
Appeal Decision

Site visit made on 13 September 2016

by H Porter BA(Hons) MSc IHBC

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

Decision date: 28 September 2016

Appeal Ref: APP/F0114/W/16/3153904
13 Rotcombe Vale, High Littleton BS39 6JZ

- 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 Baxter against the decision of Bath & North East Somerset Council.
 - The application Ref 16/01919/FUL, dated 28 September 2015, was refused by notice dated 27 June 2016.
 - The development proposed is a new 3 bed dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area, including its effect on trees; and the living conditions of future occupiers, having regard to the standard of accommodation and light.

Reasons

Character and appearance

3. The appeal site is situated within a late-20th century residential estate on the edge of the village of High Littleton. The character and appearance of the area is defined, in part, by the regular spacing of unified terrace groups expressing a strong building line, emphasised by low boundary walls and front gardens. The end properties also tend to occupy more generous garden plots, which form gaps between groups of houses. The steep local topography and gaps between groups of house reveal views to the surrounding countryside, creating a verdant and spacious environment.
 4. No 13 Rotcombe Vale is the end of group of four houses, and has a generous side garden that is typical of the grain of local development. There are mature trees and a boundary hedge visible from the gap between 11 Rotcombe Vale and from various vantage points in the vicinity of the appeal site. These features make a positive contribution to the area's character and appearance, adding greenery to the wider development as well as being markers of the open countryside that surrounds High Littleton.
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5. The appeal proposal would introduce an additional dwelling on the garden plot to the side of No 13. Although the form and material detailing would fit with the local area, the ratio of the building footprint to overall plot size would be notably smaller than other end-terraces locally. Furthermore, the limited size of the proposed front garden, coupled with the garage and off-street parking would undermine the definition that the existing frontage layout provides. The appeal scheme would therefore result in the appearance of a cramped and crowded frontage and a form of development that would be at odds with the established character of the area.
6. The proposal would also considerably narrow the gap that currently exists between the groups of 5 – 11 and 13 – 19 Rotcombe Vale. The view to the trees and boundary hedgerow would consequently be substantially diminished. While at the time of my visit, the trees and hedge were in full leaf, it is reasonable to assume that in winter months this gap would also provide glimpsed views through to the open countryside beyond. Consequently, the appeal proposal would undermine the greenery, compromising to a notable extent the important sense of openness that is derived from the spacing and views to the surrounding landscape.
7. The trees within the garden of 11 Rotcombe Vale are attractive specimens which, along with the boundary hedge, make a positive contribution to the character and appearance of the area. The appellant has submitted a root protection area plan; however, from my observations on site, it appeared that the canopy spread of Tree T1 was in excess of that indicated on the plan. It follows, therefore, that the root protection area for this tree may have been underestimated. As the proposed development is on a cramped site, this raises significant doubts about whether the development could take place without unacceptable harm to the trees and hedgerow, with further harm to the character and appearance of the area as a consequence.
8. Overall, I conclude that the appeal proposal would have an unacceptable impact on the character and appearance of the area. The development would therefore not accord with the principles of the National Planning Policy Framework, March 2012 (the NPPF), insofar as they seek to secure high quality design and take account of the character of different areas. The proposal would also conflict with Saved Policy D.4 and NE.4 of the Bath and North East Somerset Local Plan, adopted October 2007 (the Local Plan), as well as Policy CP6 and CP7 of the Bath and North East Somerset Core Strategy Part 1 of the Local Plan, Adopted July 2014 (the Core Strategy), which requires that development should respond to the local context and reinforce or complement attractive qualities of local distinctiveness, and should not have an impact on trees of amenity value.

Living conditions

9. The proposed dwelling would have windows on the front and rear elevations, including bi-fold doors and sky-lights associated with the extended kitchen/dining area. There are no windows proposed on the side elevation. At the time of my visit, at 3pm in September, the tree was not casting any shadow over the appeal site. However, given the orientation of the site and the canopy spread, I consider that the tree and hedge would significantly reduce the amount of light and overall sense of light experienced from the rear garden and rear rooms of the dwelling. The proximity of the vegetation to the

rear of the dwelling and would significantly restrict the outlook, making the two back bedrooms and the kitchen/dining area unduly gloomy and oppressive.

10. The overall size of accommodation proposed is modest, though consistent with existing dwellings locally. However, unlike other houses in the area, the outdoor amenity space would be substantially smaller and, in combination with the surrounding trees and high hedge, would be experienced as heavily shaded and unpleasantly enclosed. The proposed garden would therefore fail to off-set the relatively small and dark internal accommodation and would be insufficient to provide an acceptable standard of accommodation overall.
11. Given that the mature trees and hedgerow make a positive contribution to the wider area, the potential adverse effects on the living conditions of the proposed dwelling might lead to future pressure to lop, top or fell these assets, to the detriment of the character and appearance of the area.
12. In these circumstances, I conclude that the restricted light and outdoor amenity space would cause significant and unacceptable harm to the living conditions of the future occupants of the proposed dwelling. The proposal would conflict with the principles of the NPPF, which require developments to provide a good standard of amenity for all existing and future occupants. The development would also fail to accord with Saved Policy D.2 of the Local Plan, which seeks to ensure development will not cause significant harm to the amenities of proposed occupiers by reason of, amongst other things, loss of light or other disturbance.

Other matters

13. The appellant has referred to a number of other permissions granted for developments to the side or in the garden plots in the vicinity of the appeal site, some of which I was able to see on my visit to the site. I am not aware of the specific planning considerations that led to these approvals. However, the circumstances of plot size and layout and relationship with existing buildings can be critical to the decision. A number that I saw appeared to be side extensions rather than new dwellings, and so are fundamentally different from the appeal scheme. The recently completed detached house in front of 22 Rotcombe Vale does have a small garden, but the nature of the generous internal layout as well as the windows on at least three sides differentiate this property from the appeal scheme. I therefore do not consider that this provides a compelling precedent for the appeal proposal, which I have sought to assess on its own particular merits.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

H Porter

INSPECTOR