



Appeal Decision

Site visit made on 29 August 2012

by Christopher Gethin MA MTCP MRTPI

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

Decision date: 20 September 2012

Appeal Ref: APP/R3325/A/12/2171892

**Land to the rear of West Side, West Street, South Petherton,
Somerset TA13 5DH**

- 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 T Bond against the decision of South Somerset District Council.
 - The application ref. 11/03157/FUL dated 2 August 2011 was refused by notice dated 10 October 2011.
 - The development proposed is two detached chalet bungalows with double garages.
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Decision

- 1 The appeal is dismissed.

Main Issues

- 2 The principal issues are
 - a) the acceptability of the proposed development outside the defined development envelope of South Petherton, and its effect on the character and appearance of the area
 - b) its effect on highway safety.

Reasons

- 3 The appeal site comprises a roughly rectangular parcel of land lying to the rear of three detached dwellings fronting onto West Street. A single-storey building clad in galvanised iron occupies one corner. The lawful use of the site is for the storage of six vehicles for domestic purposes, but it was vacant at the time of my site visit. Access to the site is via a driveway located between no.22A and West Side.
- 4 The proposal is for the demolition of the existing building and the construction of two chalet dwellings with double garages, together with a double garage for no.22A. The existing access would be widened by taking some land from 22A, and the existing gradient would be reduced.
- 5 The site lies immediately outside the defined development boundary of the settlement. South Petherton is identified as a Rural Centre which has the capacity to absorb further development. The appellant notes that the appeal site is located closer to the town centre than other sites where residential

- development has been approved, and that the proposed dwellings would be in line with dwellings which have been constructed nearby in Bramble Drive.
- 6 The development boundary has been tightly drawn so as to exclude the appeal site. 'Saved' policy ST3 of the 2006 South Somerset Local Plan states that development outside the defined development areas should be strictly controlled, and restricted to development which satisfies three criteria. The site's sustainable location mean that only two of these criteria remain to be addressed in this case.
 - 7 The first requires that the proposed development should benefit economic activity. Insofar as it would consolidate the settlement and provide additional people to support the town's shops, services and facilities, I consider that this criterion would be satisfied.
 - 8 The second requires that it should maintain or enhance the environment. As backland development which would be readily perceptible from public viewpoints at the junction of the driveway with West Street, it would appear alien and out of keeping with the pattern of development in the locality, which is generally characterised by linear housing on single plot depths. I note that the dwellings in Bramble Drive which are adduced as a precedent for the proposed development adjoin a pre-existing terrace at the edge of a different pattern of residential development: no such circumstances justify the proposed backland development in this case. I saw, also, a development of two dwellings to the rear of houses in West Street on a site to the south west, but the circumstances of this site are again different and it has the merit of being located within the development boundary.
 - 9 Although the rear boundary of the appeal site makes a clear demarcation between the low-density domestic use of the site and the agricultural land to the north west, this likewise does not justify the incongruous appearance which the proposed dwellings would present on this backland site.
 - 10 While the appeal site can be classified as previously developed land, the presumption within the 2012 National Planning Policy Framework in favour of sustainable development on such land is outweighed by the harm I have identified. The removal of the existing building on the appeal site would improve the appearance of the area. However, I consider that this benefit is likewise outweighed by the identified harm.
 - 11 I conclude that the proposed development would harm the character and appearance of the area and would thereby fail to be acceptable by reference to policy ST3. It would also be contrary to policies ST5 and ST6 of the Local Plan.

Highway safety

- 12 The existing use of the site, involving up to six cars stored on the site, would be replaced by dwellings and garages accommodating six cars. Allowing for deliveries and so on, I consider that the proposal would be likely to generate significantly more vehicle movements than the existing use. However, it would provide garaging and turning space for no.22A, which presently has no turning facility, giving rise to reversing manoeuvres onto West Street and consequent highway hazard. The gradient of the proposed remodelled access would be significantly improved, as would the available sightlines. I consider that the submitted layout would offer sufficient space for refuse and emergency vehicles to be turned so as to emerge into West Street in forward gear.

- 13 I conclude that the proposed improvements to the existing arrangements outweigh any increased hazard arising from the increase in traffic generation from the site which would result from the proposed development, and that it would be acceptable by reference to policy ST5 of the Local Plan.

Conclusion

- 14 The harm I have identified outweighs the benefits which would result from the proposal in terms of providing two new dwellings in a sustainable location and the more efficient use of the site. I have assessed the proposed development on its own merits.
- 15 For the reasons given above, and having regard to all other matters raised, I conclude on balance that the appeal should not succeed.

Christopher Gethin

INSPECTOR