



Appeal Decision

Hearing held on 22 January 2008

Site visit made on 22 January 2008

by **Jill C Kingaby** BSc(Econ) MSc MRTPI

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

The Planning Inspectorate
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Decision date:
30 January 2008

Appeal Ref: APP/R3325/A/07/2046671

Plots 101-108 Land at Furnham Road, Chard TA20 1BE

- 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 Persimmon Homes South West against the decision of South Somerset District Council.
- The application Ref 06/04468/FUL, dated 20 11 06, was refused by notice dated 15 1 07.
- The development proposed is "addition 8 number plots added (Plots 101-108) to site entrance".

Decision

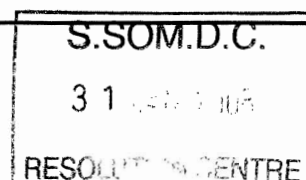
1. I dismiss the appeal.

Main issues

2. There are two main issues in this appeal: whether the proposal represents good quality design, having particular regard for layout, scale, proportions and appearance, and the effect of the proposal on the living conditions of future occupiers, with particular reference to privacy for residents of plots 102, 103 and 105.

Reasons

3. The proposal is to build eight dwellings on the corner site where the access road to a major new housing estate by Persimmon Homes meets Furnham Road (A358). On the first issue, the site is set within a mixed and changing area where industrial and commercial uses, and retailing, notably a Focus DIY superstore, are interspersed with new and more established housing. I accept the Appellants' argument that this area has little "local distinctiveness" which should be replicated in the design for housing on the appeal site, and that the new housing estate adds freshness to the area. I consider that it is appropriate to relate the design for the appeal site to the adjoining new housing development and use features from it.
4. However, the appeal site is beset by constraints, notably the position of foul sewer and storm water easements. For this reason and as this corner site is separated from the main housing estate by the access road, I consider that an imaginative approach is required to secure a good design solution. By contrast, the proposal is based around four standard house designs with little evidence of an innovative, site-specific approach. The two rows of proposed houses would stand on the developable land between the constrained areas,



with a block of garages at the southern edge of the site. The garages would be separated from the houses by an access road and would occupy the most prominent corner of the site. In my opinion, though carefully designed with pitched roof and peripheral soft landscaping, the block would present a disproportionately small, bland and utilitarian building at the gateway to the appeal site and larger housing estate. The row of 4 houses facing Furnham Road would include the side of No 104 since there is insufficient land outside the 'constrained' area to accommodate a fourth frontage. Even if this arrangement of front and side elevations occurs elsewhere on the estate, it would appear incongruous in this position.

5. The row of 4 houses would be built close to the back edge of the footway along Furnham Road. Although, again, the Appellants point out that this would be similar to the position of dwellings within the main housing estate and to buildings elsewhere within Chard, neighbouring development along the main road to the north, which includes an old bungalow, and the Focus store to the south are set back from this key access road into Chard. The forward position of the building line for this group of dwellings would not be characteristic of the immediate area. I appreciate the Appellants' wish to make the most effective and efficient use of developable land, but the Government's Planning Policy Statement 3 (PPS3): Housing expects high quality in housing as well.
6. A substantial portion of the southern part of the appeal site would be devoted to vehicular access and garaging and another access is proposed along the northern edge of the site. The site is already substantially surrounded by Furnham Road and the road into the estate; the planned housing would occupy an island in the middle of these roads and accesses. Bearing in mind the small size of the intended private gardens, this arrangement seems at odds with providing a safe, accessible and user friendly environment (PPS3 para 16). I conclude that the proposal does not achieve good quality design, having particular regard for layout, the scale of the garage building and the overall appearance. It fails to respect the form, character and setting of this prominent gateway site as expected by Policies ST5 & ST6 of South Somerset Local Plan.
7. Turning to the second issue, some of the proposed dwellings would face the garage on the west side of Furnham Road. Although it is argued that illuminated signs and noise from the garage could cause disturbance to future occupiers, I consider that the appeal site is sufficiently distant for this not to be significant. I saw at my site inspection that the houses on the main estate have small private gardens and that many are overlooked particularly from the windows on the upper floors of neighbouring properties. However, the juxtaposition of plots 102, 103 and 105 on the appeal site would give even more scope for overlooking of neighbours' houses and gardens at very short distances. I consider that the proposed layout is cramped and would be materially harmful to the privacy of occupiers of plot 105, in conflict with Policy ST6(6) of the South Somerset Local Plan.
8. For the reasons given above I conclude that the appeal should be dismissed.

