



# Appeal Decision

Site visit made on 10 November 2008

by **Roger Mather MA Dip Arch RIBA FRTPI**

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

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Decision date:  
17 November 2008

**Appeal Ref: APP/R3325/A/08/2080871**

**Kingston House, North Street, Haselbury Plucknett, Somerset TA18 7RL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- Mr B Baker brings the appeal against the decision of South Somerset District Council.
- The application (Ref: 08/01532/OUT) dated 27 March 2008, was refused by notice dated 12 May 2008.
- The development proposed is erection of single-storey dwelling.

## Decision

1. I dismiss the appeal.

## Main Issues

2. The application is in outline with appearance, landscaping and scale reserved for future consideration.
3. The appeal site lies within the settlement boundary of Haselbury Plucknett in the garden of Kingston House, which is within a residential area characterised largely by detached and semi-detached houses in spacious gardens set out on a single depth plot linear settlement pattern. The appellant would erect a bungalow that is designed to address his needs in relation to health, behind Kingston House, while a close relative would occupy the principal building.
4. National guidelines for residential development require local planning authorities to make the most efficient use of land, particularly on previously used sites in sustainable locations. Local policies reflect this. It therefore seems to me that there can be no dispute that an additional dwelling would be acceptable, in principle. The Council's overriding concerns are that the proposed bungalow would comprise undesirable back-land development while access would compromise highway safety.
5. Subsequent to the Council's decision, the local highway authority confirmed that the level of visibility that can be achieved when exiting the site is adequate in both directions and, if the access were widened sufficient to enable two vehicles to pass, the highways objection would be overcome. From what I saw, I have no reason to disagree. There is space within the site to achieve a satisfactory access, which could be required by planning condition. From this, the written representations and my inspection of the site and surrounding area, the outstanding main issue raised by the appeal is the effect of the proposed development on the character and appearance of the surrounding area.

**S.SOM.DC**

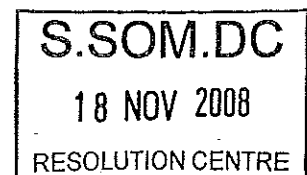
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**RESOLUTION CENTRE**

### Reasons for Decision

6. The pattern of development along the street maintains a low density spacious appearance, which contrasts with the more built-up appearance of North Street further south, where houses are more closely spaced in less generous plots. Moreover, when approaching the appeal site, I gained a clear impression that the spacious countryside setting of this part of North Street, resulting from its linear single plot depth settlement pattern, ought not to be compromised because, if a number of plots that could be sub-divided were developed, that would harm the spaciousness of this part of Haselbury Plucknett.
7. In this case, the sub-division of Kingston House, to provide an additional plot at the back, would be incompatible with the distinctive development pattern surrounding the site. The new bungalow would be glimpsed from public vantage points as well as neighbouring houses, where I think it would dominate the space at the back of Kingston House such as to be visually intrusive. It would draw attention to its isolation from frontage buildings, unsympathetic to its context as well as at odds with the village settlement pattern. That would unacceptably harm the character and appearance of the surrounding area, contrary to the requirements of Policies ST5 (4) and ST6 (2) of the South Somerset Local Plan 1991-2011 that was adopted in 2006.
8. There is further concern about neighbourliness, in relation to the shared access, and precedent but neither is sufficient to justify withholding planning permission. In my judgement, there is sufficient space to ensure that the likely vehicle movements would not result in significant noise and disturbance for the occupiers of Kingston House while a favourable decision on this appeal would simply have no bearing on the Council's ability to mount a robust defence of its policies to resist the sub-division of other properties. Any future proposal to sub-divide a plot would be considered on its individual merits.
9. I have considered all of the other matters brought to my attention but none is of such significance as to outweigh the considerations that led to my conclusion on the main issue. I further conclude that the appeal should not succeed.

*Roger Mather*  
INSPECTOR





# Appeal Decision

Site visit made on 18 November 2008

by **B J Juniper** BSc, DipTP, MRTPI

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Decision date:  
3 December 2008

**Appeal Ref: APP/R3325/A/08/2079833**

**Ham Hill Farm, Combe St Nicholas, Chard, TA20 3HU**

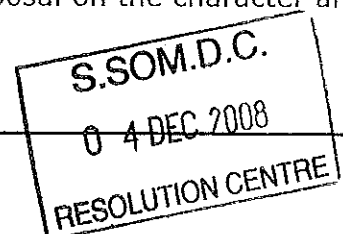
- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs J Gilbert against the decision of South Somerset District Council.
- The application Ref 08/01454/FUL, dated 11 February 2008, was refused by notice dated 11 June 2008.
- The development proposed is an extension over an existing garage and its conversion to residential accommodation.

