



Appeal Decision

Site visit made on 21 June 2010

by **Nicholas Hammans** FRSA FRTPI
FRGS PPBEng

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

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Decision date:
24 June 2010

Appeal Ref: APP/R3325/A/10/2129238 Emlin, 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 Mr & Mrs B and R Coleman against the decision of South Somerset District Council.
- The application Ref 10/00251/FUL, dated 17 January 2010, was refused by notice dated 1 April 2010.
- The development proposed is a conservatory.

Procedural Matters

1. An application for costs was made by Mr & Mrs B and R Coleman against South Somerset District Council. This application is the subject of a separate Decision.
2. The appeal was initially submitted as a Householder Planning Appeal under expedited procedure. The procedure was subsequently changed to be an unaccompanied site visit. I was able to see the site from public land. It was not necessary for me to enter the site to judge the appeal proposal.

Decision

3. I dismiss the appeal.

Reasons

4. The site is in a neighbourhood of piecemeal development in rural surroundings. It fronts onto a lane approaching Ashill village from the main A358. Emlin is a compact two-storey detached house with a gabled front of traditional proportions and design. There is no formal building line along the lane, but the façade of Emlin is set back more or less in line with houses on either side.
 5. The proposed conservatory had already been erected on the front of the house and was almost completed at the time of my site visit. The grounds of appeal confirm that the plinth, when finished, would match the bricks and render of the house. Its appearance and design are the main issues in this case. The structure projects more than two metres from the front main wall, to one side of the dominant gable. It detracts from the balance and proportions of the façade and is unduly conspicuous. The superstructure, of glass and plastic, bears no relationship to the character and materials of the house. Its appearance harms the built environment and street scene. It conflicts with the objectives of the adopted South Somerset Local Plan, particularly the criteria of Policy ST6 which has been saved for the purposes of the Planning and Compulsory Purchase Act 2004 .
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6. I saw that the neighbourhood includes a variety of house types and designs; and that several houses already have conservatory extensions. Of those mentioned in the grounds of appeal, Lamorna is set at an angle from the lane so that it is not too prominent. A comparable extension at Westwood is thickly screened from view by hedges; but in my opinion it does not create an acceptable precedent for similar front extensions.
7. I have taken account of all other matters in the written representations, including the comments of Ashill Parish Council and local residents who have no objections to the conservatory, but for the foregoing reasons I conclude that the appeal should be dismissed.

Nicholas Hammans

Inspector



Appeal Decision

Site visit made on 7 June 2010

by **Gareth Symons** BSc(Hons) DipTP
MRTPI

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for Communities and Local Government

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Decision date:
18 June 2010

Appeal Ref: APP/R3325/D/10/2128141

Old Yard House, Back Street, Winsham, Chard, Somerset, TA20 4EB

- 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 L & Mrs N Slade against the decision of South Somerset District Council.
- The application Ref: 10/00331/FUL, dated 19 January 2010, was refused by notice dated 18 March 2010.
- The development proposed is an extension to chalet bungalow.

Decision

1. I allow the appeal and grant planning permission for an extension to chalet bungalow at Old Yard House, Back Street, Winsham, Chard, Somerset, TA20 4EB, in accordance with the application Ref: 10/00331/FUL, dated 19 January 2010 and the following conditions:
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawing: 2714:1.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 4) 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, including dormer windows, or doors shall be formed in the north elevation of the hereby permitted extension.

Main Issues

2. These are the effects of the proposal on the character and appearance of the area, including the setting of the Winsham Conservation Area, and the living conditions of the occupiers of Stradbroke with regard to outlook.

Reasons

Character and Appearance

3. I appreciate that the proposal would add to the property which has been extended before. However, the proposed extension would match the design of

the existing property and have a ridge line corresponding with the existing height of the rear projection. The extension would not be unduly large or create a building of disproportionate size in relation to its plot. The extension would also be tucked into an area at the rear of the appeal property which is set down in relation to the higher ground of Stradbroke and surrounded on three sides by existing development. It would not be visually prominent from public viewpoints. Furthermore the other buildings in the area are a variety of sizes and design with little uniformity to their layout. Therefore the extended property would not look out of place.

4. Against this background I find that the proposed extension would be acceptable and it would not harm views into or out of the adjoining conservation area. Consequently the proposal would meet the design aims of policy STR1 from the Somerset and Exmoor National Park Joint Structure Plan Review and policies ST5 and ST6 from the South Somerset Local Plan 2006. I acknowledge that the Council also identified a conflict with policy EN4 from the Regional Spatial Strategy. However I do not have a copy of that policy and, in any event, the policies referred to from the structure plan and local plan seem most relevant to this relatively minor proposal.

Living Conditions

5. The appeal site is at a lower level than Stradbroke. As such, despite this being a two storey proposal, from Stradbroke the extension would have a single storey appearance. The extension would also be set back from the boundary with next door and have a roof sloping away. Furthermore, the extension would be more or less in line with the flank wall of Stradbroke in which there are no windows. These design features would lessen the visual impact of the extension significantly and also mean that light reaching next door would not be materially affected. The extension would project beyond the rear wall of next door by only about 1m. Views from the rear facing windows of Stradbroke towards the extension would therefore be oblique and thus the extension would not be a dominant feature.
6. I appreciate that the extension would enclose the space at the side of Stradbroke more than now. However that space is a narrow side path giving access to and from the front and rear of the property. As such its use is mainly limited to walking from one area to another. Therefore the extension would not cause any major harm to the amenity of the outside space to Stradbroke as a whole. Stradbroke's rear garden is quite small, but given the position and design of the extension in relation to the garden, it would not impinge unduly on the outlook from the rear garden of Stradbroke.
7. In view of the above the extension would not have an overbearing impact on the outlook from Stradbroke. Therefore the proposal would accord with the amenity aims of local plan policy ST6.

Other Matters

8. The proposed extension would be far enough away from dwellings to the rear such that it would not impact unduly on the outlook from, or light reaching, these properties. The distance between proposed windows and existing windows and gardens means that privacy for existing occupiers would not be unacceptably harmed bearing in mind that there is already a degree of mutual

overlooking in the area. I appreciate that the extension would be seen from nearby dwellings. I also note the views expressed about the appearance of the extension and how the property has been extended before. However, I do not find anything of sufficient weight that would cause me to dismiss the appeal.

9. Drainage is a matter than can be dealt with under different powers and I note that the Council's drainage officer did not object to the scheme. There is also no evidence that drainage or flooding is a problem locally. Concerns over subsidence are not substantiated and there is other legislation to cover the carrying out of building works along common boundaries.

Conditions

10. The conditions I have imposed are necessary in the interests of proper planning and for the avoidance of doubt, to safeguard the character and appearance of the area and to protect the future privacy of the immediate neighbours.

Conclusion

11. I have considered everything else raised. Nothing else outweighs my findings above. Consequently I conclude that the appeal should succeed.

Gareth Symons

INSPECTOR