



Area South Committee

Wednesday 31st March 2021

2.00 pm

A virtual meeting via Zoom meeting software

The following members are requested to attend this meeting:

John Clark
Nicola Clark
Karl Gill
David Gubbins
Peter Gubbins
Kaysar Hussain
Andy Kendall

Mike Lock
Pauline Lock
Tony Lock
Graham Oakes
Wes Read
David Recardo
Gina Seaton

Peter Seib
Alan Smith
Jeny Snell
Andy Soughton
Rob Stickland

There are no planning applications to consider this month.

Any members of the public wishing to address the virtual meeting during either Public Question Time or regarding a Planning Application, need to email democracy@southsomerset.gov.uk by 9.00am on Tuesday 30th March 2021.

This meeting will be viewable online by selecting the committee meeting at: https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA

For further information on the items to be discussed, please contact: democracy@southsomerset.gov.uk

This Agenda was issued on Monday 22 March 2021.

Alex Parmley, *Chief Executive Officer*

This information is also available on our website www.southsomerset.gov.uk and via the mod.gov app

Information for the Public

In light of the coronavirus pandemic (COVID-19), Area South Committee will meet virtually via video-conferencing to consider and determine reports. For more details on the regulations regarding remote / virtual meetings please refer to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 as part of the Coronavirus Act 2020.

Area South Committee

Meetings of the Area South Committee are usually held monthly, at 2.00pm, on the first Wednesday of the month (unless advised otherwise). However during the coronavirus pandemic these meetings will be held remotely via Zoom and the starting time may vary.

Agendas and minutes of meetings are published on the council's website at:
<http://modgov.southsomerset.gov.uk/ieDocHome.aspx?bcr=1>

Agendas and minutes can also be viewed via the mod.gov app (free) available for iPads and Android devices. Search for 'mod.gov' in the app store for your device, install, and select 'South Somerset' from the list of publishers, then select the committees of interest. A wi-fi signal will be required for a very short time to download an agenda but once downloaded, documents will be viewable offline.

Public participation at meetings (held via Zoom)

Public question time

We recognise that these are challenging times but we still value the public's contribution to our virtual meetings.

If you would like to address the virtual meeting during Public Question Time or regarding a Planning Application, please email democracy@southsomerset.gov.uk by 9.00am on Tuesday 30th March 2021. When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.

The period allowed for participation in Public Question Time shall not exceed 15 minutes except with the consent of the Chairman and members of the Committee. Each individual speaker shall be restricted to a total of three minutes.

This meeting will be streamed online via YouTube at:
https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA

Virtual meeting etiquette:

- Consider joining the meeting early to ensure your technology is working correctly.
- Please note that we will mute all public attendees to minimise background noise. If you have registered to speak during the virtual meeting, the Chairman or Administrator will un-mute your microphone at the appropriate time. We also respectfully request that you turn off video cameras until asked to speak.
- Each individual speaker shall be restricted to a total of three minutes.
- When speaking, keep your points clear and concise.
- Please speak clearly – the Councillors are interested in your comments.

Planning applications

It is important that you register your request to speak at the virtual meeting by emailing democracy@southsomerset.gov.uk by 9.00am Tuesday 30th March 2021. When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.

Consideration of planning applications at this meeting will commence no earlier than the time stated at the front of the agenda and on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered.

Comments should be confined to additional information or issues, which have not been fully covered in the officer's report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the planning officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The planning officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to three minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- Town or Parish Council Spokesperson
- Objectors
- Supporters
- Applicant and/or Agent
- District Council Ward Member

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

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Area South Committee

Wednesday 31 March 2021

Agenda

Preliminary Items

1. Minutes of previous meeting

To approve as a correct record the minutes of the Area South Committee meeting held on 2nd September 2020.

2. Apologies for absence

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. Where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council.

Planning Applications Referred to the District Council's Regulation Committee

The following members of this Committee are also members of the Council's Regulation Committee:

Councillors Peter Gubbins, Tony Lock, David Recardo and Andy Soughton.

Where planning applications are referred by this Committee to the Regulation Committee for determination, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

4. Public question time

5. Chairman's announcements

6. Reports from representatives on outside organisations

This is an opportunity for Members who represent the Council on outside organisations to report items of interest to the Committee.

