



Appeal Decision

Site visit made on 6 January 2009

by **Olivia Spencer** BA BSc DipArch RIBA

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

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Decision date:
21 January 2009

Appeal Ref: APP/R3325/A/08/2086793

Land north of The Old Rectory, Ashill, Ilminster TA19 9LY

- 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 Executors of Mrs R J Woodland, Mr L G Woodland and Mrs J M Goddard against the decision of South Somerset District Council.
- The application Ref 06/00258/FUL, dated 27 January 2006, was refused by notice dated 11 August 2008.
- The development proposed is vehicular entrance to a plot of land.

Decision

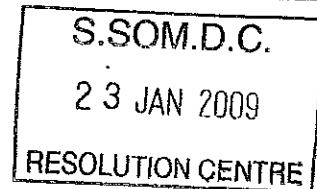
1. I dismiss the appeal.

Preliminary matters

2. The application that led to this appeal for an entrance through a stone wall was amended by submission of revised drawings. Drawings submitted in February 2006 show amendments that include the lowering of the wall to the north of the proposed entrance to provide improved visibility towards the road junction in accordance with advice from the Highways Authority. The application was determined on this basis by the Council. This is the scheme which is before me, and which I understand from the appellant's statement they wish me to consider.
3. Whilst I have considerable sympathy with the appellants in their struggle find a proposal that addresses the concerns of both Highways and Conservation Officers, it is not open to me to propose further amendments to the scheme or to consider significant variations on which the Council and local residents have not had the opportunity to comment.

Reasons

4. The high stone wall is a continuation of the wall attached to the grade II* listed Old Rectory and incorporates its garages. Although not mentioned specifically in the listing description it is, in my view, an important feature of the listed building and its setting, marking and enclosing its historic curtilage.
5. The affected part of the wall has been repaired and in part rebuilt and further repairs may be necessary in the near future. These works are a normal part of the care and history of any structure, and the contribution it makes to the appearance and setting of the listed building remains. High timber boarded



gates inserted into this wall would, on their own, do little to alter its essential character and would not look out of place in the context of the adjacent garage doors and entrance gates.

6. The proposed lowering of the wall to 0.9 metres, reducing it to approximately half its existing height, would on the other hand very significantly alter its character and appearance. The dominating impact of the wall on the street scene would be substantially reduced and the sense of enclosure and privacy it gives to the listed building and its curtilage would be all but lost, as views over it would become readily available. A substantial amount of the historic fabric of the wall would also be lost, and this adds to my conclusion that the proposal would fail to preserve the special interest of the listed building and its setting contrary to Policies ST5, ST6, EH3 and EH5 of the South Somerset Local Plan 2006.
7. I note that the proposed lowering of the wall would have the benefit of improving visibility for drivers turning left into the lane from the former Taunton to Ilminster road. However national and development plan policy places great importance on the preservation of the historic environment and this is not sufficient to outweigh the considerations that led to my conclusion with regard to the impact of the proposal on the special interest and setting of the listed building.

Olivia Spencer

INSPECTOR





Appeal Decision

Site visit made on 6 January 2009

by **Mike Robins** MSc BSc (Hons)

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Decision date:
27 January 2009

Appeal Ref: APP/R3325/A/08/2078262

1 Bubwith Road, Chard, Somerset TA20 2BN

- 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 Miss S Parker against the decision of South Somerset District Council.
- The application Ref 08/00137/FUL, dated 20 December 2007, was refused by notice dated 28 February 2008.
- The development proposed is a 2 bed chalet style starter home with access.

Decision

1. I dismiss the appeal.

Procedural Matter

2. The plan submitted with the appeal related to a further revision which had not been formally considered by the Council, and is not therefore before me. I have subsequently been provided with a plan, having the same reference, PARKER, which was agreed by both parties to have been that considered by the Council at the time of their decision.

Main issues

3. I consider that there are three main issues in this case: firstly the effect of the proposed development on the living conditions of the occupiers of the neighbouring properties, with particular reference to privacy, noise and disturbance, daylight and visual impact; secondly, the effect of the proposal on the highway safety of the users of Bubwith Road; and thirdly the effect on the character and appearance of the surrounding area.

