



# Appeal Decision

Site visit made on 23 March 2009

by **Jessica Graham** BA(Hons) PgDipL

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

Decision date:  
30 April 2009

**Appeal Ref: APP/R3325/A/09/2093706**

**Land adjacent to Bramble Lea and Englewood, Chard Junction, Somerset  
TA20 4QJ**

- 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 R Guppy and Mr A Butt against the decision of South Somerset District Council.
- The application Ref 08/02373/FUL, dated 22 May 2008, was refused by notice dated 17 July 2008.
- The development proposed is described as "resubmission of refused planning application reference number: 07/04933/FUL for the proposed erection of two detached dwellings and garages – amended site layout and vehicular access".

## Decision

1. I dismiss the appeal.

## Procedural matter

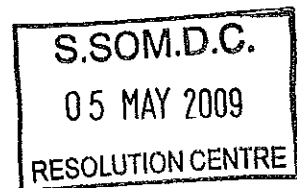
2. The planning application ref 08/02373/FUL, and the current appeal against its refusal, were made jointly by Mr R Guppy and Mr A Butt, the respective owners of Bramble Lea and Englewood. While Mr Butt has subsequently withdrawn from this appeal, Mr Guppy has confirmed his continuing wish that the appeal proceed to determination. I have dealt with the appeal on that basis.

## Main issues

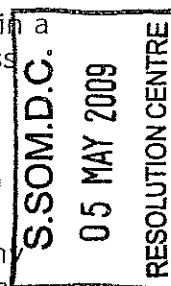
3. I consider the main issues to be the effect that the proposed development would have upon the character and appearance of the area; its impact upon living conditions at neighbouring properties, with particular regard to potential loss of privacy and light; and whether the proposed new dwellings would provide an adequate standard of living accommodation for future occupiers, with particular regard to levels of noise and disturbance.

## Reasons

4. I saw at my site visit that the terraced cottages at the junction of Station Road with the B3167 are set close to the street. Moving south along Station Road away from the junction, the detached dwellings known as Hazel View and Springhaven are stepped further back, their front gardens increasing in size. Englewood continues this progression away from the road, and is the most northerly of a line of houses separated from the eastern edge of Station Road by sizeable front gardens. There is a commercial garage at the side of the road to the south of Bramble Lea, but the functional appearance of this building clearly distinguishes it from the surrounding residential development.



5. In my view, rather than justifying the proposed introduction of adjacent roadside dwellings, the presence of the garage emphasises the value of the current visual separation between the nearby houses and the road. I consider that the proposed construction of two detached houses within the respective front gardens of Englewood and Bramble Lea would appear intrusive and out of character with this part of Station Road, where the large front gardens of the dwellings and the open fields on the opposite side of the road create a street scene that is distinctively spacious. I therefore find that the proposed development would conflict with the aims of Policy ST5 of the South Somerset Local Plan 1991-2011, which seeks to ensure that new development respects the form, character and setting of the locality.
6. The southern elevation of the Springhaven dwelling, which lies very close to its boundary with Plot 2 (land that currently forms part of Englewood's front garden) contains a large window. However, the northern elevation of the house proposed for Plot 2 would have no windows, and this dwelling would be set slightly forward of the Springhaven dwelling. The potential for overlooking, and any consequent loss of privacy, would therefore be limited and would not, in my view, cause significant harm to living conditions at Springhaven. Similarly, while the proximity of the new dwelling to the south would result in a slight reduction of the light available to Springhaven, I consider that this loss would not be so significant as to harm the living conditions of its occupiers.
7. However, the dwelling proposed for Plot 1 (land that currently forms part of Bramble Lea's front garden) would lie immediately adjacent to the adjoining commercial garage, and the flank walls of these two buildings would be separated by a distance of only some 3m. I have not been provided with any details as to existing noise levels, but despite the presence of an intervening boundary hedge, it seems to me highly likely that the presence of a working garage in such close proximity to the proposed dwelling would be likely to cause considerable noise disturbance to future occupiers.
8. I note the appellants suggestion that a condition could be imposed requiring sound-proofing of the roof and structure of the dwelling on Plot 1, but in the absence of any evidence as to the effectiveness of such measures, particularly if the occupiers wished to have their windows open, I am not convinced that they would be sufficient to ensure an acceptable standard of living accommodation. I therefore conclude that while the proposed development would cause no significant harm to the living conditions at existing neighbouring properties, living conditions at the dwelling proposed for Plot 1 would conflict with the objectives of Policy ST6 of the Local Plan.
9. While the proposed development would make use of previously developed land within an existing built-up area, I find that this consideration is greatly outweighed by the harmful impact the new houses would have upon the character and appearance of the area. The unacceptable living conditions provided by the dwelling proposed for Plot 1 lend further weight to my decision that planning permission should not be granted for this proposal. For the reasons given above, I conclude that the appeal should be dismissed.



*Jessica Graham*

INSPECTOR

---