
Appeal Decision

Site visit made on 13 August 2013

by Jonathan Manning BSc (Hons) MA MRTPI

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

Decision date: 3 October 2013

Appeal Ref: APP/R3325/A/13/2195409

Magnolia House, High Ham, Langport, Somerset, TA10 9BD

- 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 J Nankervis against the decision of South Somerset District Council.
 - The application Ref 12/03330/FUL, dated 13 August 2012, was refused by notice dated 2 October 2012.
 - The development proposed is tennis court and surrounding fence.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant is of the view that Policies ST3, ST5, ST6 and EC3 of the Adopted South Somerset District Council Local Plan (LP) (2006) are not consistent with the National Planning Policy Framework (the Framework). I have carefully considered the Local Plan policies against the Framework. As they are in general accordance I have afforded them substantial weight (paragraph 215 of the Framework).

Main Issues

3. The main issues of this appeal are: the effect of the proposed development on the character and appearance of the area; and the effect of the proposed development on the living conditions of the occupants of neighbouring properties.

Reasons

Character and appearance

4. The proposed development would be located within an area of land currently used as an orchard. The site is surrounded by large paddocks associated with neighbouring properties and by open countryside to the east. The appeal site is located outside of any defined development boundary. The site contributes to the transition of the village High Ham into the wider agricultural landscape and maintains a relatively rural character. The proposed development would introduce a tennis court and surrounding chain link fence.
 5. I acknowledge the site is relatively well screened from the wider area and the proposed development would be cut into the ground to reduce its visibility.
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However, due to the rural character of the site, the proposed development, by virtue of its form, design and materials, would be an incongruous feature and would erode the character and appearance of the area.

6. I conclude that the proposed development would unacceptably impact on the character and appearance of the area and be contrary to Policies ST3, ST5, ST6 and EC3 of the LP. These policies seek to protect the character and appearance of the area and limit development outside of development areas to those that maintain or enhance the environment and do not harm the distinctive character and quality of the local landscape.

Living conditions

7. Concerns have been raised that the proposed development would affect the living conditions of the occupiers of neighbouring properties. It was clear from my site visit that the appeal site is located in close proximity to the rear garden boundary of Polden View and is not well screened. I consider that this proximity would lead to a perception by the occupants of being surrounded by development, leading to a loss of privacy when they are in their rear garden. Further, I am also mindful that despite the sloping land, the fact that the proposed development would be dug into the ground and the proposed planting, the tennis court would be likely to lead to noise and disturbance to the occupiers of Polden View further affecting their enjoyment of the rear garden.
8. I conclude that the proposed development would adversely affect the living conditions of the occupiers of Polden View and is therefore in conflict with Policy ST6 of the Local Plan, which seeks to protect residential amenity.

Conclusion

9. For the reasons set out above and considering all other matters raised, the appeal is dismissed.

Jonathan Manning

INSPECTOR