



Appeal Decision

Site visit made on 1 October 2012

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

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

Decision date: 22 October 2012

Appeal Ref: APP/R3325/A/12/2177738

Brightstone, Love Lane, Ilminster, Somerset, TA19 0AR

- 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 Grinter against the decision of South Somerset District Council.
 - The application Ref: 11/04459/FUL, dated 7 November 2011, was refused by notice dated 29 December 2011.
 - The development proposed is the erection of a detached dwelling house and alterations to the access.
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Procedural Matter

1. Instead of using the description of the proposed development given on the application form, I have used the one that appears on the Council's decision notice which is the same as the appeal form. It is a neater description. This minor matter does not affect consideration of the appeal in any way.

Decision

2. The appeal is allowed and planning permission is granted for the erection of a detached dwelling house and alterations to the access at Brightstone, Love Lane, Ilminster, Somerset, TA19 0AR, in accordance with the application Ref: 11/04459/FUL, dated 7 November 2011, subject to the following conditions:
 - 1) The development hereby permitted shall begin within three years from the date of this decision.
 - 2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the following approved drawings: 3278/01 Proposed Site Plan; 3278/02 Proposed Plans & Elevations & Location Plans; 3278/03 Existing Site Plan.
 - 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted (including walls, roofs, windows, doors, eaves/fascias and rainwater goods) have been submitted to an approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and kept as such thereafter.
 - 4) The dwelling hereby permitted shall not be occupied until the parking and turning areas shown on drawing no. 3278/01 have been provided in accordance with details that have been previously submitted to and approved in writing by the local planning authority. The parking and turning

areas shall be kept clear from obstruction and available for their intended purposes thereafter.

- 5) No development shall take place until details of surface water drainage have been submitted to and approved in writing by the local planning authority. The approved drainage details shall be provided before the dwelling hereby permitted is first occupied and they shall be kept operational thereafter.
- 6) 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 new windows (including dormer windows) or doors, other than those shown on the approved drawings, shall be formed at first floor/roof level in the north, south and east elevations of the dwelling hereby permitted.

Main Issues

3. The main issues are the effects of the proposed development on the character and appearance of the area and on highway safety.

Reasons

Character and Appearance

4. The layout of dwellings off Love Lane is very mixed. Development on the hillside is arranged over different levels and there are significant variations in plot sizes, density and the way that properties are arranged. Some are next to the lane, some are set back and others are side on to the lane. There is also an eclectic mix of modern and traditional styles of properties that includes bungalows, semi-detached, detached and terraced houses. There is no uniformity to the pattern of development or architecture that the appeal dwelling would necessarily have to conform.
5. Furthermore, due to the back garden position of the proposed single storey property, and the restricted lines of view from the lane, it would not be in a prominent position. It would be seen from neighbouring properties and from further way, such as the car park to the youth centre and the houses and the footpath at the rear. However, with its simple design seen against the variable backdrop of development, it would not look out of place. It also would not extend any further back from the lane than no 16 Lovè Lane and thus it would not be out of character in this regard either.
6. As for the hard surface areas for car parking and turning, the majority of the area proposed in front of the existing garages is already there and the proposed areas at the front of Brightstone would be tucked behind the front boundary wall. These areas would not harm the visual amenities of the lane. Car parking areas and driveways are not unusual features in the area anyway.
7. The appeal proposal would not harm the character and appearance of the area. As such it would accord with the design aims of policy STR1 from the Somerset and Exmoor National Park Joint Structure Plan Review (SP) and policies ST5 and ST6 from the South Somerset Local Plan. The aims of these policies are consistent with the requirement for good design in the National Planning Policy Framework (the Framework) and so they have significant weight.

Highway Safety

8. The relatively small size of the bungalow with only two bedrooms would be unlikely to attract occupation by a family who could have several cars. Also, the site is in a sustainable location with an easy walk into the town centre where there is a wide range of services. Via nearby Frog Lane there is also a good footpath link to the local supermarket and facilities such as the tennis and bowls clubs. Given these factors, the estimated increase in traffic using Frog Lane would probably be less than the 6 to 8 extra vehicular movements per day associated with an average dwelling suggested by the local highway authority. In the context that Frog Lane already serves 32 dwellings and the traffic associated with those, the new dwelling would not materially increase vehicle movements along the lane or at the junction with East Street.
9. Consequently, despite the misgivings expressed about the narrowness of the lane and the limitations of the junction, including substandard visibility for emerging drivers, the appeal proposal would not have an undue adverse affect on highway safety. There is also no evidence that the current road circumstances are dangerous in terms of accidents or injuries to road users.
10. Some local residents have referred to highway difficulties that may occur during construction of the house when building materials are delivered. It is accepted that some traffic disruption may arise during such times. However, the inconvenience caused would be brief and intermittent and limited to the building phase. This is not a reason to withhold planning permission.
11. I have taken account of all other highway related matters, but none outweigh the findings above. The appeal scheme would accord with the highway safety aims of policy 49 from the SP and policy ST5 from the LP. The local highway authority has referred to the third bullet point of paragraph 32 from the Framework. However, that comes from the sentence that starts "all developments that generate significant amounts of movement". For the reasons given that is not the case here and so this reference to the Framework is not relevant. Nevertheless, the SP and the LP policies are consistent with the aims of the Framework as they relate to developments creating safe layouts. As such the policies should be accorded significant weight.

Conditions

12. The proposed conditions have been considered against Circular 11/95 *The Use of Conditions in Planning Permissions*. They have been modified or amalgamated accordingly. Condition 2 is needed for the avoidance of doubt and in the interests of proper planning. Condition 3 is necessary to safeguard the character and appearance of the area. Conditions 4 and 5 are appropriate for highway safety reasons. Condition 6 protects the privacy of neighbours.

Other Matters

13. I am aware from the representations made that there have been several recent developments in the immediate area. I saw those referred to and I have taken them into account in reaching my decision. None persuade me from finding that the appeal proposal would be acceptable. I have also considered some other amenity concerns such as privacy. However, due to the single storey height, position, orientation and arrangement of ground floor windows of the appeal property, I am satisfied that it would not unacceptably invade the privacy of neighbours. No other matters raised outweigh the previous findings.

Conclusion

14. The appeal should be allowed.

Gareth Symons

INSPECTOR



Appeal Decision

Site visit made on 25 October 2012

by **Michael J Muston BA(Hons) MPhil MRTPI**

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

Decision date: 2 November 2012

Appeal Ref: APP/R3325/A/12/2180139

Field between Greenways and Farmhouse Cottage, Boozer Pit, Merriott, Somerset

- 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 Roger Clemas against the decision of South Somerset District Council.
 - The application Ref 11/03775/FUL, dated 12 September 2011, was refused by notice dated 15 March 2012.
 - The development proposed is the provision of an access from the highway for use by agricultural machinery.
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Decision

1. The appeal is allowed and planning permission is granted for the provision of an access from the highway for use by agricultural machinery at the field between Greenways and Farmhouse Cottage, Boozer Pit, Merriott, Somerset, in accordance with the terms of the application, 11/03775/FUL, dated 12 September 2011, and the plans submitted with it, as amended by further submissions in January and June 2012, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) All planting, seeding or turfing comprised in the approved details of landscaping (Drawing 1583/P01, dated June 2012) shall be carried out in the first planting and seeding seasons following the completion of the development; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
 - 3) There shall be no obstruction to visibility greater than 900 mm above the adjoining road level forward of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 28 metres either side of the access. Such visibility shall be fully provided before the access hereby permitted is brought into use and shall thereafter be maintained at all times.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: MS P-01 (Location Plan), MS P-01 (Vision Splay) and 1583/P01 (Schematic Landscape Proposal).

Main issues

2. I consider the main issues in this case to be the effect of the proposal on:-
- the rural character and appearance of the area,
 - highway safety.

Reasons

Character and appearance

3. The appeal site is located on Boozer Pit, a lane heading north-east out of Merriott into the countryside. This has a semi-rural character, with historic field hedges close to the road interspersed with lower, pruned hedges and low stone walls, many of which are set back behind narrow grass verges.
4. The hedge along the frontage of the appeal site appears to be of some age and is immediately adjacent to the highway on the inside of a shallow bend. Opposite the site, on the outside of the bend, is a lower, clipped hedge and a low wall in front of Charing, set behind a narrow grass verge. To the south-west, towards the village, Greenways and 41 Boozer Pit face each other across the lane and are both fronted by low stone walls set back to some extent from the lane. To the north-east, away from the village, a similar mixture of original field hedges, lower, pruned hedges and low stone walls in front of properties predominates.
5. I agree with the Council that the existing hedge adds to the rural character of this part of Merriott. The proposal would involve a significant section of this hedge being translocated, supplemented by new planting, behind an area to be planted with a wildflower seed mix. Maintained hedgerows set behind grass verges are an established element of the character of this part of the village. However, the appeal proposal, governed as it is by the need to provide adequate visibility from the new access, would involve a substantial section of the translocated hedge being set further back from the lane than is common along Boozer Pit.
6. I do not believe that the revised proposal represents an over-engineered or over-scaled proposal. I agree with the highway authority that it is the minimum required to achieve acceptable visibility from the new access. However, by involving the loss of the existing historic hedge line and by setting the new hedge back to the extent that is required, the proposal would in my opinion cause some harm to the rural character of this part of Boozer Pit. I conclude that the proposal would have a limited adverse impact on the rural character and appearance of the area, contrary to saved Policies ST5, ST6 and EC3 of the South Somerset Local Plan 2006.

Highway safety

7. The agricultural holding served by the proposed new access is currently reached via a right of way to the north-east of The Farmhouse. I saw on my site visit that visibility from that access is very constrained, particularly to the south-west, where an adjacent building, not in the appellant's control, restricts visibility to a few metres. The use of this access by potentially large and/or slow-moving farm equipment must give rise to the risk of collisions on Boozer Pit.

8. The new access has been designed to have visibility splays of 2.4 metres by 28 metres in each direction. The highway authority has confirmed that this is acceptable. In my opinion, the proposed new access would represent a significant improvement over the existing one in terms of visibility and would result in an overall improvement in highway safety along this part of Boozer Pit. I conclude that the proposal would have a beneficial effect on highway safety, and would comply with saved Policy ST5 of the South Somerset Local Plan 2006 in this respect.

Conclusions

9. I have concluded that the proposal would have a limited adverse impact on the rural character and appearance of the area. However, I have also concluded that the proposal would have a beneficial effect on highway safety. I consider this benefit to outweigh the limited harm to the landscape and have accordingly allowed the appeal.

Conditions

10. In the event that I allow this appeal, the Council has suggested, in addition to the standard time condition and plans conditions, a condition requiring the implementation of the landscape plan and another ensuring visibility splays are provided and maintained. I agree that the former is needed in the interests of the character and appearance of the area and the latter in the interests of highway safety.

Michael J Muston

INSPECTOR