Items for discussion

7. **Yeovil Chamber of Trade Presentation** (Page 7)
8. **Presentation on the Role of Scrutiny** (Page 8)
9. **Update of the Environmental Services** (Page 9)
10. **Area South Forward Plan** (Pages 10 - 11)
11. **Planning Appeals** (Pages 12 - 23)

Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council's Scrutiny Committee prior to implementation.

This does not apply to decisions taken on planning applications.



Yeovil Chamber of Trade

Lead Officer: David Woan, President Chamber of Trade
Contact Details: president@yeovilchamber.org

David Woan, President Chamber of Trade will be attending Area South Committee to give members a presentation regarding the work and links with Yeovil Town and the Chamber of Trade.



Role of Scrutiny

Director:	Nicola Hix, Strategy & Support Services
Service Manager:	Peter Paddon, Lead Specialist Strategic Planning
Lead Officer:	Stephanie Gold, Specialist Scrutiny and Member Development
Contact Details:	Stephanie.gold@southsomerset.gov.uk or 01935 462656

Councillor Crispin Raikes, Chairman of Scrutiny Committee, along with the vice-chairs and Scrutiny Specialist will be attending Area South Committee to provide members with a presentation regarding the work and role of Scrutiny.



Environmental Services

Strategic Director: Clare Pestell, Commercial Services and Income Generation
Lead Officer: Chris Cooper, Environmental Services Manager
Contact Details: Chris.cooper@southsomerset.gov.uk or 01935 462840

Chris Cooper, Environmental Services Manager will be attending Area South Committee to give members an overview of the work and role of the Environmental Services Team.



Area South Forward Plan

Director: Nicola Hix, Strategy & Support Services
Lead Officer: Jo Boucher, Case Officer (Strategy & Commissioning)
Contact Details: Jo.boucher@southsomerset.gov.uk or (01935) 462011

Purpose of the Report

This report informs Members of the agreed Area South Forward Plan.

Recommendations

Members are asked to:

- a. Comment upon and note the proposed Area South Forward Plan as attached;
- b. Identify priorities for further reports to be added to the Area South Forward Plan, developed by the SSDC lead officers.

Area South Committee Forward Plan

The forward plan sets out items and issues to be discussed by the Area Committee over the coming months.

The forward plan will be reviewed and updated each month, by the joint lead officers from SSDC, in consultation with the Area Committee Chairman. It is included each month with the Area Committee agenda, where members of the Area Committee may endorse or request amendments.

Members of the public, councillors, service managers, and partners may request an item is placed within the forward plan for a future meeting, by contacting the Agenda Coordinator.

Background Papers

None

Notes

- (1) Items marked in *italics* are not yet confirmed, due to the attendance of additional representatives.
- (2) For further details on these items, or to suggest / request an agenda item for the Area South Committee, please contact the Case Officer – Strategy and Commissioning; Jo Boucher.

Meeting Date	Agenda Item	Lead Officer
12th May 2021	2021/22 Area Chapter delivery plan	Tim Cook – Locality Team Manager
	Presentation on Community Infrastructure Levy (CIL) governance	Peter Paddon, Lead Specialist, Strategic Planning
TBC	Report on proposed cycleways and footpaths in Yeovil.	SCC
TBC	Update on recent road improvements in the town and the public feedback	SCC
TBC	Community Funding Requests	Ongoing



Planning Appeals

Director: Kirsty Larkins (Service Delivery)
Lead Officer: Barry James, Interim Planning Lead Specialist
Contact Details: Barry.James@southsomerset.gov.uk

Purpose of the Report

To inform members of the appeals that have been lodged, decided upon or withdrawn.

Recommendations

That the report be noted.

Background

The Area Chairmen have asked that a monthly report relating to the number of appeals received, decided upon or withdrawn be submitted to the Committee.

