



Appeal Decision

Site visit made on 13 September 2011

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

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

Decision date: 22 September 2011

Appeal Ref: APP/R3325/D/11/2158737

Highdene, Cat Street, Chiselborough, Somerset TA14 6TT

- 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 John Mann against the decision of South Somerset District Council.
 - The application Ref 11/01516/FUL, dated 17 March 2011, was refused by notice dated 29 June 2011.
 - The development proposed is a two storey side extension and detached garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider that there are two main issues in this case, firstly, whether the proposal would preserve or enhance the character or appearance of the conservation area, and secondly, the effect on the living conditions of the occupiers of the neighbouring properties, with particular regard to privacy.

Reasons

3. The appeal site is a bungalow located within a small and attractive village, part of which is designated as the Chiselborough Conservation Area. Although the property lies just outside the boundary, a conservation area (CA) is a designated heritage asset and as such developments that could affect them or their setting need to be carefully considered. In this case the South Somerset Local Plan, adopted 2006, (the Local Plan), sets out in Policy EH1 that development that would effect the setting of the CA or views into or out of the area will be required to preserve or enhance the character or appearance of the area.
4. The CA encompasses the traditional heart of the village including the inn, chapel, church and a number of thatched stone cottages. While the development along Cat Street approaching the CA is of more modern form, houses tend to be large and detached, set in spacious plots with well landscaped gardens. This open village fringe provides a setting for the CA itself.
5. The appeal property is located on a slope and rises above nearby properties and notably the converted Old Forge which lies in front of it, and with which there appears to be a shared drive. As a result of the trees at the entrance and the set back of the property, it is not particularly visible from the immediate front, however, because of its raised position, it is a prominent

building seen on entering the village from the southwest, where it appears as a continuation of a row of dwellings including Kabil and Chy an Bre. There are two large outbuildings within the garden; one is shown to be retained while one would be removed to allow for the large side extension.

6. The proposed double garage would sit at the end of the drive, and while matters concerning the shared access are private ones, the garage would be a prominent detached element here. Furthermore, the side extension would present a large two storey gable which would tower above the Old Forge. In combination with the garage this would represent a very considerable increase in the amount of built development. Visually the additions would result in a property which would appear cramped within its own plot and which would have an uncomfortable relationship with the property to the front. Located tight to the boundary of the CA, it would materially harm the setting and fail to preserve the appearance of the CA.
7. The scheme would therefore conflict with Policy EH1 of the Local Plan, as well as Policy ST6, which seeks to ensure that development respects the form, character and setting of the settlement.
8. Turning to living conditions, I accept that there is an existing element of overlooking of the rear of the Old Forge. This property has a small and very enclosed front garden. To the rear, however, lie main habitable room windows and a well laid out and landscaped patio and raised bed garden.
9. The outbuilding to be retained provides some screening of this area from the oblique views from the front windows of Highdene. While I accept that its retention cannot be guaranteed, the introduction of the extension, with further windows at ground and first floor level immediately behind the Old Forge would increase both perceived and actual overlooking, and would result in a material loss of privacy. Although there would also be overlooking to the east and into the gardens of Cross House Orchard, unlike the relationship with the Old Forge, this would only be to a small part of an exceptionally large garden area and would be at some distance from the property itself. The suggestion put forward by the appellant that obscure glazing could be used would not be appropriate here for either the lounge or where the window at first floor provides the sole aspect to that room.
10. The proposal would, therefore, conflict with Policy ST6 of the Local Plan, as the proposed design would unacceptably harm the residential amenity of the occupiers of the adjacent property.
11. I accept that the outcome of this proposal would result in a larger house which could be considered to provide a more efficient use of the land, however, this would not outweigh the harm to the setting of the CA or the privacy of adjoining occupiers that I have identified. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Mike Robins

INSPECTOR