



Appeal Decision

Site visit made on 15 March 2012

by **Olivia Spencer BA BSc DipArch RIBA**

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

Decision date: 26 March 2012

Appeal Ref: APP/R3325/A/11/2166843

Land to the rear of 8 Fore Street, Winsham, Chard TA20 4DY

- 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 P Loaring against the decision of South Somerset District Council.
 - The application Ref 11/02070/FUL, dated 23 May 2011, was refused by notice dated 27 July 2011.
 - The development proposed is erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect on the living conditions of occupiers of adjacent dwellings and future occupiers of the proposed dwelling with regard to privacy, visual impact, and noise and disturbance
 - the effect of the proposed development on the character and appearance of Back Street

Reasons

Living conditions

3. The proposed dwelling would be built in what is now the garden of no.8 with a frontage on Back Street. The rear projecting gable of the proposed house would have no opening at first floor level. The window serving bedroom 3 however would give direct views towards the rear elevation and windows of no.8 at a distance of just some 13 metres, with only a slightly greater distance to those of no.7. Over this distance I consider occupiers of both the existing dwellings and the proposed house would experience the available views as intrusive. Mutual overlooking at close quarter of the garden areas would also be available. Where houses stand along side each other the most frequently used areas immediately behind the house are typically the most private. This is the existing relationship between nos. 7 and 8 Fore Street. The introduction of the proposed house would allow views directly to these areas significantly reducing the privacy experienced by occupiers.

4. The appellant has suggested that the window of bedroom 3 could be obscure glazed. However, obscure glazing up to 1.6 metres of the only window serving a bedroom would give the room an unpleasantly enclosed character. It cannot be compared to a room with a roof light which may well offer a generous view of the sky and horizon. Given the poor quality living environment it would provide for the occupiers of bedroom 3, a condition requiring obscure glazing could not reasonably be imposed. And whilst I note that an equivalent degree of overlooking may exist in other locations, this does not justify similar harm arising from development on this site.
5. The main garden of the Manse is a narrow strip beyond the Hall between the appeal site and Beaucroft. The proposed dwelling would sit south west of this garden approximately 2 metres off the boundary. Although set at a lower level, the 2 storey gable wall would rise substantially above the boundary fence. The rear projection would be set only a little further from the fence. Although the roof of this element would slope away from the neighbouring property, the building as a whole would appear as a very substantial and in my view enclosing and overbearing structure to those in the Manse garden.
6. 4no. proposed parking spaces would be close to the front of the house but only 2no. would be used by residents of the dwelling. Those in front of the living room would be approximately 1 metre from the window. Unlike on-street spaces, these would be used regularly and with no control over vehicle movements in and out of 2 of the spaces, I consider engine noise, lights and car doors banging would result in future occupiers of the proposed house experiencing unreasonable noise and disturbance. Although the spaces in front of the kitchen window would be marginally further from the house and in front of an arguably less sensitive ground floor room, they would be under the only window serving the master bedroom. Restricting use by no.8 to these spaces would not therefore significantly reduce the adverse effect on the living conditions of residents I consider the proposed parking would have.
7. I conclude therefore that the development would adversely affect the living conditions of occupiers of the adjacent properties nos.7, 8 and the Manse and that it would provide a poor quality living environment for future residents of the proposed dwelling. It would thus conflict with the objectives of Policy ST6 of the South Somerset Local Plan (LP) 2006.

Character and appearance

8. I have no reason to disagree with the Council's view that the proposed house would be of a design and of materials that relate to properties in the area generally. There are a variety of building types in Back Street, and the relationship of dwellings to the road edge also varies. The house opposite the site is a low 2 storey building; Beaucroft to the north is mainly single storey but set at a higher level. Given this and the distance of Beaucroft from the appeal site, the proposed house would not appear out of scale with it. Open gardens characterise the east side of the street south of the appeal site, but to the north Back Street has dwellings on both sides of the road. In this context the proposed house would not appear obtrusive, out of scale or inappropriate. I conclude therefore that the proposed development would have no significant detrimental effect on the character and appearance of Back Street, and that the setting of the adjacent Conservation Area would thus be preserved. In this respect the scheme would accord with Policy STR1 of the Somerset and Exmoor

National Park Joint Structure Plan Review 2000 and with LP Policies ST5 and ST6.

Conclusion

9. The appellant has referred to the *National Planning Policy Framework*. This is in draft and I therefore give it little weight. Nevertheless I note that the site lies within the village boundary and the Council has raised no objection to the principle of development in this location. I have concluded that the proposal would have no significant detrimental effect on the character and appearance of Back Street, and it is the case that the scheme would add a new dwelling to the local housing stock. These are not sufficient however to outweigh the considerations that led to my conclusion on the first main issue and I conclude overall therefore that the appeal should be dismissed.

Olivia Spencer

INSPECTOR