
Appeal Decision

Site visit made on 5 November 2013

by J J Evans BA (Hons) MA MRTPI

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

Decision date: 17 December 2013

Appeal Ref: APP/R3325/A/13/2200991

Acre Cottage, Stoney Lane, Curry Rivel, Langport, TA10 0HY

- 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 Venture Property against the decision of South Somerset District Council.
 - The application Ref 13/00310/FUL, dated 24 January 2013, was refused by notice dated 29 April 2013.
 - The development proposed is the erection of a bungalow adjacent to Acre Cottage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a bungalow at Acre Cottage, Stoney Lane, Curry Rivel, Langport, TA10 0HY in accordance with the terms of the application, Ref 13/00310/FUL, dated 24 January 2013, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans (except where directed otherwise by the conditions below): 1613A-01A, 1613A-02A, 1613A-03A and 1613A-04A.
 - 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 4) No development shall take place until details of the materials to be used in the construction of all hard-surfaced external areas have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 5) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials, and type of boundary treatments to be erected. The boundary treatments shall be completed before the bungalow hereby permitted is occupied. Development shall be carried out in accordance with the approved details.

- 6) No development shall commence until a scheme for the discharge of surface water from the site (including surface water from the access, driveway and parking area), has been submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until the surface water drainage has been constructed in accordance with the approved scheme.
- 7) Before the dwelling hereby permitted is first occupied a properly consolidated and surfaced access shall be constructed (no loose stone or gravel), details of which shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Procedural Matters

2. The appeal includes an alternative design for the bungalow. The revised scheme is a significant departure from the one the Council determined and consulted on. Therefore the appeal is considered on the basis of the application drawings refused by the Council, and not on the revised scheme submitted with the appeal.

Main Issues

3. The main issues in this case are the effect of the bungalow on the character and appearance of the surrounding area; and the effect on the living conditions of the occupiers of High Leigh, with particular regard to daylight and outlook.

Reasons

Character and Appearance

4. The appeal site lies within a predominantly residential area and is part of the garden of Acre Cottage. Apart from some residential outbuildings on the site, it is mainly laid to lawn with hedges and fences defining the boundaries. The wider area is characterised by a mix of residential properties of varying ages and designs. To the north-east of the site, and at a slightly lower level, is a detached bungalow, High Leigh. Further bungalows border the site to the north and east, whilst to the south there are four recently constructed houses. The appeal site would share the access for the four houses that comes off Stoney Lane.
5. Saved Policies ST5 and ST6 of the South Somerset Local Plan (LP), adopted in April 2006, require residential development to respect the form, character and setting of its surroundings. Although the LP is of some age, these requirements are consistent with those in the National Planning Policy Framework (the Framework) in that they seek good design. The principle of additional residential development on the site is not an issue between the main parties.
6. The character of the properties fronting Stoney Lane is one of detached houses and bungalows in spacious plots set back behind large front gardens. This is in contrast to the more dense development around Stoneyhurst Drive, where the plots are noticeably smaller. In this area the majority of the properties are detached bungalows that straddle the width of their plots, and this is also a characteristic of the new houses opposite the appeal site. The bungalow would be set within this context.

7. The modest proportions of the bungalow and its garden size would be similar to the majority of the properties that surround it. Its position within the plot would replicate the characteristics of the adjacent bungalows around Stoneyhurst Drive and the recently constructed new houses, all of which straddle the width of their plots.
8. The siting of the bungalow at the end of a cul-de-sac would be a secluded location not readily visible from public view. Its simplistic design and palette of materials would be in keeping with the characteristics and detailing of both the nearby bungalows and the recently constructed houses. I therefore conclude that it would not harm the character and appearance of the area, and as such would be in accordance with the Policies of the LP and the aims and objectives of the Framework.