Report Detail

Appeals Received

Ward: Coker
Proposal: The erection of a detached garage (retrospective)
Appellant: Mr & Mrs Rickards-Sanger
Site: The Oaks, 141 West Coker Road Yeovil BA20 2HH

Ward: Coker
Proposal: Erection of 2 dwellings with garages/carport and associated parking and access
Appellant: Mrs Cheeseman
Site: Land OS 2972 Partway Lane Hardington Mandeville Yeovil Somerset

Appeals Dismissed

Ward: Yeovil Without
Proposal: The erection of 9 No. dwellings along with associated access, parking and landscaping
Appellant: John Snell & Julie Tomsett
Site: Land North Of Combe Street Lane Yeovil Somerset



Ward: Coker

Proposal: The erection of a single storey dwelling.

Appellant: Mr And Mrs A Dalziel

Site: 21 Nash Lane East Coker Yeovil BA20 2HN

Background Papers

Decision Notices attached.



Appeal Decision

Site Visit made on 17 November 2020

by R E Jones BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th December 2020.

Appeal Ref: APP/R3325/W/20/3256703

Land at Combe Street Lane, Yeovil, BA21 3PG

- 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 John Snell & Julie Tomsett against the decision of South Somerset District Council.
 - The application Ref 19/01901/FUL, dated 21 June 2019, was refused by notice dated 28 January 2020.
 - The development proposed is the erection of 9 No. dwellings along with associated, access, parking and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's Housing Land Supply position has changed following the determination of the application. It had previously been unable to demonstrate a deliverable 5-year housing land supply, yet following the completion of an assessment for the period 2020-2025, the Council has confirmed that it has a supply equivalent to 6 years. The appellant has been notified of this new position.
3. Following the submission of the appeal, the Council provided representations from Natural England that indicate that increased phosphates and nitrates are affecting the Somerset Levels and Moors Ramsar protected site, and consideration is required on projects that could affect the conservation status of this habitat. I have had regard to this information in my determination.
4. In refusing the application, the Council raised concerns that the scheme was not accompanied with proposals for biodiversity net gain. The appeal has been accompanied by a Biodiversity Enhancement Plan, which the Council would have had sight of and had the opportunity to comment on. I have accepted this information and is considered further below.

Main Issues

5. The main issues in this appeal are:
 - i) the effect of the proposed development on the character and appearance of the area;

ii) whether the site is a suitable location for housing, with particular regard to the local development strategy, affordable housing provision, proximity to services and reliance on private motor vehicles; and

iii) the effect of the proposed development on biodiversity;

Reasons

Character and Appearance

6. The appeal site comprises part of a large field on the northern edge of the town. The field is covered in rough pasture and is primarily enclosed by thick hedgerow and mature trees. The southern boundary of the field faces Coombe Street Lane, and on the opposite side of the road are large detached dwellings. Further dwellings on the same side of the road as the appeal site are located to its east and set back from the highway. These properties form a row of detached dwellings leading up to the Marsh Lane junction and are partially screened from the road by mature trees and shrubs. More pastureland is predominantly located to the north and west of the appeal site. In this context the appeal site represents an undeveloped gap beyond the built development along the northern side of Coombe Street Lane. Moreover, it provides a clear and legible division between this part of urban Yeovil and the countryside beyond.
7. The appeal site's boundary with Coombe Street Lane has a post and wire fence forming its boundary, while a small number of mature trees extend along the frontage. The open gaps between the trees allow for eye-catching views of the appeal site's undulating topography and its integration with the expansive and attractive rural landscape of hills and the river valley beyond. This outlook, when viewed from Coombe Street Lane, is neatly framed by the taller and thicker vegetation located either side of the site's frontage. Together with the land to the north, the appeal site forms part of a distinctive landscape setting that contributes considerably to the character of the street frontage and this part of northern Yeovil.
8. The appeal site and landscape to the north form part of the 'Yeovil Scarplands' national character area. The national character study of this area has identified that the views across the hills and ridges are valuable in providing the impression of a sparsely settled land, and the open views of this landscape are a prime component of visual character. Furthermore, the appeal site has been assessed in the Yeovil Peripheral Landscape Study as having a moderate to low capacity to accommodate built development.
9. The appeal scheme would be set at a lower land level to the road, yet the proposed dwellings would be visible from Coombe Street Lane and from the properties to the south through gaps in the frontage and the proposed access road. The development of 9 dwellings with associated roads, driveways and engineered works would have a harsh and urbanising impact on this otherwise undeveloped field. The scale and built form of the proposal encroaches unacceptably into this important gap in the street's northern frontage and would adversely harm the pastoral qualities of the appeal site, while having a discordant impact on the rurality of its immediate landscape setting. Consequently, the proposal would have a detrimental impact on the appearance of the area.

