



# Appeal Decision

Site visit made on 18 September 2008

by **D Grace** BSc DipTP MRTPI

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

Decision date:  
**26 September 2008**

**Appeal Ref: APP/R3325/A/08/2074456**

**25 Summerlands Park Avenue, Ilminster, Somerset TA19 9BS**

- 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 I Lee against the decision of South Somerset District Council.
- The application Ref. 08/00136/FUL, dated 3 January 2008, was refused by notice dated 25 February 2008.
- The development proposed is a flat roof dormer to rear elevation to form new loft conversion.

## Decision

1. For the reasons given below, **I dismiss the appeal.**

## Main Issues

2. I consider there are two main issues in this appeal. The first is the effect of the proposed extension on the character and appearance of the appeal building and of the surrounding area. The second is the effect of the scheme on the living conditions of the occupiers of No.23 Summerlands Park Avenue in respect of privacy.

## Reasons

3. **Character and appearance** – The appeal property is one of a pair of semi-detached bungalows situated in an estate containing many similar dwellings. The proposed dormer extension would have a flat roof form and would require the existing roof apex to be raised. It would entirely fill the rear roof plane. As a result of its height and size I consider the proposed extension would unacceptably dominate the rear elevation of the building. In my view, it would appear excessively bulky and top heavy and would fail to respect the small scale proportions of the existing semi-detached pair. Moreover, the extensive flat roof, would be unacceptably at odds with the prevailing pitched roof forms of dwellings in the surrounding area and in particular would appear incongruously out of keeping with the roof of the attached bungalow. That the wall materials would match the existing dwelling would not overcome this harm.
4. I note that one of a neighbouring pair of bungalows has previously had a similar extension to the appeal proposal. However, that is an exception to the general form of the dwellings in the area. The Council indicates that it has no record of permission being given for this development. Taking this into account and that, in my view, the scheme significantly harms the appearance of the host dwelling, I consider it is not a good justification for the current

**S.SOM.DC**

**29 SEP 2008**

RESOLUTION CENTRE

appeal proposal which I consider would detract from the appearance of the appeal building to a significant extent.

5. This harm would be clearly apparent from a number of nearby properties. Also, the dwelling is immediately adjacent to a Conservation Area and close to a church that is a listed building. Notwithstanding that it would be at a lower level, the harmful visual impact that I have identified would, in my view, be visually associated with the listed church to the detriment of its setting and with the setting of the Conservation Area and, as a result, would fail to preserve or enhance its character or appearance. The scheme would conflict with South Somerset Local Plan Policy EH1 in this respect. This adds weight to my conclusion on the first main issue that the proposed extension would unacceptably harm the character and appearance of the appeal building and of the surrounding area and would conflict with Local Plan Policies ST5 and ST6 as a result.
6. **Privacy** – The proposed extension would have two windows facing towards the rear. The nearest of these to No. 23 would directly overlook the garden of that dwelling from a very short distance because the garden is at a high level with the main lawn area at the equivalent of first floor level. Moreover, as a result of the dominating visual impact I consider the extension would have, it would, in my view, greatly increase the perception of being overlooked for users of the garden. Boundary fencing would not fully mitigate this impact.
7. The appellant suggests that this window could be obscure glazed and that this could be required by condition. However, I consider it would not be reasonable to require the outlook from a principal habitable room to be constrained in this way.
8. The appellant says the Church and hall buildings to the rear are likely to be re-developed and that this would have a greater impact on neighbouring occupiers' privacy than the current appeal scheme. However, I have no information to indicate that permission has been granted for such re-development. Furthermore, any future proposals would fall to be considered on their own planning merits which would include the effect on nearby residents' privacy.
9. Overall, I conclude on the second main issue that the proposed extension would unacceptably harm the living conditions of the occupiers of No. 23 in terms of privacy and would conflict with Local Plan Policy ST6 in that respect.
10. I have considered all other matters raised but find nothing leads me to a different conclusion.

*D Grace*

INSPECTOR





# Appeal Decision

Site visit made on 23 September 2008

by **C J Ball** RIBA IHBC FRSA

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email:enquiries@pins.gsi.g  
ov.uk

Decision date:  
29 September 2008

**Appeal Ref: APP/R3325/A/08/2075641**

**Winterburn House, Church Lane, Haselbury Plucknett, Crewkerne TA18 7RE**

- 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 and Mrs S Mitchell against the decision of South Somerset District Council.
- The application Ref 07/03132/FUL, dated 29 June 2007, was refused by notice dated 31 January 2008.
- The development proposed is the erection of a single two-storey dwelling with detached garage.

## Decision

1. I dismiss the appeal.

## Preliminary matters

2. The Council did not attend the arranged site visit so I asked the appellant and agent to leave and I carried out an unaccompanied inspection of the site and its surroundings from the public highway.

## Main issue

3. The main issue in this appeal is the effect the proposal would have on the character or appearance of the Haselbury Plucknett Conservation Area and on the setting of the Church of St Michael and All Angels, a grade II\* listed building.

## Reasons

4. The site is part of the garden of Winterburn House and already has a separate access to Church Lane. It is within the built-up area of the village so there is no objection in principle to development, subject to Local Plan policies which require new development to respect the form and character of the village in order to maintain local distinctiveness. The site also lies within the conservation area where there is an overriding policy requirement, reflecting the statutory duty, to preserve or enhance the character or appearance of the area.
5. The character of the conservation area derives primarily from the closely built-up urban quality of North Street. Church Lane, just off North Street, has by contrast a much more rural quality, with an informal layout of widely spaced properties in large gardens providing a particularly open setting for the church. Beyond the church, while it serves several properties including Winterburn House, the lane effectively becomes an unpaved farm track. This striking contrast between the densely built-up and semi-rural parts of the village contributes significantly to the distinctive character of the conservation area.

**S.SOM.DC**

**30 SEP 2008**

RESOLUTION CENTRE

6. The new house would be sited in the space between Winterburn House and Bybrook House, creating a more densely built-up street frontage and resulting in development of a more urban appearance on Church Lane. While this might emulate the more linear development of North Street, it would not in any way reflect the particularly different character of this part of the village. A more densely built-up lane would also diminish the open nature of the church setting.
7. I find that, while the design of the house itself could be acceptable, its siting in this location would not sufficiently respect the form and character of the locality or complement the key characteristics of the Church Lane area, thereby undermining the strong sense of local distinctiveness in direct conflict with the aims of Local Plan Policies ST5 and ST6. The development of this site would not reflect the historic pattern of development of an area outside the centre of the village which provides the setting for the church and contributes so much to the distinctive character of the conservation area, contrary to the requirements of Policies EH1 and EH5. The character and appearance of the conservation area and the setting of the church would not be preserved.
8. Accordingly I consider that the proposal would have an unacceptably adverse effect on the character and appearance of the Haselbury Plucknett Conservation Area and on the setting of the Church of St Michael and All Angels. For the reasons given above I conclude that the appeal should be dismissed.

*Colin Ball*

Inspector