Reasons

4. Bubwith Road is a conventional estate road which is stopped off just before the junction with Dominy Close, creating a cul-de-sac approximately 50 metres to the south of the appeal site. The immediate area consists of a mix of residential development types and styles, with no defining character or orientation to properties. The appeal site itself comprises the side and rear garden areas of No 1 Bubwith Road, and adjoins the rear gardens of Dominy Close, the rear elevation of a new flat development in Beckington Crescent and the remaining garden area for the host property immediately to the north.

Living Conditions

5. The proposed new dwelling would be positioned close to its northern boundary, shared with the host dwelling. It would occupy much of the length of this garden boundary, presenting an overbearing form of development and significantly

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reducing the sunlight and daylight available to this area, materially harming the living conditions for future occupiers of this property. The proposed new access would be close to the side wall of the host property which has a door and windows to kitchen, bathroom and bedrooms. This would represent increased noise and disturbance, and while this may be limited by the widening driveway, as well as the use of appropriate fencing, this would compound the harm I have identified above.

6. Properties to the south on Dominy Close would be overlooked by the main aspect of the proposed house. These views would be oblique towards the rear of the houses themselves, however, the level of overlooking of the garden of No 22 would be significant. The proposal would not reduce daylight or sunlight to these areas because of its northerly position, but the overlooking from all the main windows would represent an unacceptable loss of privacy.
7. This proposal therefore results in harm to the living conditions of the occupiers of the neighbouring properties and is in conflict with the South Somerset Local Plan, adopted 2006, (the Local Plan), and Policy ST6 in this regard. This policy requires that proposals do not unacceptably harm the residential amenity of occupiers of adjacent properties.

Highway Safety

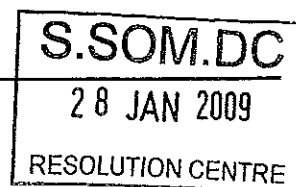
8. The limited plans submitted with this proposal provided insufficient detail to confirm that two parking spaces would remain available to the host property, and the awkward arrangement proposed would be likely to restrict this to only one. I concur with the Highways Authority that this would result in increased on road parking, in an area which, although near to the cul-de-sac where speeds would be low, is within the area required for turning. I noted some existing parking already here and further restriction would compound difficulties for manoeuvring of large vehicles, with a consequential increase in risk to other users. The proposal is therefore in conflict with Policy 48 of the Somerset and Exmoor National Park Joint Structure Plan, adopted 2000, which seeks to prevent harmful, competitive provision of parking.

Character and Appearance

9. The proposal represents a form of backland development, with the new property incorporating the existing driveway and garage and set to the rear of the host property. With the recent nearby flat development and the irregular layout of the properties on Dominy Close, the linear frontage of properties typical of Bubwith Road is not prevalent here. Consequently, I do not consider that the design or the positioning of the proposed property would be detrimental to the character and appearance of the area; furthermore the proposal would make more efficient use of urban land. It would therefore comply in this regard with Policy ST5 and ST6 of the Local Plan, which seek to ensure that the design of new development respects the form, character and setting of the locality.
10. Notwithstanding my findings on this matter, this does not outweigh the harm that I have identified to the living conditions of neighbouring residents and the highway safety of Bubwith Road. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Mike Robins

INSPECTOR





Appeal Decision

Site visit made on 6 January 2009

by **Mike Robins** MSc BSc (Hons)

an Inspector appointed by the Secretary of State
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Decision date:
23 January 2009

Appeal Ref: APP/R3325/A/08/2083192

St Pirans, 4 Broadway Road, Broadway, Ilminster, Somerset TA19 9RX

- 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 K Crouch against the decision of South Somerset District Council.
- The application Ref 08/00123/FUL, dated 10 December 2007, was refused by notice dated 20 February 2008.
- The development proposed is an extension to the east elevation forming bedrooms, kitchen and utility.

Decision

1. I dismiss the appeal.

Main issue

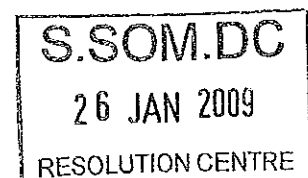
2. The effect of the proposed extension on the living conditions of the occupiers of No 1 Suggs Lane, with particular reference to privacy.

