



Appeal Decision

Site visit made on 11 February 2014

by **J J Evans BA (Hons) MA MRTPI**

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

Decision date: 20 March 2014

Appeal Ref: APP/R3325/A/13/2208403
47 Glynswood, Chard, Somerset TA20 1AL

- 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 Steve Hill against the decision of South Somerset District Council.
 - The application Ref 13/00828/FUL, dated 27 February 2013, was refused by notice dated 23 September 2013.
 - The development proposed is the construction of a new dwelling in the garden of No 47 Glynswood, Chard.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a new dwelling in the garden of 47 Glynswood, Chard, Somerset TA20 1AL in accordance with the terms of the application, Ref 13/00828/FUL, dated 27 February 2013, and the plans submitted with it, subject to the conditions listed in the schedule attached to this decision.

Main Issues

2. The main issues are the effect of the proposed dwelling on the character and appearance of the surrounding area; and the effect on the living conditions of nearby residents and the future occupiers of the proposed dwelling, with particular regard to overlooking and external amenity space.

Reasons

Character and Appearance

3. The appeal site lies within a predominantly residential area comprising a mix of houses and bungalows of similar ages and styles. To the front of No 47 is a public footpath, beyond which is a school playing field. The large side garden of the bungalow slopes gently down towards a row of garages that are aligned along a cul-de-sac.
4. No 47 is one of several similarly styled semi-detached bungalows found in the area. In most cases the bungalows have shallow front gardens and small rear gardens. The positioning of the garages for the bungalows along the nearby cul-de-sacs has resulted in a tight knit spacing to the properties.
5. The proposed detached bungalow would be of a similar size and height to those that would border it. It would have front and rear gardens that would be comparable in size to those of many of the other bungalows nearby, and like

No 47, it would be orientated to overlook the public footpath that borders the site. Although the roof of the proposed bungalow would have a different pitch to that of No 47, the difference between them would not be so substantial as to appear discordant amongst the surrounding properties.

6. Most of the surrounding bungalows do not have parking provision within their plots. However, both Nos 45 and 47 have large side gardens due to their end of cul-de-sac positioning, and as such they are able to have parking spaces within their gardens. There would be sufficient space within the appeal site to accommodate four spaces, two of which would serve No 47. The angled positioning of a space to partly cross the front elevation of the proposed bungalow would appear as an extension to the cul-de-sac and as such would not harm the character and appearance of the area.
7. The provision of the proposed parking spaces would necessitate the removal of a small tree from the site that is growing close to the existing garage. It has been shaped by this proximity, and as such its removal would not harm the character and appearance of the area.
8. I therefore find that the proposed dwelling would not harm the character and appearance of the surrounding area and would be in accordance with Policies ST5 and ST6 of the South Somerset Local Plan (2006) (LP), and an objective of the National Planning Policy Framework (the Framework), that seek good design which reflects local distinctiveness.

Living Conditions

9. The proposed dwelling would front the public footpath, and would be angled away from the side elevation of No 47. This would provide a greater separation between them than is found with the surrounding properties. There are windows to the side of No 47 that would overlook the appeal site. However, the proposed bungalow would be at a lower level than No 47, and have a blank side elevation facing its neighbour. This would protect the living conditions of both the existing properties and that of the future occupiers of the proposed bungalow.
10. The proposed bungalow would be of modest proportions, positioned at an oblique angle to No 47, and at a lower level to the properties to its rear. As such it would not result in unacceptable levels of overlooking either for the surrounding properties or for the future occupiers of proposed bungalow.
11. Both the front and rear gardens would be of a similar size to those found on the nearby bungalows and would have a regular shape. The proposal would therefore provide an adequate level of usable external amenity space comparable to that of the properties around it.
12. Although I acknowledge the fears of the occupiers of nearby properties that further overlooking could occur by converting the roof, I am satisfied that conditions removing permitted development rights, to prevent the insertion of additional openings and further extend the bungalow, would protect the living conditions of neighbouring properties.
13. Nearby residents are also concerned that the provision of high fences to the proposed bungalow would cause a dark outlook. However, there are already existing high fences defining the boundaries of No 47. I am satisfied that the amount of separation between the proposed dwelling and No 47, and their

oblique orientation to each other, would not result in a harmfully dark outlook to either property.