10. The proposal would result in the continuation of the built frontage along the northern side of Coombe Street Lane and face the residential properties across the road. However, the appeal site provides one of the few open and undeveloped gaps along this part of the road and contributes to revealing the scale and attractive appearance of the rural hinterland to the north. The proposal would unacceptably enclose this space with built development and harm the contribution the site makes to the foreground of the expansive views of the 'Yeovil Scarplands' landscape character area to the north.
11. Therefore, in concluding on this main issue, the proposed development would have an unacceptable effect on the character and appearance of the area. It would be contrary to Policy EQ2 of the South Somerset Local Plan (2006-2028), adopted March 2015 (the Local Plan), which amongst other matters requires proposals to conserve and enhance the landscape character of the area, as well as reinforcing local distinctiveness and respecting local context. The proposal would also conflict with the National Planning Policy Framework (paragraph 127), where it requires proposals to be sympathetic to local landscape setting.
12. The Council's refusal reason on landscape and character grounds refers to Policy EQ4 of the Local Plan. I have not referenced this in my conclusion on this main issue, as the policy specifically relates to biodiversity.

Location of Development

13. The appeal site is located outside but adjacent to the Yeovil development limits as designated by the Local Plan. It is a short distance from bus stops with services to the town centre, while local facilities such as a convenience store, surgery and playing fields are located approximately 400m-600m away. There are existing pedestrian footways and streetlights close to the site's frontage and leading to the local facilities referred to.
14. Local Plan Policy SD1 states that when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development and seek to secure development that improves the economic, social and environmental conditions of the District.
15. The Council's Settlement Strategy is outlined in Local Plan Policy SS1, and encourages growth and development in Yeovil, Primary Market Towns, Local Market Towns and Rural Centres. Given the site's location outside of Yeovil's development limits it would not relate to those areas where development would be targeted. Therefore, the appeal site would fall into the Rural Settlement category. In these areas there will be a presumption against development unless key sustainability criteria can be met.
16. Policy SS2 of the Local Plan provides specific criteria relating to housing development in Rural Settlements. Amongst other things, proposals will be strictly controlled and limited to those which meet identified housing need, particularly affordable housing. Furthermore, housing proposals should only be permitted in Rural Settlements that have access to two or more key services.
17. Further advice is provided on the provision of affordable housing in Local Plan Policy HG3. This states that in Rural Settlements proposals will be permitted provided that, where it is viable to do so, schemes over 6 dwellings provide 35% affordable housing. This policy was not referred to in the Council's refusal

reasons, nevertheless the Council have submitted it as evidence, whilst referring to it in their officer's report.

18. Whilst paragraph 63 of the Framework explains that an affordable housing contribution should not be sought where the number of open market dwellings is below the thresholds referred to in the Framework, the Council's adopted local plan indicates that the supply and viability evidence shows that a threshold of 6 dwellings would be acceptable in general terms across the district. Therefore, in the absence of any specific evidence that challenges the Council's affordable housing threshold I attach greater weight to the development plan policy.
19. The scheme would not provide affordable housing and there is no evidence before me that the scheme would meet any other identified local housing need. In the absence of this I attach significant weight to the resultant conflict with the requirements of the Local Plan.
20. The appellant considers that a local need has been met, yet this is only insofar as contributing to local housing provision and the District's shortage of housing. However, following the submission of the appeal the Council has confirmed that it now has a 5-year housing land supply. Therefore, in the absence of any specific details of affordable housing provision or evidence on the viability of providing this, little weight has been given to the appellant's argument that a local need has been met.
21. The proposed development would bring some moderate economic benefits from the construction and occupation of the dwellings, as well as support for existing services and facilities. The appeal site's location would be accessible by foot and cycle to at least 2 or more key services and would be in close proximity to local bus services, thus reducing the reliance of future residents on private motor vehicles. Whilst the proposal would require the removal of some existing landscape features, it also provides additional planting and an opportunity to enhance biodiversity, to which I attach modest weight. On these matters, the proposal would accord with aspects of the Local Plan in terms of new housing.
22. Despite these scheme benefits and the development plan compliance, they do not outweigh the significant concerns relating to the lack of affordable housing provision and the resultant conflict with the development plan in that regard.
23. Therefore, in concluding on the second main issue, I have found that the site would not be in a suitable location for housing as it fails to accord with the local development strategy objectives in respect of affordable housing provision. It would be contrary to Policies SD1, SS2 and HG3 of the Local Plan, while failing to accord with the Framework's social objectives in ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations (Paragraph 8b)).

