
Appeal Decision

Site visit made on 8 March 2016

by David Walker MA MRTPI

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

Decision date: 15 April 2016

Appeal Ref: APP/R3325/D/15/3141507

April Cottage, 7 Court Farm Close, Winsham, Chard, Somerset TA20 4JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs Christine Hughes against the decision of South Somerset District Council.
 - The application Ref 15/03263/S73A, dated 26 July 2015, was refused by notice dated 19 November 2015.
 - The application sought planning permission for alterations to existing dormer window, formation of additional dormer window to front elevation and erection of car port without complying with a condition attached to planning permission Ref 14/05486/FUL, dated 19 February 2015.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the approved plans Drawings No 510/14/A, 510/14/B, 510/14/C and 510/14/D.
 - The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to existing dormer window, formation of additional dormer window to front elevation and erection of car port at April Cottage, 7 Court Farm Close, Winsham, Chard, Somerset TA20 4JY in accordance with the application Ref 15/03263/S73A dated 26 July 2015 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of the original planning permission Ref 14/05486/FUL, dated 19 February 2015.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 510/14/A and 510/14/B, both marked and dated 'S.SOM.DC, 29 SEP 2015, POSTROOM'.
 - 3) The car port hereby permitted shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the attached dwelling.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no alterations, including enclosing the two open sides, shall be made to the car port hereby approved without the express grant of planning permission.
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- 5) The materials to be used in the construction of the radius braces hereby permitted shall match those used in the existing timber support to the car port.

Preliminary Matters

2. The Council determined that the overhang of the car port originally applied for is lawful. Therefore only the addition of four radius braces to the existing car port is before me for determination.

Main Issue

3. The main issue in the appeal is the effect of the proposal on the character and appearance of the area.

Reasons

4. Court Farm Close is a modern development with a mixed character that incorporates some elements of traditional design, in the specification of facing materials, together with more contemporary materials in the form of plastic windows and up and over garage doors. The appeal property is the only dormer bungalow in a street of two storey houses and, as a consequence, has been a departure from the prevailing house designs of the street since the time of its construction.
5. The four radius braces would be formed from curved sections of hardwood retrofitted to the existing structure between the uprights of the existing structure and its roof. They would make the car port more ornamental, but only marginally so and not in a prominent way. I am satisfied that with regard to the scale and materials of the car port in situ, and the mix of design and materials in the street that I have identified, that the addition of the four radius braces would be minor additions that would have little overall bearing on the appearance of the structure that could give rise to a harmful effect on the character of the street.
6. The proposal would accordingly comply with the requirements of Policy EQ2 of the South Somerset Local Plan 2006-2028 (the Local Plan) to promote local distinctiveness and preserve or enhance the character and appearance of the area, and with Section 7 of the National Planning Policy Framework (the Framework) that requires good design.
7. While the appeal site and the lower part of the Court Farm Close do not fall within the Winsham Conservation Area, I am satisfied that for the above reasons the proposal would safeguard the setting of the nearby conservation area as a designated heritage asset for the purposes of Policy EQ3 of the Local Plan and Section 12 of the Framework.
8. Turning to other matters. The proposal has generated a number of objections from interested members of the public and the Winsham Parish Council. Matters relating to the size of the existing car port and proposed window alterations were for consideration at the time of the original application to the Council and are not before me for determination. The effect of the proposed radius braces on the living conditions of the occupants of adjacent properties would be minimal in the light of the pre-existing conditions brought about by the permitted structure. Whether the radius braces are needed for structural reasons or not they would cause no significant harm.

9. I conclude therefore that the proposal would not result in harm to the character and appearance of the area and as a result would accord with Policies EQ2 and EQ3 of the Local Plan, and Sections 7 and 12 of the Framework.
10. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission. In so doing I have also had regard to the suggested conditions provided by the Council in identifying the plans referred to, for the avoidance of doubt, and added a condition to ensure the materials used for the radius braces match those of the timber supports to the car port, in the interests of preserving the setting of the conservation area.

Conclusion

11. For the reasons given above, and with regard to all matters raised and the development plan read as a whole, I conclude that the appeal should be allowed subject to conditions.

David Walker

INSPECTOR