



Appeal Decision

Site visit made on 22 February 2022

by **Helen O'Connor LLB MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 February 2022

Appeal Ref: **APP/R3325/D/21/3286855**

163 St Michaels Avenue, Yeovil, Somerset BA21 4LP

- 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 S Forbes against the decision of South Somerset District Council.
 - The application Ref 21/02415/HOU, dated 11 July 2021, was refused by notice dated 29 September 2021.
 - The development proposed is the demolition of an existing single storey building and construction of a new single storey building, together with a loft conversion.
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Decision

1. The appeal is dismissed insofar as it relates to the loft conversion. The appeal is allowed insofar as it relates to the proposed demolition of an existing single storey building and construction of a new single storey building at 163 St Michaels Avenue, Yeovil, Somerset BA21 4LP in accordance with the terms of the application, Ref 21/02415/HOU, dated 11 July 2021, so far as relevant to that part of the development hereby permitted and subject to the following 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 plans: Location plan; Site plan, drawing number PA/05/21/F/3 & Floor Plans and Elevations as Proposed, drawing number PA/521/F/2.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The section of St Michaels Avenue near to the appeal site mostly comprises two storey dwellings arranged in semi-detached pairs. Notwithstanding that some properties have been extended or altered to the rear, visual coherence remains strong with regards to the most public elevations. This is in part derived from the regularity of the set back and the similarity of materials used. In particular, the appeal building forms part of a series of four broadly similar semi-detached mirrored pairs on the western side of the road. They possess architectural features somewhat typical of 1930s houses including arched porch entranceways, double height semi-circular bay windows topped by a gablet and

- a hipped roof form. The symmetry of these dwellings within the pairs and as part of a wider group makes a valuable contribution to the richness of the residential area. Moreover, as they are elevated in comparison to the road, they are clearly visible from the street. Overall, this results in a pleasant sub-urban character to the area.
4. The proposal is broadly composed of two elements, a replacement single storey rear extension and a loft conversion. There is no dispute between the parties that the former would be acceptable¹. Given the modest scale and discrete siting of the rear extension I have no reason to find otherwise. Nevertheless, there is disagreement regarding the effect of the loft conversion.
 5. The proposed loft conversion would alter the hipped roof to form a gable end and in addition would introduce a box roof dormer across most of the width of the rear roof slope. Consequently, this would add considerable volume to the side and rear of the dwelling. The massing and boxy form of the large dormer would markedly increase the bulk of built form at upper storey level and would therefore be unsympathetic to the proportions of the original dwelling. Furthermore, as these alterations affect the upper part of the dwelling the gable end and side of the dormer would be apparent in the street.
 6. Moreover, the context of the appeal site described above makes the appeal dwelling sensitive to alterations that affect the more prominent parts of the structure. Therefore, the negative impact would extend wider than the appearance of No.163 as it would diminish the symmetry with the attached No.161. Further still, the unmatched pair would appear discordant upsetting the balance of the wider grouping of the other mirrored pairs previously mentioned. This would increase the degree of harm to the distinctiveness of the local area.
 7. Paragraph 130 of the National Planning Policy Framework stipulates that planning decisions should ensure, amongst other things, that developments add to the overall quality of the area and are sympathetic to local character, including the surrounding built environment. For the reasons outlined, the proposed loft conversion would fail to do so.
 8. My attention is drawn to a similar development that has taken place at 58 Glenthorne Avenue. This semi-detached property does not form part of the street scene with the appeal site but as it is in the neighbourhood, I was able to observe it at my site visit. If anything, the extension at No.58 serves to illustrate the awkward and bulky nature of such alterations and the consequent deterioration to the balance of mirrored semi-detached dwellings. Hence, its presence would not justify further similarly harmful development.
 9. The appellant suggests that the loft conversion may constitute permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order). However, in the absence of a Certificate of Lawfulness to confirm this contention, it is not certainly shown. Even if it were to be the case, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise². Policy

¹ Page 2, Council's Officer Report – Impact on Visual Amenity

² Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

EQ2 of the South Somerset Local Plan 2006-2028, March 2015 (LP) requires, amongst other things, that development should preserve or enhance the character and appearance of the district. The existence of permitted development rights would not provide adequate justification to permit a proposal that would run counter to this policy.

10. Accordingly, I find that the proposal by virtue of the loft conversion would be harmful to the character and appearance of the area and would conflict with policy EQ2 of the LP. This general development policy requires, amongst other matters, development to achieve a high quality design which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district.

Other matters

11. The proposal would provide additional accommodation that would be beneficial to the appellant as well as future occupants of the dwelling. Furthermore, in reaching my findings I have taken account of the support given to it by Yeovil Town Council. Nevertheless, I am required to make my own assessment as to the merits of the case and these factors would not address nor outweigh the harm I have identified.

Conclusion

12. The proposed loft conversion would be unacceptably harmful to the character and appearance of the area and would conflict with the development plan policy that seeks high quality design. Therefore, this element of the proposal should not succeed. Nevertheless, the proposed single storey rear extension would not result in harm and appears to be severable from the remainder of the proposals in physical and functional terms. Under section 79(1)(b) of the Town and Country Planning Act 1990 I have discretion to split the decision by allowing one part of a scheme and dismissing the rest. It would be appropriate to use the power in these circumstances to allow the rear extension but to dismiss the remainder of the proposal.
13. In relation to the rear extension, I have imposed conditions to reflect the three year period in which the planning permission may be implemented and have specified the relevant approved plans such that the rear extension shall be undertaken in accordance with these, as this provides certainty. As the proposed plans clearly state that brickwork to match the existing dwelling will be used there is no need for a further condition regarding materials. The Council also suggest a condition to provide a bat box. However, the established residential area is unlikely to be ideally suited for roosting or foraging bats and I have not seen any information to show otherwise. Hence, I am not convinced that it would be necessary to make the replacement single storey extension acceptable in planning terms.
14. Therefore, for the reasons given above I conclude that the appeal should be allowed in part and dismissed in part.

Helen O'Connor

Inspector