



Appeal Decision

Site visit made on 29 June 2016

by **Andy Harwood CMS MSc MRTPI**

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

Decision date: 26 July 2016

Appeal Ref: APP/R3325/W/16/3148369

Barn at rear of Royal Oak, The Cross, Ilminster, Somerset TA19 0EH

- 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 Alan Holmes against the decision of South Somerset District Council.
 - The application Ref 16/00102/FUL, dated 4 January 2016, was refused by notice dated 25 February 2016.
 - The development proposed is the change of use and conversion of a barn to 2 self contained residential units.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use and conversion of a barn to 2 self contained residential units at the barn at rear of Royal Oak, The Cross, Ilminster, Somerset TA19 0EH in accordance with the terms of the application, Ref 16/00102/FUL, dated 4 January 2016, subject to the conditions set out in the attached Schedule to this decision.

Preliminary Matter

2. Included within the Council's reason for refusal is reference to a need for a financial contribution towards the provision of affordable housing. Subsequent correspondence has confirmed that the Council is no longer pursuing that matter. This follows the court of appeal judgement on 11 May 2016 (Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council). This has, amongst other things, reinstated the advice within Planning Practice Guidance defining the specific circumstances where contributions for affordable housing should be sought from small scale and self-build development.

Main Issue

3. The single main issue is therefore the effect of the proposal upon vehicular and pedestrian safety.

Reasons

4. The appeal site is a building that already has planning permission for use as 1 dwelling and I could see that some works have taken place although it does not appear to be occupied. The proposal before me would involve the conversion of the part of the building which is currently a garage.

5. The site is behind the Royal Oak public house and is linked to other facilities within and on the edge of the town centre by footpaths alongside main roads. I consider that this is an accessible location within a modest walk to a range of facilities. The vehicular and pedestrian access to the site is a track that leads around the rear of the public house. This links the lane known as The Cross (also shown as 'Cross' on one road sign) with Ditton Street that leads towards the town centre and a nearby supermarket. There are some other dwellings alongside the lane.
6. The site is accessed from a lane that has 2 junctions. The turning into the lane from The Cross to the south of the site is constrained by buildings on both sides. There is also a slight drop down into the private lane over a rough surface. These constraints would in my view discourage drivers from entering the lane unless they specifically need to access these properties. From the northern end of the site, a short straight, wider section of the lane leads to a gated entrance to the school grounds and may therefore be subject to more traffic. The gate across this entrance to the school grounds was shut at the time of my visit. That part of the lane leading to the site and the school grounds is wide enough for two cars to pass. There is a more obvious entrance at the front of the school directly accessed from Ditton Street with parked cars alongside it. I have not been provided with traffic survey information but it seems to me that there would be little need for vehicles accessing the school to pass in front of the site.
7. The lane is narrow in places but does open up in front of the site to around 6m as stated by the appellant. If one or two additional cars were parked alongside the site, another car could pass. I did not see any vehicles driving past the site when I visited. I recognise that my visit for around 30 minutes on a weekday lunchtime may not give me a fully representative idea of the use of the lane. However its physical attributes and the submitted information leads me to the conclusion that this is a lightly used lane where vehicle speeds would be generally low and sometimes further constrained by existing parked cars.
8. The lane is not within the application site or land shown on the submitted plans as being within the appellant's control. The appellant states that the ownership of the lane is unknown. A neighbour states that the lane can only be used to pass and re-pass although the enforcement of such matters would be outside of the planning system. The site boundary is shown tightly drawn around the building with no external space for refuse and recycling facilities or for parking a vehicle. The two dwellings would be small, each providing a single bedroom. People wishing to occupy the dwellings would know that there was no guaranteed parking but the accessibility of the site means that they would not have to rely upon use of private vehicles. The appellant refers to 16% of households in South Somerset not owning cars. Even if occupants chose to own vehicles and were allowed to park on the lane, two vehicles could be parked in front of the site without causing a hazard to other drivers or to pedestrians walking along it. There are parking restrictions within Ditton Street that prevent parking during the day time and further restrictions outside the school. That road is wide and if the proposal were to lead to some parking alongside outside of restricted times, it could be achieved safely.
9. The proposal makes provision for internal refuse and recycling storage that can be accessed from the lane. Even if there became a need to store more refuse sacks or a bin on the lane or on the footpath alongside Ditton Street when

awaiting collection, this could be done without interfering with vehicles or pedestrians.

10. The proposal would make efficient use of land and would be a safe environment for the occupants and neighbours. In relation to the main issue, the proposal would not have a harmful effect upon vehicular and pedestrian safety within the lane. This would therefore comply with Policies EQ2, TA5 and TA6 of the South Somerset Local Plan (2006-2028), adopted March 2015.

Other Matters

11. If the proposal were to lead to additional parking upon the lane, it could add to competition for parking spaces between the occupants of the new dwellings and others nearby. However I do not consider that additional vehicles from 2 small dwellings would be to a level that would have an adverse impact upon living conditions within the adjoining properties.
12. There would be the potential to look over the gardens from the proposed roof lights in the rear roof slope unless they were obscured glazed and of restricted opening even though they would serve the stair wells and a bathroom. I have therefore imposed a condition as suggested by the appellant requiring the submission of further details for agreement with the Council and then implementation before occupation of the dwellings.
13. The Council has suggested various conditions. It is necessary to have agreement to the external materials as well as the proposed windows. I have attached a condition to that effect although it is not essential for this to include the submission of samples in my opinion. The Council also suggests that details of the degree of recess of the windows is required but it is not clear why information beyond that included on the plans is critical to secure the satisfactory character and appearance of the development. It is necessary to protect the living conditions of nearby neighbours during the construction process and I have included a condition limiting the hours that related activities can take place. I have also imposed a condition specifying the relevant drawings as this provides certainty that the development will be implemented as proposed.

Conclusion

14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Harwood

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 'Scheme for Conversion to Two Dwelling; Drawing No 2B' dated October 2015.
- 3) The building hereby permitted shall not be occupied until the roof lights within the east elevation roof slope have been fitted with obscured glazing with restricted opening to prevent overlooking of neighbouring properties. Details of the type of obscured glazing and method of restriction shall be submitted to and approved in writing by the local planning authority before the roof lights are installed and once installed the obscured glazing and opening restrictors shall be retained thereafter.
- 4) No development shall take place until further details of all external facing materials including the proposed windows have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.
- 5) Demolition or construction works or deliveries to the site during the course of the development, shall take place only between 07.30 to 18.00 hours on Monday to Fridays and 08.00 to 13.00 hours on Saturdays and at no time on Sundays or Bank Holidays.