



Appeal Decision

Site visit made on 31 October 2011

by **John Davies MBE BSc MRTPI**

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

Decision date: 24 November 2011

Appeal Ref: APP/R3325/A/11/2157174

**Land opposite Rose Cottage, St Margarets Lane, South Chard,
Chard TA20 2RU**

- 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 Mrs L Oakerbee against the decision of South Somerset District Council.
 - The application Ref 11/00823/FUL, dated 17 February 2011, was refused by notice dated 21 April 2011.
 - The development proposed is the erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are the effect that the proposed dwelling would have upon the character and appearance of the surrounding area, on highway safety, and on the living conditions of neighbouring residents with particular regard to privacy and outlook.

Reasons

Character and Appearance

3. St Margarets Lane contains dwellings of varied age, design and materials. Most appear to be 100 years old or more, apart from one modern detached bungalow. Whilst there is the occasional flat-roofed extension, traditional pitched roofs predominate, with a complete range of roof coverings, including thatch, slate and tile. The properties are set at a variety of angles to the lane and at a mix of distances from it; some are built directly on the lane edge and others set back at varying distances. Plot sizes also differ markedly. Several properties have generous gardens, but many cover a large proportion of their plot, often built up to the boundaries, adjoining the neighbouring buildings, to create a tightly knit development pattern. The lane is thus characterised by its variety of traditional dwellings and their informal, intimate layout.
 4. Although the proposed dwelling would fill a large part of the appeal site and be close to its boundaries, this would not be out of keeping with the tightly-knit development pattern of the lane. However, also part of the character of the
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lane are the occasional open spaces along its length, which penetrate the otherwise tight development pattern to give views out and a contrast to the sense of enclosure created by the dwellings. The appeal site is one of these open spaces. By filling most of the width of the site, the proposed dwelling would obstruct views from the lane to the surrounding countryside, which would detract from the character of the lane.

5. The Council has no objection to the contemporary design of the dwelling, but the surrounding residents have raised concerns. The flat roof and narrow vertical windows are not characteristic of houses in the lane. These design features would, to my mind, make the proposed dwelling appear incongruous in the context of the traditional design so characteristic of its neighbours. The expanses of timber cladding, particularly on the north elevation, would be out of keeping with the area. The dwelling's incongruous design would detract from the traditional character of the lane. Its impact would be exacerbated by the elevation of the appeal site above the land to the north, which would make the proposed dwelling prominent when seen from the north.
6. As a consequence I conclude on the first issue that the proposed dwelling would harm the character and appearance of the surrounding area, in conflict with Policies ST5 and ST6 of the South Somerset Local Plan 2006, the aim of which is to ensure that development respects the form, density, character and setting of the locality. It also conflicts with Policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011, which requires that development should be of high quality, good design and reflect local distinctiveness.

Highway safety

7. St Margarets Lane is narrow and tortuous, with several sharp, blind bends. The dwellings built on the edge of the lane restrict its width and forward visibility, for both pedestrians and drivers. For much of its length the lane is only wide enough for one vehicle. The appellant confirms that cars have to back up to allow others to pass at the limited locations where this is possible. The difficulties of access along St Margarets Lane make it unsuitable to take additional traffic.
8. St Margarets Lane runs in an arc between its two junctions with School Lane. The visibility at both these junctions is severely limited in both directions by garden walls, hedges and buildings. Visibility to the south for the driver of a vehicle emerging from the northern junction is particularly poor, because of the house built on the corner of St Margarets Lane and School Lane. The proposed dwelling would create additional traffic movements on St Margarets Lane and at the junctions with School Lane. The increase in traffic would be small but the School Lane junctions are so severely sub-standard that any additional traffic movements would be likely to pose an increased risk to highway safety. The appellant states that drivers know the limitations of the junctions and wait on School Lane to allow vehicles to exit St Margarets Lane. The need for turning vehicles to wait on the main road confirms the sub-standard nature of the junctions and the risk they pose to highway safety. I note that there is no record of an accident at these junctions and that traffic speeds on School Lane are kept low by the traffic calming, but these junctions are so demonstrably sub-standard that they are not suited to take any additional traffic. The

presence of a primary school on School Lane, near the northern junction with St Margarets Lane, reinforces the need to ensure that highway safety is adequately protected.

9. I acknowledge that traffic movements on St Margarets Lane will fluctuate naturally as car ownership in the existing dwellings changes. It is also possible that a future occupier of this proposed house may not own a car. However, the house would be large enough for a family and car ownership could not be controlled by a condition. Although the appellant has referred to a permission to change the use of the Old Chapel on St Margarets Lane to residential, no detailed information on that permission is before me. In any event, the scheme before me is unlikely to be directly comparable since it comprises a new dwelling rather than a change of use; I have considered the proposal on its own merit. The most probable result of constructing this dwelling would be an increase in traffic usage of St Margarets Lane and its junctions with School Lane. Bearing in mind the deficiencies of St Margarets Lane and the sub-standard nature of the School Lane junctions, I conclude on the second issue that the proposed dwelling would pose an increased risk to highway safety, in conflict with Structure Plan Policy 49 and Local Plan Policy ST5, which aim to ensure that development provides safe and satisfactory access.

Living Conditions

10. Although not an issue raised by the Council, several neighbours have concerns over the impact on their living conditions. Their privacy would not be significantly affected because of the separation between the proposed dwelling and the surrounding properties, and the location of windows. However, the two semi-detached houses immediately north of the appeal site are oriented so that their front elevations directly face the appeal site, which is elevated significantly above their ground floor levels. Although the proposed dwelling has been designed so as to reduce its roof height, because of the significant difference in levels the proposed dwelling would be dominating and intrusive when seen from the main living room windows of these two houses immediately to the north. The proposed dwelling would therefore harm the living conditions of these residents, contrary to Local Plan Policy ST6(6), which seeks to protect the residential amenity of the occupiers of adjacent properties.

Other Matter

11. I have taken account of the appellant's views in relation to the National Planning Policy Framework Consultation Draft but as this document is in draft form it can only be given limited weight.

Conclusions

12. I recognise that the self-build development proposed is designed to be eco-friendly and is intended for home working. However, these considerations do not outweigh the significant harm I have found to the character and appearance of the area, to highway safety and to the neighbours' living conditions. Consequently, for the reasons given above I conclude, on balance, that the appeal should fail.

John Davies

INSPECTOR