

Appeal Decision

Site visit made on 20 September 2016

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 5th October 2016

Appeal Ref: APP/V3310/W/16/3150759

10 Hillside Crescent, Puriton, Bridgwater, Somerset TA7 8AP.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Squire against the decision of Sedgemoor District Council.
 - The application Ref 42/15/00019/JE, dated 21 July 2015, was refused by notice dated 12 January 2016.
 - The development proposed is construction of a new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a new dwelling at 10 Hillside Crescent, Puriton, Bridgwater, Somerset TA7 8AP in accordance with the terms of the application, Ref 42/15/00019/JE, dated 21 July 2015, subject to the following conditions:
 - 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Procedural Matter

2. The application was submitted in outline with all matters reserved for subsequent approval. I have therefore treated the 1:500 block plan (Ref 1487-15-01A) and the details contained in the Design and Access Statement (July 2015) as indicative only. I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the development on (i) the living conditions of the existing residents and future occupants and (ii) the character and appearance of the area.
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Reasons

Living Conditions

4. No 10 Hillside Crescent is a semi-detached house located towards the head of a cul-de-sac. The appeal site comprises its driveway and part of the garden, which is larger than others in the vicinity due to the estate layout.
5. The appeal site is a triangular shaped parcel of land at the side and rear of the existing house. Due to the shape and location of the site, any dwelling sited within it would be at an oblique angle to the host dwelling. Whilst the rear windows of the host dwelling would enable views towards a dwelling located within the plot, the line of sight would not be direct. Moreover, the appeal site is of sufficient length that an adequate separation distance could be achieved. Consequently, any impact on the privacy of future occupiers is unlikely to be material.
6. The Council is concerned about the size of the amenity space for the proposed dwelling. The overall plot size would not be significantly smaller than others in the vicinity. Although the area of useable garden would be more limited, due to the need to provide a car parking and turning area, it would be possible to create an area of garden space of a sufficient size for everyday activities, such as sitting outside, hanging washing or for a small child to play. Due to the location and orientation of the plot it is likely that part of the garden would be overlooked. However, it would be possible to create a more private space to the rear of the dwelling, as the dwelling itself would provide screening.
7. The garden of No 10 is currently occupied by a detached garage and several other outbuildings and sheds. The proposal would significantly reduce the amount of amenity space available for use by the occupants of the host dwelling. The Council considers that the remaining garden area, when taking into account the existing buildings and any new parking area, would be substandard. I agree that the remaining garden area would be limited in size due to the outbuildings. However, there would still be adequate space for everyday activities. Furthermore, the appellant points out that the outbuildings, and in particular the covered swimming pool, are in themselves used for amenity purposes which I consider to be a fair assessment.
8. I conclude on this issue that the proposal would provide satisfactory living conditions for future occupants and would not adversely affect the living conditions of the occupants of the host dwelling. Therefore, the development would be in accordance with Policy D2 of the Core Strategy¹ which seeks, amongst other things, to protect the amenity of nearby occupiers. The proposal would also meet the aims of Policies S3, D5 and P4 which seek to promote sustainable development and secure development that is compatible with the scale and character of the location. The proposal would be consistent with the National Planning Policy Framework (the Framework) insofar as it seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. The Council's decision notice cites Policy D16 however this is concerned with pollution impacts and there is no evidence that it is relevant to the development proposed.

¹ Sedgemoor Local Development Framework: Core Strategy 2006-2027 May 2013 (adopted September 2011)

Character and Appearance

9. The area is characterised by predominantly semi-detached or terraced houses with relatively long rear gardens. There is a bungalow which adjoins the rear boundary of the site.
10. The Council has submitted limited evidence to justify its concerns in respect of character and appearance. The view of the Planning Committee is that the development would be cramped. Nevertheless, the size of the plot is comparable with others in the area and it would be possible to accommodate a small dwelling on the site without detriment to the wider area.
11. Moreover, the proposed dwelling would be largely screened by the existing house. It would not, therefore, be overly prominent and it would not appear out of character in the street scene.
12. I conclude on this issue that the proposal would not have an adverse effect on the character and appearance of the area. Therefore, the development would be in accordance with Policies D2, S3, D5 and P4 of the Core Strategy which seek to promote sustainable development and secure development that is compatible with the scale and character of the location. The proposal would be consistent with the Framework insofar as it seeks to secure high quality design.

Other Matters

13. I have taken into account the concerns raised by a neighbour which, in addition to the matters also raised by the Council, relate to vehicular access, subsidence and the effects of landfill in the vicinity. I note that the County Council as Highways Authority has not raised any concerns in relation to the proposal. I am content that a safe and suitable access to the site could be achieved, subject to the details being agreed through a further planning application for the approval of reserved matters. In relation to landfill and subsidence, there is no evidence before me of these matters and I note that there is no objection from the Council's Environmental Health Officer.

Conditions

14. I have imposed the standard conditions relating to the approval of reserved matters. I have not imposed the Council's suggested condition requiring all electricity and telephone services to be placed underground as there is very limited justification to demonstrate that this condition is necessary.
15. I note that Wales and West Utilities has pipes in the area which may be affected during construction works. I have not imposed a condition restricting works as the pipe appears to be on the site boundary. However, the appellant should note the request to contact Wales and West Utilities prior to the commencement of development.

Conclusion

16. For the reasons given above, the appeal should be allowed.

Debbie Moore

Inspector