
Appeal Decision

Site visit made on 7 November 2016

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 09 December 2016

Appeal Ref: APP/F0114/W/16/3156009

53 Hansford Square, Combe Down, Bath BA2 5LJ

- 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 Anna Webster against the decision of Bath & North East Somerset Council.
 - The application Ref 16/01525/FUL, dated 29 March 2016, was refused by notice dated 3 June 2016.
 - The development proposed is erection of 1 no. detached dwelling and proposed access from Hansford Square.
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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; and,
 - the living conditions of the occupants of 55 Hansford Square, with particular regard to noise and disturbance.

Reasons

Character and appearance

3. Hansford Square is a residential development that commenced in the 1930s. Though plots were developed over time, they are occupied by mainly large semi-detached houses generally well-spaced apart. Whilst there is some variation in design, the majority of properties are set back from the road, with sizeable rear gardens and follow a fairly consistent building line to the front and rear. That produces an orderly, predominantly uniform suburban layout characterised by a sense of spaciousness and greenery.
4. The appeal site is located within the rear garden of 53 Hansford Square and backs onto the golf course. Though there are some outbuildings in gardens or rear extensions, the rear building lines in the area are still largely consistent. Constructing a substantial two-storey dwelling in that space, well to the rear of the garden, would fail to respect that established building line. It would also sub-divide a large garden, which though particularly sizeable because of its corner location, is still an example of the generous rear gardens in the square. It would, therefore, be contrary to the established pattern of development in the area.

5. The appellant points to development off other corners of the square such as the two houses at the end of a lane on the north east corner. Those houses are beyond the natural boundary of the square and are not within the rear gardens of the properties on that corner. There is also a cul-de-sac, Quarry Close, branching off the south east corner of the square, but that is a fully formed road with properties facing onto it rather than any form of rear garden development. Similarly, Hansford Close is another development off the main square but with distinct and separate plots fronting on to the road. Therefore, I do not consider that those developments are analogous to the proposal.
6. As the dwelling would be to the rear of No 53 where the land slopes away, views of it from the road would be limited, though it would be visible in the gap between Nos 53 and 55. It is also noted that various other properties around the square have side extensions which have narrowed such gaps but overall the area retains a sense of spaciousness. A rear garden development of the kind proposed is not characteristic of the existing layout of properties in Hansford Square which contributes to the character of the area.
7. Whilst the square does not surround a central green space, as I observed on my site visit its general uniformity, regular pattern of development and road layout does give it a distinct and separate character. Though there are some deviations and variations in design and plot sizes, they do not substantively transgress the established form of the square.
8. The factors detailed above lead me to conclude that the proposed development would harm the character and appearance of the area. Consequently, it would conflict with the objectives of Saved Policy D.4 of the Bath and North East Somerset Local Plan including minerals and waste policies (LP)¹, which, amongst other things, seek to ensure that development reinforces or complements local distinctiveness.

Living Conditions

9. The proposed driveway would run from the road close to the shared boundary with 55 Hansford Square adjacent to its front garden and the entrance to the house and then alongside part of the rear garden. The dwelling at No 55 is very near to that boundary, partly because of the orientation of the house in its corner setting. Though the appellant indicates that existing vegetation would be maintained and reinforced with further planting, I consider that its use by vehicles associated with the new 4 bedroom dwelling would lead to increased noise and disturbance for the occupants of No 55.
10. There is an existing shorter driveway serving No 53 in a similar position. The appellant further advises that a driveway could be constructed under permitted development rights to a similar length. That may be so, but it is the additional traffic attracted by the new dwelling that is significant. Whilst there may be existing background noise from the road and other sources in the area, I do not consider that to be equivalent to additional noise connected to increased regular car journeys in such close proximity to No 55.
11. Therefore, I conclude that the proposal would significantly harm the living conditions of the occupants of 55 Hansford Square, with regard to noise and disturbance. It follows that the proposal would be contrary to Saved Policy D.2

¹ Adopted October 2007

of the LP, which, amongst other things, seeks to ensure that development will not cause significant harm to the living conditions of existing occupiers of nearby properties due to traffic or other disturbance.

Other Matters

12. Local residents have suggested that the proposal would be visible from some adjoining properties. Whilst that may be so, I share the Council's view that the distances between the new dwelling and other properties, combined with the lower land level and existing vegetation, mean that the proposal would not result in significant overlooking, loss of light or outlook.
13. A number of other issues have also been raised by organisations and local residents including highway safety, nature conservation, inappropriate design and materials, parking, disturbance during construction, the proximity of the golf course, access for emergency vehicles, alleged loss of trees, land stability, limited contribution to housing supply and that the development would set a precedent. Though I have considered these matters, I note that those concerns are not shared by the Council, and I do not give them significant weight.
14. Whilst the proposal would contribute to the supply of housing, the contribution made by one dwelling would be limited and it does not outweigh the harm that I have identified. Therefore, it does not lead me to alter my decision.

Conclusion

15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Tudor

INSPECTOR