



## Appeal Decision

Site visit made on 2 December 2021

**by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)**

**an Inspector appointed by the Secretary of State**

**Decision date: 09 December 2021**

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**Appeal Ref: APP/R3325/D/21/3280558**

**Hardings Bungalow, Camp Road, Henstridge BA8 0TF**

- 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 Jakub Samulak VelSemczuk against the decision of South Somerset District Council.
  - The application Ref 21/01026/HOU, dated 24 March 2021, was refused by notice dated 7 July 2021.
  - The development proposed is the demolition of side store and erection of single storey detached garage.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of side store and erection of single storey detached garage at Hardings Bungalow, Camp Road, Henstridge BA8 0TF in accordance with the terms of the application, Ref 21/01026/HOU, dated 24 March 2021, subject to the conditions in the attached schedule.

### Preliminary Matters

2. In the interests of accuracy and consistency, I have amended the original description of development to reflect that provided within the Council's Decision Notice and as stated at Section E of the Appeal Form.

### Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area.

### Reasons

4. The appeal site comprises a detached bungalow, single storey garage and other outbuildings with associated land, located at the north western edge of a trading and industrial estate. The bungalow and existing garage are set back from the adjacent highway and accessed from a trackway which connects with the Hardings Business Centre located east of the site. To the south of the appeal site there are further substantially sized trading and industrial units.
5. The appeal proposal seeks to demolish a modestly sized store which is attached to the existing single storey garage and erect a relatively substantially scaled detached garage at the site, set back away from the host bungalow and adjacent to the existing single storey garage. The proposed garage would have a greater overall height and footprint than the host building.

6. Nonetheless, the proposed detached garage would be set back from the highway and host dwelling, and in views from the surrounding area the appeal scheme would be seen in the context of the adjacent substantially scaled industrial and trading units which are highly prominent, and which dominate the nearby surrounding landscape. The design and materials to be used in the construction of the proposed garage would respect the context of the site and the surroundings such that it would not appear incongruous and, consequently, would not be harmful to the character or appearance of the surrounding area.
7. In terms of the effect of the proposed development on the character and appearance of the host dwelling, whilst the proposed building would not appear subservient to the host dwelling by reason of its scale and height, I again find no harm in this respect, given the separation distance between the host dwelling and the proposed garage and due to views from within and outside of the site being dominated by the existing industrial and trading buildings which adjoin the site.
8. For the above reasons, the proposed development would not be harmful or detrimental to the character and appearance of the surrounding area or to the host building. Consequently, the appeal scheme would comply with Policy EQ2 of the South Somerset Local Plan (March 2015) (the Local Plan) and Section 12 of the National Planning Policy Framework (July 2021) (the Framework), which seek, among other things, to ensure that development will be designed to achieve a high quality, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district, reinforces local distinctiveness, respects local context and takes into account local character and site specific considerations.

### **Other Matters**

9. Interested parties have raised concerns regarding water drainage from the site. In this respect, by reason of the footprint and spread of the proposed building, I find it would be reasonable and necessary to require that details of a scheme for surface water drainage be submitted and approved by the Council. Such a requirement would be secured by a condition which is described further below.

### **Conditions**

10. The Council has suggested a number of conditions in the event that planning permission is granted. Other than the standard time limit condition, it is also necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty.
11. For the reasons given above, it is also necessary and reasonable to include a condition which requires that details of the surface water drainage be submitted and approved by the Council, prior to the first use of the proposed development, to ensure a satisfactory means of surface drainage and to reduce the risk of flooding. Furthermore, in the interests of preserving the character and appearance of the area, it is reasonable to include a condition that stipulates the materials to be used in the construction of the proposed garage. It is also reasonable to include a condition requiring the provision of a bat box having regard to Policy EQ4 of the Local Plan and relevant guidance contained within the Framework.

**Conclusion**

12. For the reasons given above I conclude that the appeal should be allowed.

*Mr A Spencer-Peet*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby approved shall in all respects accord strictly with drawing numbers: 21/019/01 Location Plan, 21/019/02 Block Plan, 21/019/04 Proposed Arrangements and 21/019/05 Roofs and Sections, dated February 2021.
- 3) The external surfaces of the development shall be of materials as indicated in the application form and no other materials shall be used without the prior written consent of the Local Planning Authority.
- 4) Prior to the first use of the development hereby approved, a Beaumaris Woodstone maxi bat box or similar will be mounted under the apex and away from windows on either the east or west elevation of the garage and maintained thereafter.
- 5) Prior to the first use of the development hereby approved, surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.