## Decision

1. I allow the appeal, and grant planning permission for an extension over an existing garage and its conversion to residential accommodation at Ham Hill Farm, Combe St Nicholas, Chard in accordance with the terms of the application, Ref 08/01454/FUL, dated 11 February 2008, 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 extensions hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Ham Hill Farm.
  - 3) The development hereby permitted shall not be commenced, including any demolition, until a bat survey report, carried out by an appropriately qualified person, has been submitted to and approved in writing by the local planning authority. The survey shall be carried out at an appropriate time of year and using techniques and equipment appropriate to the circumstances. In the event of the survey identifying any potential adverse impact to protected species, a mitigation plan shall be submitted to and approved in writing by the local planning authority. The plan shall be implemented in complete accordance with its contents within 12 months of the date of the survey unless otherwise agreed in writing by the local planning authority.
  - 4) Should the development not commence within this 12 month period, a further survey and, where necessary, mitigation plan, compliant with condition No.3 above, shall be submitted to and approved in writing by the local planning authority.

## Main Issue

2. I consider that the main issue is the effect of the proposal on the character and appearance of the area.



### Reasons

3. Ham Hill Farm House is a long, low, two-storey building in traditional construction. At the northern end is a stone built garage and store which is the same depth as the rest of the house and it is proposed to use this as a basis for a two storey extension on the same footprint.
4. Whilst I accept the general principle that extensions should normally appear subservient to the original dwelling, in this case there is much to be gained from adapting the present vernacular structure to a new use. As well as improving its present appearance, the proposed extension would relate well to the various floor levels in the existing living accommodation. The extended building would still clearly appear as a single farmhouse and its proportions in my judgement would be unimpaired.
5. The farmhouse is visible from the lane in front of the farm which marks the boundary of the adjoining designated Area of Outstanding Natural Beauty, as well as from some other vantage points nearby. From the A303 Ham Hill to the south, the farmhouse can be glimpsed through a gateway and it is also visible from a lane some distance to the west. However, the impact of the extension would be modest from these viewpoints and in any event the farmhouse is largely surrounded by a range of modern agricultural buildings which form the most obvious features in its visual context. I conclude that the proposal would cause no harm to the character and appearance of the area. It would also accord with Policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review and to Policies ST5 and ST6 of the South Somerset Local Plan.
6. The application specifies that the external materials should match the existing extension so the Council's suggested condition to that effect is unnecessary. I agree that, given the somewhat awkward road access, it is necessary to prevent the extended dwelling being subdivided and, as the existing garage seems to have some potential as a bat roost, I concur with the suggestion that conditions ensuring that there would be no undue disturbance to protected species are required.

*B J Juniper*

INSPECTOR





# Appeal Decision

Site visit made on 18 November 2008

by **B J Juniper** BSc, DipTP, MRTPI

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Decision date:  
3 December 2008

**Appeal Ref: APP/R3325/A/08/2081714**

**Ammerham Mill, Ammerham, Winsham, Chard, TA20 4LB**

- 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 S Miller against the decision of South Somerset District Council.
- The application Ref 08/01913/FUL, dated 18 April 2008, was refused by notice dated 27 June 2008.
- The development proposed is the demolition of an existing conservatory, the construction of a replacement garden room, the construction of a three storey extension and related internal alterations.

## Decision

1. I allow the appeal, and grant planning permission for the demolition of an existing conservatory, the construction of a replacement garden room, the construction of a three storey extension and related internal alterations at Ammerham Mill, Ammerham, Winsham, Chard in accordance with the terms of the application, Ref 08/01913/FUL, dated 18 April 2008, and the drawings numbered 2007/135/01; /02; /03D; /04 and /05A submitted with it, subject to a condition that the development hereby permitted shall begin not later than three years from the date of this decision.

## Main Issue

2. I consider that the main issue is the effect of the proposal on the character and appearance of the area.

## Reasons

3. The building on the appeal site has been considerably altered and adapted over time. The main element of the present proposal is to extend the existing three storey wing on the south-west side of the building by about 3.3m and to replace the present somewhat awkwardly proportioned dormer to the second floor bedroom with a simpler gable surmounted by coping stones in a similar manner to the main part of the building. Whilst the extension would add to the bulk of the building, much of its volume would not be evident from the public side where the ground is somewhat above first floor level. The proposed window apertures would be more evenly spaced than those on the existing building but I judge that they would be sympathetic in their proportions and joinery. External materials would match those of the existing building and overall I find that the extension would comprise a satisfactory addition to the dwelling.

S.SOM.D.C.

