 2011

Appeal Ref: APP/R3325/A/10/2142112

2 Lower Orchard, Barrington, Ilminster TA19 0QZ

- 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 Anthony Turner against the decision of South Somerset District Council.
 - The application Ref.10/02777/OUT, dated 12 July 2010, was refused by notice dated 28 September 2010.
 - The development proposed is described as the erection of a detached dwelling on land adjacent to No.2 Lower Orchard; outline application relating to access, landscaping and layout; appearance and scale subject to reserved matters.
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Application for Costs

1. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Preliminary Matter

2. The original application was made in outline with access, landscaping and layout to be determined and appearance and scale reserved. I have dealt with the appeal on a similar basis.

Decision

3. I dismiss the appeal.

Main Issues

4. These are the effect of the proposal on (1) the character and appearance of the area; and (2) highway safety.

Reasons

Character and Appearance

5. There is some dispute about whether the dwelling proposed site lies wholly within the development area boundary for Barrington, as defined in the South Somerset Local Plan (LP), or whether it straddles the boundary. It is not possible for me to be definitive about that on the basis of the conflicting information put forward. In any event, I share the view of my colleague who dealt with a previous appeal on the site (APP/R3325/A/09/2109740) that it is a matter of limited significance in relation to the effect of the proposal on the character and appearance of the area. The appeal site is already part of the curtilage of No.2 and development upon it would not, therefore, lead to encroachment into the countryside.

6. Lower Orchard is a cul-de-sac around which is grouped a well-spaced collection of houses. While the cul-de-sac is not characteristic of the historic form of the settlement, the existing dwellings are arranged so as to address the access road. That, at least, is redolent of the way in which older buildings in the village address the highway frontage.
7. The dwelling proposed would not address the cul-de-sac in the manner of neighbouring dwellings in that it would be set well behind the frontage established by Nos.1 and 2. Moreover, the proposal would all but extinguish the existing sense of space between these dwellings. On that basis, it would not follow the prevailing pattern of development in the cul-de-sac and would therefore appear incongruous.
8. Criterion 4 of LP Policy ST5 and criteria 1 and 2 of LP Policy ST6 require development proposals to reflect the form, character and setting of the locality. Moreover, criterion 3 of LP Policy ST6 seeks to protect open spaces (including gaps and frontages) with visual or environmental value. The incongruity of the dwelling proposed would have a significant harmful effect on the character and appearance of the area contrary to the approach set out in those policies.

Highway Safety

9. It has been suggested that the location of the proposed garage, relative to No.2 and the new dwelling proposed, would not allow it to be used easily, leading to parking in the cul-de-sac. Given that the final design of the garage is not for determination at this stage, the swept-path diagram on drawing p471/002C shows that it ought to be possible to manoeuvre into and out of a garage in the position proposed. There appears to be ample room within the site to allow for access, manoeuvring and parking so it seems unlikely that any significant on-street parking would take place as a result of the proposal.
10. On that basis, I see no divergence from the requirements of Policy 49 of the Somerset and Exmoor Joint Structure Plan Review (SP) or criterion 5 of LP Policy ST5 that in simple terms, require development proposals to have a satisfactory means of access, or LP Policy TP7 that sets out parking standards.

Other Matters

11. It has been suggested that the proposal would not be a sustainable form of development because of its location at or just outside the development boundary. Given that there appears to be no in principle policy barrier to new housing within the development boundary, a dwelling located and accessed, in the manner proposed, need not be inherently unsustainable in terms of travel patterns. The proposed attainment of Code Level 4 of the Code for Sustainable Homes would also make for a more sustainable form of development.

Conclusion

12. The proposal need have no detrimental impact on highway safety and would not be an unsustainable form of development. However, it would have a significant detrimental effect on the character and appearance of the area. I place more weight on this latter, harmful aspect of the proposal. For the reasons given above I conclude that the appeal should be dismissed.

Paul Griffiths

INSPECTOR