Biodiversity

24. The appeal has been accompanied by an ecological enhancement plan. This was not before the Council when it determined the application, nevertheless I note from the submitted evidence that the appellant's enhancement proposals have taken into account the advice of the Council's ecological adviser. In the absence of any evidence indicating that those proposals are unacceptable, I consider that they would represent reasonable ecological enhancement

opportunities for the proposed development. It would therefore have an acceptable effect on biodiversity and would accord with Policy EQ4 of the Local Plan where it requires proposals to incorporate beneficial biodiversity conservation features.

Other Matters

25. Following the refusal of this application a revised scheme for 6 dwellings was submitted to the Council for determination. The appellant has referred to the positive discussions with the Council on that scheme, however, the outcome of that case is not known and therefore does not weigh in favour of the scheme before me.
26. The Council has provided information on its current housing land supply position, which shows they can now demonstrate a 5-year supply of deliverable housing sites. Consequently, the development plan is not out of date and there would be no requirement to assess the scheme against Paragraph 11 d) of the Framework.
27. Although the appeal questionnaire has not indicated the case, the representations from Natural England suggest that the appeal site is within the influence zone of a Special Protection Area and Ramsar site. However, as I am dismissing the appeal on other grounds and therefore there is no prospect of planning permission being granted, it has not been necessary to consider this matter any further in this case.

Conclusion

28. The proposed development would provide modest ecological enhancements and be in an accessible location that would support the local economy and services. However, these matters amount to moderate benefits that would not outweigh the proposed development's significant harm to the character and appearance of the area and the lack of affordable housing provision, which together conflict with policies in the development plan and the Framework.
29. For the reasons set out above, the appeal is dismissed.

RE Jones

INSPECTOR



Appeal Decision

Site visit made on 4 January 2021

by **Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 13 January 2021

Appeal Ref: APP/R3325/W/20/3260148

21 Nash Lane, East Coker, Yeovil BA20 2HN

- 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 and Mrs A Dalziel against the decision of South Somerset District Council.
 - The application Ref 20/01317/FUL, dated 11 May 2020, was refused by notice dated 13 July 2020.
 - The development proposed is a single storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effects of the development on:
 - the character and appearance of the area;
 - the living conditions of occupants of adjacent dwellings with particular regard to outlook, and noise and disturbance; and
 - highways safety.

Reasons

Character and appearance

3. Nash Lane is partly developed with ribbons of suburban housing to either side. In this context, the site forms part of the back garden of 21 Nash Lane, which stands on the west side of the street. Dwellings on this side of the street have both deep frontages, and back long gardens to the rear. These in turn back onto other gardens serving properties along Helena Road. Notwithstanding variation in the style and size of dwellings, the layout is distinctively spacious, and this is, as a whole, appreciable from within the street, given that ground levels rise towards the west. In this regard back gardens are exposed to view between the dwellings.
4. The appeal scheme would involve constructing a single storey dwelling within the back garden of No 21, in a location currently occupied by a former garage. In this position the dwelling would be obviously inconsistent with the established pattern and layout of development, and at odds with its spaciousness. This would be clearly apparent from adjacent dwellings and back gardens, and from the street, given that the dwelling would be visible through

the gap between No 21 and 19 Nash Lane, and through which it would be accessed. As such the effect would be both visually incongruous and intrusive, and in each regard accentuated by the fact that the dwelling would occupy almost the full width of the garden.