Reasons

3. The appeal site shares a corner plot with No 1 Suggs Lane. This plot is divided diagonally resulting in the dwellings being perpendicular to each other with the rear boundary of No 1 Suggs Lane aligned with the current side elevation of St Pirans.
4. The proposal would introduce an extension to the house which, in common with others in the area, would be of full height and width. This would extend the house very close to this diagonal boundary and overlap the rear garden of the adjacent property. With the sole window to the bedroom set in the rear elevation, this would result in direct views into the only enclosed and private garden area for No 1 Suggs Lane.
5. I accept that there is currently some mutual overlooking, however, these views are oblique or at much greater distance than the view that would be obtained from the proposed new bedroom. This proposal would significantly harm the privacy of the occupiers of the neighbouring property, and would be in conflict with Policy ST6 of the South Somerset Local Plan, adopted 2006, which states development must not unacceptably harm the residential amenity of adjacent properties.
6. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Mike Robins

INSPECTOR





Appeal Decision

Site visit made on 6 January 2009

by **R W N Grantham** BSc(Hons) C.Chem
MRSC MCIWEM

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Decision date:
22 January 2009

Appeal Ref: APP/R3325/A/08/2084691

43 Coronation Street, Chard, Somerset TA20 2ER

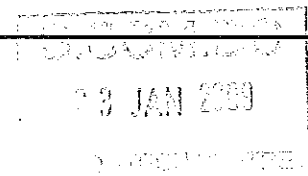
- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr M Slade against the decision of South Somerset District Council.
- The application Ref 08/00620/FUL, dated 5 February 2008, was refused by notice dated 2 April 2008.
- The development proposed is the erection of an end of terrace dwelling.

Decision

1. I allow the appeal and grant planning permission for the erection of an end of terrace dwelling at 43 Coronation Street, Chard, Somerset TA20 2ER, in accordance with the terms of the application Ref 08/00620/FUL, dated 5 February 2008, and the plans submitted with it on drawing number 2638:1A, 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 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, re-enacting or modifying that Order), no first floor windows shall be constructed on the northern elevation of the dwelling hereby permitted.

Procedural Matters

2. Following submission of the application, and discussion with the Council, the design of the scheme was amended to match the height of the main ridge with the rest of the terrace. I am satisfied that no-one would be unduly prejudiced by my consideration of the amended drawing (No 2638:1 Rev A) and I have therefore determined the appeal on this basis. I have also used the description of the development which was given on the application form.
3. I note too that the site appears to be on Coronation Street, rather than Coronation Avenue as the application suggests.



Main Issue

4. The Council raise no objection in principle to the development, to the amenity space that it would provide, to its impact on neighbours' living conditions or to its effect on the street scene. Subject to conditions, which I shall return to later, I see no sound reason to disagree. The main issue here is the impact of the scheme on the free flow and safety of road users.

Reasons

5. The proposals make no provision for off-street parking and, whilst there is only limited on-street parking available in the vicinity, the site is close to public car parks, to the town centre and to a wide range of facilities. Indeed, it is highly accessible when judged against the (2005) provisional parking strategy in the local transport plan. That plan seeks a maximum of 2 car parking spaces for a 3-bedroom dwelling and Policy 48 of the (2000) Somerset and Exmoor National Park Joint Structure Plan Review requires the level of parking provision to be no more than is necessary to enable the development to proceed. Clearly, these requirements are not offended by the zero provision which the appellant proposes.
6. I recognise that the roads here can be busy, at certain times of the day, as there is a primary school nearby. I also acknowledge that the road layout is quite complex hereabouts. However, I find no cogent evidence which persuades me that the proposed development is likely to result in on-street parking outside of the permitted areas. In the circumstances, I see no reason to believe that the scheme would be unduly harmful to the free flow or safety of traffic.
7. For the reasons given above, and having taken account of all other matters raised, I conclude that the appeal should be allowed. However, given the dwelling's end of terrace location and in the interests of protecting the street scene, I do consider it reasonable to ensure that suitable materials are used in the external finish of the development. Also, in order to protect the privacy of neighbours to the north, it is necessary to prevent first floor windows from being inserted in this elevation.

Rupert Grantham

INSPECTOR



Appeal Decision

Site visit made on 27 January 2009

by Roger Dean BSc Dip TP MRTPI

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

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Decision date:
12 February 2009

Appeal Ref: APP/R3325/A/08/2088911

Sunshine Cottage, Forton, Chard, Somerset TA20 2LZ

- 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 K Robbins against the decision of South Somerset District Council.
- The application (Ref. 08/01009/FUL), dated 28 February 2008, was refused by notice dated 2 May 2008.
- The development proposed is alterations and extension to convert an existing dwellinghouse into 3 no. dwellings, widening of access and provision of parking spaces.

