



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