5. Permission has been previously granted for a 1-bed annexe on the site (the approved scheme). It remains possible for the approved scheme to be implemented. Be that as it may, given that the annexe would not function as a separate dwelling, the plot would not require the severance necessary within the proposed scheme. The designs of the annexe and the proposed dwelling would also be dissimilar. Indeed, the approved annexe would be a modest cabin-like structure, which might easily be perceived within its setting as a large garden shed. Whereas the proposed dwelling would be a significantly larger building in terms of footprint, height and massing, and would be recognisable as a bungalow. The approved scheme does not therefore provide a basis to consider that the effects of the proposed scheme would be acceptable.
6. 31 Nash Lane stands in a similar position relative to 29 Nash Lane, as the proposed dwelling would stand relative to No 21. No 31 is visible from the site. Whether or not No 31 represents past infill however, circumstances differ. This is because No 31 occupies a block edge position fronting a byway to the south, from which it is directly accessed. Unlike the proposed dwelling, it is not therefore wholly surrounded by back garden space, or indeed perceived as being located within a back garden. Again therefore, the existence of No 31 does not provide a basis to consider that the effects of proposed scheme would be acceptable.
7. My attention has also been drawn to approved developments on sites to the north east of Nash Lane. Whilst I have been provided with very little information regarding these schemes, the sites appear to be located adjacent to a track which branches from Nash Lane. Thus, again the circumstances appear to differ considerably from those of the appeal site.
8. For the reasons outlined above I conclude that the development would have an unacceptably harmful effect on the character and appearance of the area. It would therefore conflict with Policy EQ2 of the South Somerset Local Plan (the Local Plan) which seeks to secure development that preserves or enhances the character and appearance of the district.

Living conditions

9. The proposed dwelling would be located around 21 metres to the rear of No 21, and thus well separated. Though the proposed dwelling would stand at a higher level than No 21, given its single storey form, it would not be any greater in height. For these reasons, provided that the boundary between was well screened, there would be no undue overbearing of No 21.
10. Given that the proposed dwelling would span the width of the plot, it would have a significant physical presence viewed from within adjacent gardens. This would be particularly true of the garden immediately to the south, which currently features minimal boundary screening. Some direct overbearing of adjacent garden space would thus arise. Given the considerable length of the gardens however, a significant amount of unaffected garden space would remain. The overall harm caused would not therefore be unacceptable.

11. The decision notice identifies a general concern that use of the driveway would cause noise and disturbance to occupants of existing properties. The officer report more specifically identifies dwellings to the north. This presumably means No 19, as there are no other direct neighbours to the north of No 21.
12. The development would see vehicles access the proposed dwelling via the driveway which runs between No 21 and No 19. The driveway is existing, and previously served the former garage and parking space on the site. Following the recent provision of parking in the front garden of No 21, the driveway and parking space do not appear to be currently in use. Use would however resume were the approved annexe to be built. Though it is likely that the level of use generated by the proposed dwelling would be greater than that likely to be generated by the annexe, it would presumably be little different to that which could have occurred in relation to No 21 in the past. That being so, the noise and any disturbance to neighbours at No 19 generated by vehicle movements along this driveway would not be unacceptable. It is unlikely that any other properties to the north lying beyond No 19 would be affected.
13. For the reasons outlined above I conclude that the development would not have an unacceptable effect on the living conditions of neighbours with regard to outlook, and noise and disturbance. The development would therefore comply with Policy EQ2 of the Local Plan insofar as this requires development proposals to protect the residential amenity of neighbouring properties. Such compliance would not however alter the existence of overall conflict with Policy EQ2 given my findings above.