Decision

1. I allow the appeal and grant planning permission for alterations and extension to convert an existing dwellinghouse into 3 no. dwellings, widening of access and provision of parking spaces at Sunshine Cottage, Forton, Chard, Somerset in accordance with the terms of the application (Ref. 08/01009/FUL), dated 28 February 2008, and the plans submitted therewith, subject to the conditions listed in the schedule at the end of this decision.

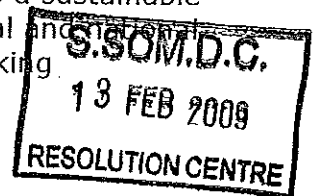
Main issues

2. There are two, the first being whether the proposal amounts to a sustainable form of residential development, having regard to relevant local and regional planning policies. The second is whether the proposed car parking arrangements would prejudice highway safety.

Reasons

Sustainability

3. Forton is an established settlement but it is not classified as a village with a development boundary in the South Somerset Local Plan. Policy ST3 therefore applies which states that development will be strictly controlled, restricted to that which brings about certain benefits and does not foster growth in the need to travel. I do not consider that the proposal would introduce any benefits identified in ST3. Consequently, it must be regarded as conflicting with that policy.
4. Whilst the proposal would bring about some increase in the need to travel, I think the close proximity of Chard makes this much less significant than would be the case with an isolated rural location. I accept that the lack of footways along the link road makes pedestrian access difficult but the site is well served by public transport with a bus stop close by. Thus, inhabitants of the proposed dwellings need not be dependent on private motorised transport to reach the town.



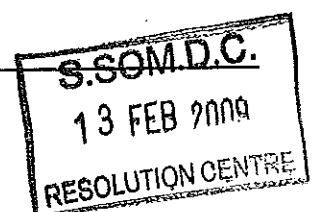
5. Moreover, I place high importance on the appellant's undisputed evidence that there is a marked shortage of accommodation for smaller households in Forton. Two of the proposed dwellings are 2 bed units and the other a compact 3 bed unit. Whether or not they would be occupied as starter homes, as alluded to in the application description, remains to be seen but I have little doubt that the conversion would help to provide a wider range of housing in this small settlement. PPS1: *Delivering Sustainable Development* highlights the importance of creating socially inclusive communities, including suitable mixes of housing. This is echoed in PPS3: *Housing* which expresses the need to develop mixed, sustainable communities across the wider local authority area as well as in towns and villages.
6. Provision for smaller households is achieved in this case by making more effective use of the existing housing stock with very little additional built form. Also, these premises were once used as three dwellings and it strikes me that the scheme would reinstate the historic character of the property. Subject to control over material finishes, this would be an attractive conversion which would respect the intrinsic qualities of this part of countryside, to accord with one of the objectives of PPS7: *Sustainable Development in Rural Areas*.
7. I find, therefore, that whilst the proposed development would conflict with Local Plan Policy ST3, it would meet the aims of the above mentioned national planning policies. These carry substantial weight and the material planning consideration of public transport accessibility also has force. Taken together, they lead me to conclude on this issue that this would be a reasonably sustainable form of residential development overall. This indicates that the scheme would be acceptable despite not being in accordance with the development plan.

Highway safety

8. Six car parking spaces are proposed at the front of the dwellings where access is gained to a lane close to a sharp bend. The local planning authority accepts that with some revision, the parking layout could have adequate visibility for emerging vehicles, to meet the concerns expressed by the highway authority. I have no reason to disagree.
9. Thus, with amended parking arrangements secured by condition, the development would not prejudice road safety nor would it conflict with the development plan policies the Council has identified.
10. In conclusion, I shall therefore allow the appeal subject to conditions. I have considered those suggested by the Council in the light of Circular advice. In addition to those requirements I have already identified, I agree that control over rear boundary treatment, window glazing and possible future window openings is necessary in order to protect neighbouring residential amenity.

SCHEDULE OF CONDITIONS

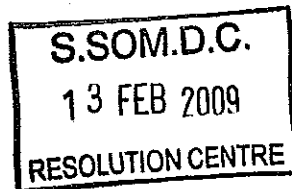
- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.



- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 3) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating revised car parking arrangements, including the surfacing, drainage and means of enclosure of the area(s) proposed. The approved parking arrangements shall be completed before any of the proposed dwellings is occupied.
- 4) 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 treatment to be erected. The approved boundary treatment shall be completed before any of the proposed dwellings is occupied.
- 5) Before the easternmost proposed dwelling is occupied, the window at first floor level on the northern elevation shall be fitted with obscure glazing and retained in that condition.
- 6) 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 other than those expressly authorised by this permission shall be constructed on the western elevation or at first floor level on the northern elevation.
- 7) With respect to any condition that requires the prior written approval of the local planning authority, the works thereby approved shall be carried out in accordance with that approval unless subsequently otherwise approved in writing by that local planning authority.

R.G Dean

INSPECTOR





Appeal Decision

Site visit made on 27 January 2009

by **Mike Robins** MSc BSc (Hons)

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Decision date:
17 February 2009

Appeal Ref: APP/R3325/A/08/2090263 5 Rackclose Park, Chard, Somerset TA20 1RD

- 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 J Davey against the decision of South Somerset District Council.
- The application Ref 08/03909/FUL, dated 27 June 2008, was refused by notice dated 6 November 2008.
- The development proposed is a rebuild of the double garage with bedroom above, box bay windows to the front elevation and a single storey rear extension.

Decision

1. I allow the appeal, and grant planning permission for a rebuild of the double garage with bedroom above, box bay windows to the front elevation and a single storey rear extension at 5 Rackclose Park, Chard, Somerset TA20 1RD in accordance with the terms of the application, Ref 08/03909/FUL, dated 27 June 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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows/dormer windows other than those expressly authorised by this permission shall be constructed on the west elevation or on the rear roof slope of the garage element hereby approved.

Main issues

2. I consider there are two main issues in this case; firstly, the effect of the development on the character and appearance of the area; and secondly, the effect on the living conditions of the occupiers of No 4 Rackclose Park, with regard to privacy and daylight.

Reasons

3. Rackclose Park is a residential estate set in an area that slopes up to the west. It comprises properties of a number of differing styles and types, and the layout, with dwellings set around cul-de-sacs, results in an irregular form to the estate with properties having many differing orientations. This is noticeable on entering the estate with Nos 4, 5 and 6 all orientated differently; consequently the appeal site appears as an individual property in the streetscene. The road

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is well treed with wide pavements and at this point it curves around No 5, providing it with an extensive frontage.

4. In replacing the existing detached flat roof garage with a large adjoined pitch roof structure, the proposal would represent a significant change to the form of the property. It has, however, been designed to respond to the setting, and would take an angle to the existing property which would reflect the curve of the road. Although further roof expanse would be visible, this would not be out of character with a number of large bungalows and other single storey extensions in the area.
5. The property is sufficiently removed from others in the estate such that the bay window additions would not stand out as materially changing its form and limited harm would arise. Similarly the design proposed for the rear extension is well proportioned and suitable for its setting. Consequently, the proposal would not compromise the existing character or appearance of the area, and would therefore comply with Policies ST5 and ST6 of the South Somerset Local Plan, adopted 2006, (the Local Plan). These policies seek to ensure that development respects the form, character and setting of the area.
6. Turning to the effect of the proposal on the neighbouring property, the stepping forward of the garage and the increase in gable wall height would represent a change in the outlook from No 4. Notwithstanding this there are no views directly from the proposed development into the garden area and rear habitable rooms of No 4, and, with the gap between the dwellings, the height of the proposed new garage roof is not such as to present an overbearing development. The new garage is positioned to the west and any reduction in light would be restricted to a small area of the drive and garden already shaded by the substantial trees along the road. Matters in relation to the construction of the garage are not relevant to this decision.
7. Consequently the proposal would not materially harm the living conditions of the occupiers of the neighbouring property and would comply in this regard with Local Plan Policy ST6. This policy seeks to ensure that development does not unacceptably harm the residential amenity of neighbouring occupiers.
8. I have considered the conditions suggested by the Council against the requirements of Circular 11/95, and requiring exact compliance with the submitted plans in relation to materials is not strictly necessary as any material change would require the Council's approval in any event. To protect the privacy of the neighbouring occupiers it is, however, necessary to ensure that no new windows are added that would allow views onto properties to the side and rear. I have imposed a condition to withdraw permitted development rights in relation to this, however, further restriction on other external alterations would not be reasonable.
9. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Mike Robins

INSPECTOR

