



# Appeal Decision

Site visit made on 17 March 2008

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by **Gareth Symons BSc(Hons) DipTP**  
**MRTPI**

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

Decision date:  
**3 April 2008**

**Appeal Ref: APP/R3325/A/08/2063205**

**Gulwell Bungalow, Waterlake Road, Tatworth, Somerset, TA20 2SH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr & Mrs W Kelly against the decision of South Somerset District Council.
- The application Ref: 07/03023/OUT, dated 14 June 2007, was refused by notice dated 17 October 2007.
- The development proposed is the construction of a detached two storey dwelling.

## Decision

1. I allow the appeal, and grant outline planning permission for the construction of a detached two storey dwelling at Gulwell Bungalow, Waterlake Road, Tatworth, Somerset, TA20 2SH in accordance with the terms of the application, Ref: 07/03023/OUT, dated 14 June 2007, and the plans submitted therewith, subject to the following conditions:
  - 1) Details of the layout, scale, appearance and landscaping (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
  - 2) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this decision.
  - 3) The development hereby permitted shall begin not later than the expiration of two years from the date of approval of the last of the reserved matters to be approved.
  - 4) No work shall take place on building the new house until the existing vehicular access has been blocked up and the new access with visibility splays has been provided in accordance with the details shown on the approved 1:200 site plan. The visibility splays shall be kept clear of obstructions over 900mm above the adjoining road level thereafter.
  - 5) No development shall take place until a plan showing parking and turning for vehicles associated with the existing and hereby approved dwellings, within the appeal site and adjoining land, has been submitted to and approved in writing by the local planning authority. The approved parking



and turning arrangements shall be provided prior to the new house being occupied and kept available for their intended purposes thereafter.

### **Procedural Matter**

2. My site visit should have been carried out with both main parties present. However, the Council failed to attend. I was content that I could see the appeal site and the relationship with its surroundings from the road. Therefore I carried out an unaccompanied site inspection. The Council was notified that the appeal would proceed on this basis.

### **Main Issues**

3. The main issues are:
  - The effect of the proposed development on the character and appearance of the area bearing in mind the appeal site's location adjacent to the Tatworth Conservation Area.
  - Whether the proposal would preserve the setting of Gulwell House and Gulwell Cottage which, together, are a grade II listed building.

### **Reasons**

4. This is an outline application with all matters, except access, reserved for later approval. The application form also states that the dwelling would be two storeys. I shall consider the appeal accordingly.
5. The proposed access and visibility splay would cause the loss of the existing hedge next to the road. However the hedge, in my view, contributes little towards the character and appearance of the area. Furthermore, in general, existing roadside boundary enclosures nearby are stone walls. The appellants have indicated that a wall, with stone similar to that in the wall at the front of Gulwell Cottage, would be sited across the revised site frontage. With this in place I consider that the appeal site frontage would not look out of place.
6. In terms of the proposed dwelling, two storey properties are prevalent in the area and the overall height of the property could be considered and controlled at the reserved matters stage, as could details such as materials and external appearance. The Council suggest that the new house would run contrary to the pattern of development on this side of Waterlake Road. Although siting is a reserved matter, the indicated position of the house would not be dissimilar, in terms of relationship to the road, to the nearby property called Beverley.
7. Against this background I find little in the Council's evidence to support why the proposal would harm the character and appearance of the area or the setting, in terms of views into and out of, the Tatworth conservation area. In my opinion the scheme would, subject to detailed design, not cause such harm and fit in with its surroundings. Therefore it would accord with the design aims of policies ST5, ST6 and EH1 from the South Somerset Local Plan.
8. In my view the most important aspect to the setting of Gulwell House and Gulwell Cottage is their relatively open front gardens affording views of the building from the road. The proposed dwelling's position to one side of these gardens would not impinge on this foreground or obscure views of the listed

building. Also the exact layout, scale and appearance of the new house could take account of, and ensure a complimentary relationship with, the listed property. Loss, or not, of the existing boundary hedge could be considered under landscaping details yet to be submitted and approved. Overall, in my view, the Council's assertion about visual intrusion has not been proven. In the context of my findings I consider that the setting of the nearby listed building and its contribution to the local scene would be preserved. Thus the aims of local plan policy EH5 would be met.

9. Regarding other matters I note local concerns about highway safety. However, subject to certain requirements, the local highway authority did not object to the proposal. Such worries therefore carry only limited weight. A house on this plot would be far enough away from neighbouring properties so that light and privacy would not be unduly affected. Proposed window positions could also be controlled at the next stage. The plans and supporting documentation do not show removing part of a listed boundary wall and, in any event, this would be subject to separate control. I acknowledge that not every piece of land in a settlement should be built upon. That said I have found no substantive reasons why this site should not come forward for development.
10. The Council has not suggested any conditions in the event of this appeal being allowed. Therefore I have imposed standard outline planning permission conditions and ones in line with the requirements of the local highway authority for highway safety reasons.
11. I have considered all other matters including nature conservation and density, but do not find any to outweigh my earlier findings. Therefore the appeal succeeds and outline planning permission is granted accordingly.

*Gareth Symons*

INSPECTOR