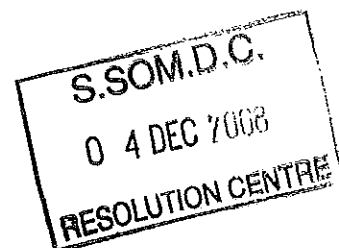
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RESOLUTION CENTRE

4. It is also proposed to remove a timber conservatory in the angle between the extended wing and the main part of the house and replace it with a single storey garden room in traditional construction. This part of the proposal was uncontroversial and in my view it would be an enhancement to the building. I conclude that the proposal would not harm the character or appearance of the area or run contrary to Policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review or to Policies ST5 and ST6 of the South Somerset Local Plan.
5. The Council suggested a condition requiring the external materials of the extensions to match those of the existing building but, as this is clearly specified in the application, I do not consider this to be necessary. Further, the building is not so conspicuous as to justify the construction and prior approval of a sample panel of stonework.

*B J Juniper*

INSPECTOR





# Appeal Decision

Site visit made on 18 November 2008

by **B J Juniper** BSc, DipTP, MRTPI

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Decision date:  
2 December 2008

**Appeal Ref: APP/R3325/A/08/2077686**

**The Shrubbery Hotel, Station Road, Ilminster, TA19 9AR**

- 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 S Shepherd against the decision of South Somerset District Council.
- The application Ref 07/05444/FUL, dated 23 November 2007, was refused by notice dated 3 June 2008.
- The development proposed is residential development of five houses with access, parking and garaging.

## Decision

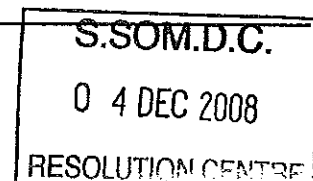
1. I allow the appeal, and grant planning permission for residential development of five houses with access, parking and garaging at The Shrubbery Hotel, Station Road, Ilminster in accordance with the terms of the application, Ref: 07/05444/FUL, dated 23 November 2007 and the drawings submitted with 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) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings 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.

## Main Issue

2. I consider that the main issue is the effect of the proposal on the character and appearance of the Ilminster conservation area.

## Reasons

3. The Ilminster conservation area is extensive and includes the dense, post-mediaeval buildings in the centre of the town as well as later buildings on larger plots to the west, including the Shrubbery Hotel and its grounds. The hotel is relatively close to Station Road and has a car park to the rear, beyond which the ground slopes steeply down in a series of grassed terraces which contain an outdoor swimming pool and some smaller structures. It is on this part of the site that the dwellings would be constructed. They would be accessed from Lower Meadow, a street in the recently built residential area to the south, by breaching the leylandii hedge which marks the boundary.
4. There is dense mature planting of mixed species to the east and west of the site and I judge that this element of the existing vegetation blends seamlessly with the surrounding townscape. The development would barely be visible



from Station Road so that road's spacious character would be undiminished and the present rhythm of the street scene would not be interrupted. The leylandii hedge, however, is a somewhat alien feature in the townscape and I do not consider that the removal of about 10m of it to form an access to the site would harm the conservation area. Indeed, the view into the site from Lower Meadow would be terminated by a range of buildings in a vernacular style which I judge would be wholly appropriate to their setting. Whilst the conservation area boundary would no longer be as starkly delineated as it is at present, I am not convinced that the leylandii hedge is a feature worth retaining intact for its own sake. I do not see any particular advantage in townscape terms to retaining the sharp visual distinction between the land within and outside the conservation area.

5. The appellants argued that the group of buildings would read to some extent as if they were former outbuildings to the hotel but, given the level difference, I do not consider such a relationship would easily be perceived. However, the separation between the existing and proposed buildings, coupled with the substantial open area which would remain on the eastern part of the terraced area, would to my mind retain the general feel of openness of this part of the conservation area. The scheme would also have the advantage of removing the somewhat unsympathetic existing structures. Whilst the character of the conservation area would alter to some extent, I consider that the change would amount to an enhancement. I conclude that the proposal would not harm the character or appearance of the conservation area. It would accord with the requirements in Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and with those in Policies EH1 and ST6 of the South Somerset Local Plan.
6. There was considerable apprehension expressed by residents of Lower Meadow about the use of that street for vehicular access to the site. Given that only five extra dwellings would be added to quite an extensive cul-de-sac, the long term implications for traffic flows and thus highway safety would be modest. I appreciate that during the construction period there would be the potential for noticeable additional heavy traffic, not least because of the necessary excavation. However, this would be for a finite period and there are other measures open to the highway authority to control unwarranted nuisance where it affects public roads. Given the low traffic speeds and the nature of the existing road in Lower Meadow, I do not consider that visibility improvements are required in connection with the development. No evidence was forthcoming to suggest that the swimming pool either fulfilled any significant public need or contributed towards the viability of the hotel. There was also nothing to indicate that the proposal would lead to any potential harm to protected species.
7. No suggested conditions were included in the Council's submissions and, apart from the statutory time limit, I consider that only one is necessary, requiring the approval of samples of the external materials as they are not fully specified in the application.

*B J Juniper*

INSPECTOR

