



Appeal Decision

Site visit made on 3 December 2009

by **Wendy J Burden BA DipTP MRTPI**

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

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Decision date:
10 December 2009

Appeal Ref: APP/R3325/A/09/2113887

Land adjoining 22 Kent's Orchard, South Chard, TA20 2QQ

- 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 Matthew Ousley against the decision of South Somerset District Council.
- The application Ref 09/00098/FUL, dated 04/01/09, was refused by notice dated 06/04/09.
- The development proposed is new dwelling within curtilage of existing dwelling.

Decision

1. I dismiss the appeal.

Main issues

2. The main issues in this case are the effect of the proposal on the character and appearance of the area and whether there would be a harmful impact on the living conditions of neighbours by reason of height, bulk and close proximity.

Reasons

3. The appeal site adjoins no 22 Kent's Orchard which is one of a pair of semi-detached dwellings at the end of a row of three such pairs. The construction of a further dwelling attached to the side of no 22 would create a terrace of 3 houses. To the front of no 22 is a substantial area of garden and the new dwelling would be set back from the access way. It is designed to be of similar style to the existing Edwardian houses, and I consider that when seen from this elevation the proposal would be in keeping with the general character of the area.
4. However, to the rear of the appeal site there is a further access way which serves the rear of the existing Edwardian properties, together with the front of a pair of more recently constructed blocks of semi detached dwellings. The rear walls of the older houses are very close to the access way, whereas the modern dwellings sit back from the road behind good sized front gardens. The appeal site currently provides a break between the row of Edwardian dwellings and the more modern houses such that the differing orientation of the groups of dwellings sits comfortably in the street scene.
5. The new dwelling would extend backwards towards the rear access way such that it would be well forward of the building line of the modern dwellings. Furthermore, whilst the new house would be about a metre from the side boundary at its front (west) elevation, it would be less than a metre from the

side boundary fence at the rear, adjacent to the front garden of no 23 Kent's Orchard. Having regard to the juxtaposition of the proposed dwelling to no 23, and its proximity, I consider that it would appear intrusive and out of keeping within the street scene when seen from the access way to the east. As a result I conclude that the proposal would be harmful to the character and appearance of the area, in conflict with Policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policies ST5 and ST6 of the South Somerset Local Plan 2006.

6. Located in such proximity to no 23, I consider that the new dwelling by reason of its height and bulk would be likely to cause harm to the living conditions of the neighbours through the creation of a sense of enclosure on the south boundary of that property. As a result I conclude that the proposal would be in conflict with Policy ST6 of the South Somerset Local Plan 2006.
7. I appreciate that the proposal would provide an opportunity for an additional dwelling close to the village amenities and would comply with Government policy to make the best use of land within built up areas. However, in my view these considerations do not outweigh the harm which I have identified above, and for those reasons I dismiss the appeal.

Wendy J Burden

INSPECTOR