



Appeal Decision

Site visit made on 20 February 2012

by K D Barton BA(Hons) Dip Arch DipArb RIBA FCI Arb

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

Decision date: 7 March 2012

Appeal Ref: APP/R3325/A/11/2166328

Plot adjacent to Baulkes Yard, Bow Street, Langport TA10 9YA

- 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 G Edmunds against the decision of South Somerset District Council.
 - The application Ref 11/03221/FUL, dated 9 August 2011, was refused by notice dated 13 October 2011.
 - The development proposed is the conversion of an existing building to B1 light industrial on the ground floor and residential on the first floor.
-

Decision

1. The appeal is dismissed.

Living Conditions in Terms of Outlook, Light, Overlooking and Noise and Disturbance

2. The appeal property, which lies within the defined development area, is a two storey flat roofed industrial unit in B2 use. It is constructed of concrete blockwork rendered on the front elevation and is set back from Bow Street with a yard in front.
3. The residential accommodation at first floor level would have a long thin plan form. The window to bedroom 2 would be set a considerable distance back under a flat roof and so would have a very restricted outlook and receive little light. A courtyard 'lightwell', roughly central in the depth of the building, would provide some light to bedroom 1 and the kitchen/dining area. However, an adjoining industrial unit to the west would limit the outlook, even though its roof pitches away from the appeal property. Whilst these areas could be provided with rooflights to provide additional light this would not overcome the lack of outlook. The living area would face south and have a balcony with a spiral staircase to the garden. This would be the main outlook from the accommodation. However, it would overlook the garden to the east. Whilst a tall screen on the eastern return end of the balcony would reduce overlooking to some extent it would not preclude it altogether without restricting outlook.
4. It has been suggested that the accommodation would only be occupied in the evenings and at weekends avoiding any noise and disturbance from below but this would be an unreasonable assumption to make. Nevertheless, a B1 use as proposed is one that would be appropriate in a residential area and the requirements of the *Building Regulations* would ensure adequate sound separation. Notwithstanding this the proposal would be unacceptable in terms

of outlook and overlooking, contrary to the aims of saved LP Policies ST6 and EP2.

Effect on B2 Business Floorspace

5. The general thrust of saved LP Policy ME6 is to protect employment opportunities. The proposal would involve the loss of 50% of the existing employment floorspace. Whilst the appellant does not consider this significant, no justification has been given for the loss. The first floor has been vacant for some time but only informal marketing amounting to a card in a shop window and a 'to let' sign on the building has been carried out. The proposal would not protect the employment opportunity and so would not be in accord with the objectives of LP Policy ME6. Whilst this might not, in itself, justify dismissing the appeal it lends weight to the conclusions on living conditions.
6. It is claimed that the change from B2 to B1 would lead to a reduction in the number and size of vehicle movements, and the number of people that could be accommodated on site, and could reduce the potential for noise and disturbance and help achieve sound separation. However, the latter points would only be necessary because of the proposals introducing residential use above the B1 use. Whilst there might be some environmental benefits from a reduction in vehicle movements and people on site, the measures would not amount to significant environmental benefits that would outweigh the employment value of the land or premises.

Highway Safety in Terms of Access and Parking Provision

7. It is accepted that the access to the site does not meet current standards. It would be unaltered by the proposals and so remain substandard. Visibility is much more restricted than the appellant maintains and has been measured by the highway authority as being 2.5 x 15.5m to the west and 2.4 x 5m to the east. Notwithstanding that there have been no recorded personal injury accidents at the access, which is within a 20mph speed limit, the Manual for Streets suggests that 25m visibility in each direction would be appropriate. I note the appellant's willingness to demolish part of the stone wall that is around 2m high and forms part of the boundary with Bow Street to improve visibility but this could have a detrimental effect on the character and appearance of the Conservation Area and if the access were widened as a result could affect a nearby zebra crossing.
8. The application drawings do not include a site plan showing a parking layout and it is not clear that vehicles could park and turn on site so as to enter and leave in forward gear. The difficulty is compounded by the fact that the two residential properties to the east have a vehicular right of way over the relatively narrow yard. As a result vehicles could have to either reverse onto or off the site. Whilst the appellant maintains that the existing B2 use could lead to more movements by heavier vehicles, lorries and vans than the proposed B1 and residential use, it is accepted that the existing parking provision would be inadequate for the permitted use. As a result the lower demand that would result from the proposals would not be materially different from that which could practically take place currently. However, as the use of the access would not be materially increased its use would not have a detrimental impact on highway safety.

Other Matters

9. The site lies within the Langport and Huish Episcopi Conservation Area. The appeal building is set back from the road and makes little contribution to the character and appearance of the Conservation Area. The proposal would make minimal changes to the front elevation of the building and in that respect would preserve the character and appearance of the Conservation Area.
10. Whilst there is a difference of opinion between the parties about what was said in consultations this has not influenced the consideration of this appeal.

K D Barton

INSPECTOR