Jill Kingaby

Inspector



Appeal Decisions

Site visit made on 22 January 2008

by **David Morgan BA MA MRTPI IHBC**

an Inspector appointed by the Secretary of State
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Decision date:
12 February 2008

Appeal no 1 - Ref: APP/R3325/A/07/2056694 **28 Thorndun Park Drive, Chard, Somerset TA20 1DH**

- 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 Neil Otley against the decision of South Somerset District Council.
- The application Ref: 07/01763/FUL, dated 11 April 2007, was refused by notice dated 18 June 2007.
- The development proposed is 3 bed house and double garage with one bed flat over.

Appeal no 2 - Ref: APP/R3325/A/07/2056803 **28 Thorndon Park Drive, Chard, Somerset TA20 1DH**

- 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 Neil Otley against the decision of South Somerset District Council.
- The application Ref: 07/03068/FUL, dated 21 June 2007, was refused by notice dated 8 October 2007.
- The development proposed is 3 bed house.

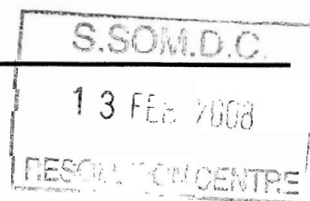
Decisions

Appeal no 1 - Ref: APP/R3325/A/07/2056694

1. I dismiss the appeal.

Appeal no 2 - Ref: APP/R3325/A/07/ 2056803

2. I allow the appeal, and grant planning permission for 3 bed house at 28 Thorndun Park Drive, Chard, Somerset TA20 1DH in accordance with the terms of the application Ref: 07/03068/FUL, dated 21 June 2007 and the plans submitted with it subject to the following conditions:-
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) 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. Development shall be carried out in accordance with the approved details.



- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of the dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no garages shall be erected on the site without the prior express permission of the local planning authority.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows or other openings (including doors) shall be formed in the building, or other external alterations made, including extensions, without the prior express permission of the local planning authority.

Main issues

3. I consider these to be:
 - Whether or not the development proposed in appeal no 1 would result in material harm to the living conditions of occupants of no 26 Thorndun Park Drive and;
 - Whether or not the development proposed in both appeals would be harmful to the character and appearance of the area.

Reasons

4. The appeal site comprises part of the lawn of a modern terraced house set amid a residential estate.
5. The development proposals constitute an additional terraced house in the format of the existing dwellings and in the case of appeal no 1, a double garage with a one bedroom flat above. Both proposals would develop the grassed area to the south of no 28 to a greater and lesser degree.
6. Although the development proposed in appeal no 1 would bring the building line considerably closer to the northern elevation of no 26, because of its single storey height, its location to the north of the existing dwelling and its distance from it, in my view, it would not visually dominate or cause loss of light to the adjacent structure. Therefore, it would not result in harm to the living conditions of occupiers of no 26 Thorndun Park Drive. Accordingly, I do not consider the development proposed contrary to policy ST6 of the South Somerset Local Plan, specifically criteria 6 thereof.
7. Thorndun Park Drive, as well as its tributary roads, has a generous provision of both public and private open space. It is a wide avenue with grass verges between the road and footpath and the intersecting spaces linking roads and closes to the main road are broad in proportion. In my view such a generous provision, whilst helping to define the character of the area, should not necessarily preclude selective and modest infilling within it. The determining factor rather being the scale and extent of such

development, and how it may be accommodated, in accordance with the aims of Planning Policy Statement 3, without material harm to the character of the area.

8. In my opinion the critical issue in relation to both appeals is the degree to which the respective proposals would reduce the gap between the properties in the road, and the resultant effect this would have on the open character of the area.
9. I agree with the Council that the development proposed in appeal no 1, because of the extent to which it would close the gap and thus diminish the open quality of the space between nos. 26 and 28, would cause material harm to the character and appearance of the area. On this basis I find this development proposal contrary to policy ST5 of the Local Plan, criteria 4 and to policy ST6 of the same, criterion 2, 3 and 5 thereof.
10. I find however that the development proposed in appeal no 2, because of the lesser extent to which it would encroach on the space between the structures, would not cause the same degree of harm to the character and appearance of the area. Critically, the form of the proposed dwelling as a continuation of the terrace visually integrates it with its context, and the flank gable wall, running along the back of the existing footpath on Gifford Close, consolidates an established visual marker in the street scene. For these reasons I do not consider these proposals contrary to policy ST5 of the local Plan, criteria 4; nor to policy ST6, criterion 2, 3 and 5 thereof.
11. I attach conditions to appeal no 2 requiring the submission of materials in order to secure a satisfactory appearance to the development and conditions withdrawing permitted development rights for the erection of fences and garages, and the alteration and extension of the building, to safeguard the character of the area.
12. For the reasons given above and having regard to all other matters raised, I conclude that appeal no 1 should be dismissed and appeal no 2 should be allowed.

David Morgan

Inspector