Living Conditions

9. Saved LP Policy ST6 also requires residential development not to significantly harm the amenity of occupiers of adjacent properties. This is consistent with the Framework's objective of providing an acceptable standard of amenity for occupiers of land and buildings.
10. Although the bungalow would occupy most of the width of the plot, it would be single storey and of modest proportions. Projection beyond the rearmost corner of High Leigh would be limited such that the development would not dominate the rear garden of that property by reason of its height or proximity to the boundary. Consequently it would not be unacceptably overbearing to neighbouring properties or cause any harmful loss of light to them.
11. The provision of an appropriate boundary treatment and the absence of windows on the north-east facing elevation would prevent any harmful overlooking of High Leigh. The living conditions of the neighbouring properties, particularly High Leigh, would not therefore be significantly compromised with regard to outlook and daylight.
12. I therefore conclude that it would not harm the living conditions of the occupiers of High Leigh with regard to daylight and outlook. As such it would be in accordance with LP Policy and the aims and objectives of the Framework.

Other Matters

13. The capacity of the highway to accommodate additional traffic and on-street parking has been raised as an issue of concern by the Parish Council and local residents. The bungalow would generate around 4 to 6 additional vehicle movements a day, and have a level of parking provision commensurate with its size. In view of the residential character of the area, and the lack of objection concerning highway safety from Somerset County Council's Transport Development Group, I find that the provision of an additional bungalow would not unacceptably impact on highway safety within the area.
14. Local residents are concerned that the proposal would be garden grabbing. However, the principle of the site for residential development is not disputed by the main parties. Furthermore, private residential gardens are excluded from the national definition of previously developed land, and neither national nor local policy provides blanket protection against development.

15. Concern has also been raised as to the loss of further trees and hedgerows within both the site and wider area. A number of mature trees have been retained and protected within the new housing development adjacent to the site. The appeal proposal would retain some of the existing trees and hedges and proposes further planting. I therefore find that the level of retained and proposed planting for the appeal scheme would be in keeping with the character and appearance of the area.
16. Local residents have cited the presence of slow worms. The Council's Ecologist is of the opinion that the site is likely to support this species, and that they are relatively common in Somerset. Also the size of the appeal site would mean that any numbers present would be low, and not sufficient to prevent the scheme. I have no evidence before me to disagree with this opinion.
17. It has been stated that flooding occurs within the area, and that an additional dwelling would exacerbate the problem. The Council's Drainage Engineer requires the provision of soakaways for surface water disposal and says that consequently there should be no impact on any existing flooding problems. The provision of an additional bungalow would not therefore unacceptably impact on the existing drainage provision within the area.
18. Concern has also been raised that the construction of the bungalow would result in noise and disturbance. Although some disturbance would be inevitable, it would in any event, be subject to other legislative controls.
19. Therefore none of these matters outweighs the considerations that have led to my conclusions on the main issues.

Conditions

20. The conditions suggested by the Council have been considered against the requirements of Circular 11/95 – *The Use of Conditions in Planning Permissions*. Where necessary and in the interests of clarity and precision they have been altered to better reflect the guidance in Circular 11/95. The standard time limit condition has been imposed, as has one requiring the development to be carried out in accordance with the approved plans, so as to avoid doubt and in the interests of proper planning.
21. To protect the character and appearance of the area conditions have been imposed requiring the submission of samples for the external walls and roofs of the bungalow and details of hard landscaping. However, because of both the secluded location of the site and that it is not in an area of special historical or architectural note, I have not required details of windows, rooflights and door recesses, rainwater goods, eaves and fascia details.
22. A condition requiring details of boundary treatments has been attached to ensure that the privacy of neighbouring occupiers is not comprised. Conditions have also been attached to provide a safe access to the site and satisfactory surface water drainage provision in the interests of highway safety and to protect the water environment.
23. As the bungalow would be attached to the main sewer and there has been no objection from Wessex Water as to achieving this, I have not imposed a condition requiring details of foul drainage.

24. The material change of use of the garage to a purpose not ancillary to the domestic use of the bungalow would require express planning permission. A condition to guard against such use is not therefore necessary.

Conclusion

25. For the reasons given above I conclude that the appeal should be allowed.

J J Evans

INSPECTOR