Highways safety

14. The proposed dwelling would utilise the existing access on Nash Lane, which would in turn see its use increase. Nash Lane serves the group of dwellings of which No 21 forms part, and additionally serves as a point of access to the byway on which No 31 stands. The road otherwise progressively narrows from north to south, reverting to a tightly defined single track rural lane within a short distance of No 21. The lane clearly does not serve as a significant through-route, and, in view of its character, is unlikely to see heavy use. In this regard the majority of its use is likely to be associated with access to and from the dwellings.
15. Adjacent to the dwellings the speed limit is 30 mph, but rises to the national speed limit to the south. In practice however, the significant narrowing of the road is likely to have a calming effect on vehicle speeds. Vehicles accessing the dwellings themselves are also likely to travel at relatively low speeds, such that speeds lower than 30 mph could be anticipated. The prevailing highways environment can therefore be reasonably characterised as one of relatively light use and low vehicle speeds.
16. The Highways Authority (HA) has sought evidence that visibility of 43 metres in either direction can be achieved and maintained from the access. This is a value provided by Manual for Streets, which is cross referenced in the HA's Standing Advice, and based on the safe stopping distance of a vehicle travelling at 30 miles per hour. Vehicles travelling at lower speeds would require less stopping space.
17. The requirement can be met to the south of the access, and, to the extent that the site line passes across land included within the site, there is no reason to

suppose that it would be obstructed. The requirement can also be currently met to the north. In this case however, the site line passes over a sliver of the garden and boundary wall of No 19. Occupants of the latter could in theory grow a bush in this location of a size sufficient to obstruct the site line. It is not immediately clear why such an action should be considered likely. However, were it to occur, the quality and extent of view from the access could be much reduced. This would affect vehicles associated with No 21 as much as it would affect vehicles associated with the proposed dwelling. Addition of a possible 6 daily vehicle movements by the latter would however modestly increase the statistical level of risk.

18. It would remain the case that drivers of vehicles approaching from the north would have a clear view of any vehicle standing at or edging out of the access. It would also remain the case that the speed of approaching vehicles would be most likely falling as the road narrowed, or as they approached the accesses of the small number of dwellings lying adjacent to, or to the south of No 21. For these and the above reasons, the likelihood of collision would therefore be low.
19. In this regard Manual for Streets 2 states that in absence of local evidence to the contrary, a reduction in visibility below recommended levels will not necessarily lead to a significant problem. In this case, in view of my findings above, it is unlikely that the theoretical reduction of existing levels of visibility from the access would lead to a significant problem.
20. For the reasons outlined above I conclude that the development would not have an unacceptable effect on highways safety. Insofar as the Local Plan contains policies which specifically address the matter, the development would therefore comply with Policy TA5, which seeks to ensure that the nature and volume of traffic generated by a development would not compromise the safety of the local road network.

Other Matters

Housing supply

21. At the time the Council determined the application it lacked a demonstrable 5-year supply of deliverable housing sites. The situation however changed with the identification of a 6-year supply within a Position Statement published in November 2020. The appellant has not challenged this. Whilst the development would nonetheless make a contribution towards meeting the general need for new housing, the scale of any social or economic benefit would be very small, and insufficient to outweigh the harm I have identified above.

Ramsar site

22. The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) states that before deciding to grant planning permission for a project which is likely to have a significant effect on a European site, either alone, or in combination with other plans or projects, and which is not directly connected with or necessary to the management of that site, a competent authority must make an Appropriate Assessment of the implications of the plan or project for that site in view of that site's conservation objectives. In this context, paragraph 176 of the National Planning Policy Framework (the Framework) states that listed Ramsar sites should be given the same protection as habitats sites.

23. Following the Council's refusal of planning permission, Natural England (NE) issued advice highlighting the unfavourable condition of the Ramsar site. In this context, the potential for the development to have a likely significant effect on the integrity of the Ramsar site, both alone, or in combination with other plans or projects, arises due to the increase in population that it would support, and the related generation of nutrient enriched wastewater within the Ramsar catchment. This could be ecologically harmful. Though the approved scheme already permits construction of a 1-bed annexe, the appeal scheme is for a 2-bed dwelling. The appeal scheme would thus have the potential to support a larger number of occupants, who would, in turn, have the potential to generate a larger volume of wastewater. As such, had I been minded to allow the appeal, and therefore the circumstances existed in which planning permission could be granted, it would have been necessary for me to undertake an Appropriate Assessment of the scheme. However, as I am dismissing the appeal for other reasons, no further consideration is required.

Conclusion

24. For the reasons set out above I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR