



Appeal Decision

Site visit made on 28 March 2018

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

an Inspector appointed by the Secretary of State

Decision date: **1st June 2018.**

Appeal Ref: APP/R3325/W/17/3192686

Land of 18 Abbey Street, Crewkerne, Somerset TA18 7HY

- 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 First Court Accommodation Ltd against the decision of South Somerset District Council.
 - The application Ref 17/04237/FUL, dated 16 October 2017, was refused by notice dated 24 November 2017.
 - The development proposed is one semi-detached cottage, one studio flat and four flats.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. There are a number of listed buildings close to the appeal site, including The Former Shirt Factory and the factory next to 3 Abbey Street, 5 Abbey Street, and The Chimes. These buildings and the appeal site are also within the Crewkerne Conservation Area. As required by the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and of preserving or enhancing the character or appearance of a conservation area.

Main Issues

3. The main issues are *firstly*, the effect of the proposal on the character and appearance of the building and upon the area, having particular regard to whether the scheme would preserve the settings of nearby listed buildings and preserve or enhance the character or appearance of the Crewkerne Conservation Area; *secondly*, whether the size of the dwellings and the level of outdoor amenity space would provide acceptable living conditions for future occupiers; *thirdly*, the effect upon the living conditions of neighbouring residents, with particular regard to privacy, outlook, and light; *fourthly*, whether the proposal would make adequate provision for parking and sustainable methods of transport; and *fifthly*, the impact of the proposal upon the mix of housing within the area.

Reasons

Character and Appearance

4. 18 Abbey Street is a two storey building with attic that is part of the long row of historic buildings to either side of the street. Due to the large size and detached form of the building, including its set back from the footway behind a front garden, the building is a distinctive contrast to the terraced forms of many of the nearby houses and former factories. The form and size of the building along with its rich architectural detailing and use of traditional local materials, makes a positive contribution to the conservation area, complementing and adding to the presence of the many high quality historic buildings found nearby.
5. Details of the materials of the proposed side and rear extensions have not been provided, but whatever they would be constructed from, the extensions would form bulky and incongruous additions to the building. This and the style of the extensions would fail to harmonise with the high quality of the host building, particularly its architectural detailing and the nature of its joinery. Even though set back from the face of the house, the form and height of the side extension, along with its small windows, would disrupt the imposing proportions and detailed dominance of the front elevation of the building. Moreover, the proposed roofs of both extensions would be overly contrived having little regard to the main building and the presence of existing windows.
6. The excessive size and height of the extensions would not only dominate the host building, but would also cover much of the site, bringing development very close to the neighbouring terrace. The extended building would appear cramped within its plot, particularly as what remains of both the front and rear gardens would be mostly utilised for parking. The distinctive detached form of the building and its contribution to the conservation area would be unacceptably diminished. The building has been previously extended to the rear, and these extensions are not of the same high quality as the main building. Nevertheless unlike the proposed extensions they have a clearly subservient position, form and size that retains the dominance of the house.
7. As such the extensions would make the building incongruously conspicuous within the area. The discordance of the extensions with the main building would be unacceptably dominant. This would erode the harmony of the high quality historic buildings in the conservation area, which is an important part of the significance of the settings of the nearby listed buildings. The extensions would be an unacceptably harsh contrast with the quality of these buildings and the cohesive historic nature of the street.
8. The harm to the significance of the conservation area and to the settings of nearby listed buildings would be less than substantial because of their size relative to that of the proposal. The National Planning Policy Framework (the Framework) requires that this harm should be weighed against the public benefits of the proposal. The building is currently unoccupied, but it has not been explained why this is the case or why the extensions would be necessary to allow the building to be used. The provision of additional housing would be at a time when the Council have no five year housing land supply. Even taking into account the objective in the Framework to boost the delivery of housing, such benefits would be modest, and would not outweigh the harm to the

settings of the listed buildings or to the character and appearance of the conservation area.

9. The Framework advises that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. For the reasons given the proposed extensions would harm the host building, and would neither preserve nor enhance the character or appearance of the conservation area, nor preserve the settings of nearby listed buildings. This would be contrary to the requirements of the Act, to those of the Framework, and also to those of Policies EQ2 and EQ3 of the South Somerset Local Plan (2015) (LP). These policies seek amongst other things the conservation of heritage assets and development that respects local context and distinctiveness.

Living Conditions

10. Most of the proposed dwellings would be smaller than those already permitted on the site, and would offer very cramped living conditions for future occupiers. Whilst other flats within the main house do not have windows serving all their rooms, within the proposed dwellings most would only have windows for bedrooms and living rooms. The small size and roof shape of the bedsit would severely restrict the standing room available, and the positioning of its proposed rooflights would be so low on the roof slope that levels of natural light would be compromised.
11. Furthermore, the size of the extensions as well as the provision of seven parking spaces would restrict the areas that could be used for waste, recycling and cycle parking. Future occupiers would not have any informal garden space. Of the areas that would be used for refuse and cycle parking they would be set to one side of the building, and due to the constrained nature of this area, they would become inaccessible if cars were parked upon the site.
12. Turning now to the impact upon nearby residents, the height, size and close proximity of the proposed extensions to the neighbouring dwelling would be an oppressive outlook for the occupiers of 16 Abbey Street. The proposed side extension would have no windows within its eastern wall. Although there would be no direct overlooking of the neighbouring property, as it would be very close to the rear upper floor windows of No 16, it would form an oppressive outlook to the occupiers of this house. Furthermore, side windows within the rear extension would provide future occupiers with views into the neighbouring garden, thereby unacceptably impacting upon privacy. Having regard to the position and size of the appeal building, No 16 would already experience a degree of shading, and as such the proposed extensions would not significantly reduce levels of light to the neighbouring house and its garden.
13. Thus, the proposal would not provide acceptable living conditions for either existing or future residents, contrary to the requirements of LP Policy EQ2. This seeks, amongst other things, high quality design that protects residential amenity, thereby reflecting objectives of the Framework.

Parking

14. The provision of seven on-site car parking spaces would be much lower than the 18 resident spaces required by the Council. LP Policy TA6 requires parking provision to be design-led, based upon site characteristics, location and

accessibility. Having regard to the location of the dwellings close to the town centre future occupiers would have a range of services, facilities and employment opportunities that could be accessible without being reliant on the private car. Whilst noting the busy nature of the public car park, it would provide an opportunity for future occupiers to park nearby, albeit having to compete with other users.

15. However, a requirement of LP Policies TA1 and TA5 is to maximise the potential for sustainable transport. Charging points for electric vehicles could be provided, but the small and cramped nature and the positioning of the car parking spaces would make accessing the proposed cycle parking very difficult. Furthermore, the shape and size of this area would limit the amount of cycle parking that could be provided, nor would there be any provision on the site for motorbikes.
16. Thus, the constrained nature of the external areas, along with the dominance of parking on what space does exist, would unacceptably limit the provision of sustainable means of transport for future occupiers. Although some future residents could park off-site, the shortfall of on-site parking provision would not be compensated by maximising the opportunity for sustainable methods of transport. This would be contrary to the LP policies referred to above and also to an objective of the Framework.

Housing Mix

17. There are a variety of housing sizes and types near the appeal site, including flats and houses. The site as a whole would provide 12 one bedroomed units, and the Council consider such a concentration would not provide the mix of housing types and sizes required by LP Policy HG5 to achieve sustainable, balanced communities.
18. However, neither of the main parties has provided any detailed assessment of the type and variety of dwellings found within the area, nor how the proposal would disrupt the balance of the community. Having regard to the diversity of homes present in the nearby area, the proposal would not significantly disrupt the balance of what appears to be a mixed community. Based on the evidence before me, the proposal would accord with the LP policy referred to above, and would contribute towards the wide choice of homes required by the Framework.

Other Matters

19. Local residents have raised a number of other matters, including surface water issues, the presence of an invasive plant on site, and land ownership. However, many of these concerns are not directly connected with the planning considerations of the proposal before me, and of those that are, following my findings on the main issues I have not considered them further.

Planning Balance and Conclusion

20. The Framework states that the relevant policies for the supply of housing should not be considered up-to-date if a Council cannot demonstrate a five year supply of deliverable housing. In such circumstances, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate

development should be restricted. Restrictive policies include those concerning heritage assets.

21. Given that there would be significant harm to the settings of nearby listed buildings and to the character and appearance of the conservation area that would not be outweighed by the public benefits of the proposal, it follows that the appeal scheme does not constitute sustainable development. There would also be unacceptable harm with regard to the living conditions of existing and future residents, and the proposal would not maximise the potential for sustainable transport. Thus, there are no material considerations that would warrant a decision other than in accordance with the development plan, and as such the scheme would be contrary to the LP policies referred to above and also to objectives of the Framework.
22. Thus for the reasons given above, and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR