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# Appeal Decision

Site visit made on 6 January 2015

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

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

**Decision date: 27 January 2015**

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**Appeal Ref: APP/R3325/A/14/2226947**  
**27 Hervey Road, Chard, Somerset TA20 2BH**

- 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 Mrs P Mannion-Walling against the decision of South Somerset District Council.
  - The application Ref 14/01496/FUL, dated 15 March 2014, was refused by notice dated 23 May 2014.
  - The development proposed is the erection of a dwellinghouse.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are *firstly*, the effect of the proposed house on the character and appearance of the surrounding area; and *secondly*, the effect on the living conditions of the occupiers of nearby properties, with particular regard to outlook and privacy.

## Reasons

### *Character and Appearance*

3. The appeal site is part of the garden of a semi-detached house. It lies within a predominantly residential area comprising a mix of mostly semi-detached and terraced houses and bungalows of similar ages and styles. In most cases the properties are set back from the road behind regular sized front gardens, some of which provide parking. To the rear of the properties along Bubwith and Hervey Roads is a large grassed playing field, with a number of trees positioned near to its edges.
4. Due to its position close to the junction with Bubwith Road, 27 Hervey Road has a much larger side and rear garden than many of the other properties in the area. The irregular shape of the appeal site would mean that the proposed house would project closer to the road than the line of houses formed by No 27, its adjoining neighbour, and the terraced houses next to them along Hervey Road. Whilst I appreciate the road curves, the proposed house would harmfully interrupt the distinct and continuous row formed by these houses. This projection, combined with the detached nature of the proposed dwelling, positioned close to the corner formed by the road junction, would make it an incongruously dominant and intrusive building within the area, at harmful odds

with the consistency of positioning and design of the nearby semi-detached and terraced houses.

5. I accept that the use of materials to match nearby properties would allow the proposed house to harmonise with the appearance of the neighbouring dwellings. However, it would be positioned within an area of mostly semi-detached houses and bungalows of similar styles and ages, separated by wide gaps between each block of dwellings. The proposed house would have a very different appearance and positioning to the neighbouring houses. It would be detached and have a lower ridge height than the neighbouring properties. It would occupy much of the width of its plot, and be very close to No 27 and the boundary with 41 Bubwith Road, thus appearing very cramped when compared to the positioning of nearby properties. As such the proposed house would unacceptably interrupt the visual cohesion of the surrounding area.
6. The appellant considers the proposed house would be sustainable, providing low cost accommodation that would contribute towards the Council's five year housing supply. However, the occupation of the house is not proposed to be restricted. Whilst an additional house would contribute towards the delivery of housing within the Council's area, this would be a modest benefit, and would not outweigh the harm I have found.
7. Reference has also been made by the appellant to other single dwellings permitted by the Council in the locality. I do not have the planning history of these properties before me, and in any case each scheme has to be treated on its own individual merits in accordance with the requirements of the current development plan and all other material considerations, as I have undertaken in this instance.
8. I therefore find the proposed dwelling would unacceptably impact upon the character and appearance of the area. It would conflict with the requirements of Policies ST5 and ST6 of the South Somerset Local Plan (2006) (LP). These policies seek, amongst other things, and like a principle of the National Planning Policy Framework (the Framework), development that respects the local character and distinctiveness of an area.

#### *Living Conditions*

9. The proposed dwelling would be positioned very close to the boundaries of the site. Although there are a number of sheds to the rear of 41 Bubwith Road's garden, the future occupiers of the proposed house would have a direct view into both this garden and that of its neighbour, No 43. I appreciate that the occupiers of No 27 have views into neighbouring gardens, and that one of the first floor windows of the proposed house would serve a bathroom. Some overlooking is to be expected with terraced and semi-detached houses. However, the proximity of the proposed dwelling to its site boundaries would give its future occupiers direct views into much of the rear gardens of the neighbouring properties. As such there would be an unacceptable loss of privacy to the users of these rear gardens, particularly 41 and 43 Bubwith Road.
10. The proposed house would be positioned close to the side wall of No 27, in which there are three windows. Although two of these windows would serve a hallway and landing, one is for the kitchen. I appreciate the kitchen door would provide some light to this room. Nevertheless, the close proximity of the

proposed house and its tall boundary fence to the kitchen window of No 27, would give an unacceptably oppressive outlook and loss of daylight to this room.

11. I have also considered the concerns of nearby residents in Bubwith Road that the proposed house would cause a loss of daylight to their properties. However, the positioning of the proposed house and the amount of separation between it and the houses in Bubwith Road, would not result in a significant loss of light to them.
12. Consequently I find the proposed dwelling would unacceptably harm the living conditions of the occupiers of neighbouring properties with regard to outlook and privacy. It would conflict with the requirements of LP Policy ST6 that amongst other things, requires new development to not unacceptably harm the residential amenity of the occupiers of adjacent properties. Nor would the proposal comply with an objective of the Framework that seeks a good standard of amenity for all existing and future occupants of land and buildings.

### **Other Matters**

13. Local residents are concerned that the proposed house would exacerbate traffic congestion and disturbance, and cause a danger to children. However, the proposal lies within a residential area, and the additional vehicle movements from a single dwelling would be unlikely to significantly harm highways safety. In the absence of any technical substantiation to support the concerns of the residents, I have no evidence before me that there would be an unacceptable impact on highway safety within the area.
14. I note the concerns of local residents that the proposed house could harm property values. Notwithstanding this, a basic premise of the planning system is that it is concerned with the use of land in the public interest, rather than the protection of private interests.
15. Finally, concerns regarding the Council's handling of the application relate to procedural matters and have no bearing on my consideration of the planning merits of the case.
16. When taken either together or separately, none of these other matters would outweigh the harm I have found as regards the main issues.

### **Conclusion**

17. For the reasons given above and having considered all other matters raised, the appeal is dismissed.

*J J Evans*

INSPECTOR