14. I therefore find that the proposed dwelling would not harm the living conditions of the neighbouring properties or future occupiers of the proposed bungalow with regard to overlooking and external amenity space. As such it would be in accordance with LP Policy ST6 and an objective of the Framework that seek a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

15. Local residents are concerned that the proposed bungalow would exacerbate traffic congestion and parking problems. However, the level of proposed parking would be commensurate with the size of the proposed dwelling, and in the absence of any technical evidence to support the concerns of the residents, and noting the absence of objection from the highway authority, I am not persuaded that there would be an unacceptable impact on highway safety within the area.
16. Concern has also been raised that the proposed dwelling would be constructed on unstable ground and that it could result in damage to neighbouring properties. Although I note the comments of the appellant that the new dwelling could be constructed to address the matter of land stability, the method of construction of the proposed bungalow would be subject to other legislative controls.
17. I have also considered the alleged limitations of the capacity of the existing sewerage system, but have no substantive evidence before me as to the impact an additional dwelling would have. Issues of land ownership are a matter for the relevant parties to resolve, and have not had any material bearing on my assessment of the planning issues in this appeal.
18. I therefore find that none of these matters outweighs my findings on the main issues.

Conditions

19. The conditions suggested by the Council have been considered against the requirements of paragraph 206 of the Framework. Where necessary and in the interests of clarity and precision they have been altered to better reflect these requirements and that in Planning Practice Guidance. The standard time limit condition has been imposed, as has one requiring the development to be carried out in accordance with the approved plans, so as to avoid doubt and in the interests of proper planning.
20. To protect the character and appearance of the area conditions have been imposed requiring the submission of samples for the external surfaces of the bungalow, details of hard landscaping, and a condition removing permitted development rights for outbuildings.
21. I have also imposed conditions requiring details of boundary treatments and ones removing permitted development rights for creating additional openings and extensions to the bungalow, to ensure that the living conditions of neighbouring properties is not unacceptably compromised.

22. Finally I have also required conditions for safe parking and access to the site and satisfactory surface water drainage provision in the interests of highway safety and to protect the water environment. As the bungalow would be attached to the main sewer, I have not imposed a condition requiring details of foul drainage.

Conclusion

23. The Government's Planning Practice Guidance was published on the 6 March 2014. The content of the Guidance has been considered but in light of the facts of the case the document does not alter my conclusions.

24. For all the reasons given above, I conclude that the appeal should be allowed.

J J Evans

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans (except where directed otherwise by the conditions below): 264/01 01 B, 264/01 02 B, 264/01 03, 264/01 04 A, 264/01 05 A, 264/01 06 A, 264/01 07 A, and 264/01 08.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials, and type of boundary treatments to be erected. The boundary treatments shall be completed before the bungalow hereby permitted is occupied. Development shall be carried out in accordance with the approved details.
- 5) The area allocated for parking on the submitted plan (2 spaces for the existing bungalow and 2 spaces for the proposed bungalow), shall be kept clear of obstruction and shall not be used other than for parking of vehicles in connection with the development hereby permitted and No 47 Glynswood.
- 6) Before any part of the development hereby permitted is commenced, a scheme of hard landscaping for the pathways, parking and turning areas shall be submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until the approved scheme has been completely implemented.
- 7) No development shall commence until a scheme for the discharge of surface water from the site (including surface water from the parking area and pavements), has been submitted to and approved in writing by the local

planning authority. The approved details shall be completed and be fully operational before the development hereby permitted is first brought into use.

- 8) 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 additional windows, including dormer windows, or other openings, including doors, shall be constructed in the dwelling without the prior express granting of planning permission from the local planning authority.
- 9) 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 garages or outbuildings shall be erected within the curtilage of the dwelling without the prior express granting of planning permission from the local planning authority.
- 10) 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), there shall be no extensions to the rear elevation or roof of the dwelling without the prior express granting of planning permission from the local planning authority.