

Appeal Decision

Site visit made on 21 November 2016

by Jameson Bridgwater PGDipTP MRTPI

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

Decision date: 28 December 2016

Appeal Ref: APP/F0114/W/16/3157766

Burnside, Wally Court Road, Chew Stoke BS40 8XN

- 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 Andrew Eggington (Magenta Properties) against the decision of Bath and North East Somerset Council.
 - The application Ref 16/02699/FUL, dated 8 June 2016, was refused by notice dated 18 August 2016.
 - The development proposed is described as 'replace existing workshop building with two detached dwellings with attached garaging and extension to existing garage (re-submission).'
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Decision

1. The appeal is dismissed.

Main issues

2. The appeal site is within the Green Belt and so the main issues are:
 - Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework); and
 - the effect of the proposal on the living conditions of the occupiers of 19 Bushy Thorn Road (No 19) with particular regard to outlook; and
 - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

3. The appeal site is located on the south-eastern edge of Chew Stoke. It lies on the north side of Wally Court Road between a bowling green and office premises and, housing on Bushy Thorn Road. The land to the north of the appeal site is open and undeveloped. Burnside is serviced by two separate accesses onto Wallycourt Road. The one to the west serves the car parking and garage to Burnside; the other serves the workshop premises. The appellant's proposal relates to replacing the existing single storey workshop building with two detached two-storey dwellings at the rear of Burnside.
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Whether inappropriate development?

4. Paragraph 89 of the Framework establishes that new buildings within the Green Belt are inappropriate unless, amongst other things, they involve buildings for agriculture and forestry, limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
5. Policy CP8 of the Bath and North East Somerset Core Strategy seeks to restrict development in the Green Belt unless it is for one or more of the purposes set out in the Framework. Saved Policies GB.2 and HG.6 of the Bath and North East Somerset Local Plan seek amongst other things to restrict development to infilling within defined development boundaries that does not prejudice the purposes of the Green Belt and ensure that development would not be 'visually detrimental to the Green Belt'.
6. The appeal site is located at the edge of the village; partly within and partly outside the housing development boundary. I accept that the existing single-storey workshop is largely screened by houses in Bushy Thorn Road to the west, Bowls club pavilion to the east and Burnside dwelling to the south. However, there is no readily discernable gap in the built form and the proposed development would be more accurately described as backland development rather than limited infill.
7. Furthermore, the proposed two-storey dwellings would be substantially larger (bulk and mass) and have a greater visual impact than the existing single storey workshop. Consequently, having regard to the Framework, the proposed dwellings would not amount to limited infill in the context of the village as the cumulative effect of the proposed dwellings would have a greater impact on the openness of the Green Belt, by way of their height, bulk and mass. Therefore, the proposed dwellings would have the effect of materially reducing the openness of the Green Belt.
8. Having reached the conclusions above, the proposed new dwellings would therefore be inappropriate development which is, by definition, harmful to the Green Belt.

Living conditions

9. I accept that the introduction of a two-storey dwelling to the rear of No 19 would change the outlook of occupiers from that property. However, the proposed single-storey garage/study/kitchen which would be closest to the shared boundary. Furthermore, there would be an approximate 15m separation distance between the proposal and No 19. Consequently, the cumulative effect of the single storey element and the separation distance would ensure that the proposal would be unlikely to appear overbearing. Therefore the proposed development would not result in material harm to the living conditions of occupiers of No 19.
10. Having come to the conclusions above, it follows that the proposal would not conflict with Saved Policies D.2 and D.4 of the Bath and North East Somerset Local Plan. These seek amongst other things to ensure that development will not cause significant harm to the amenities of existing or proposed occupiers by way of loss of light, or increased overlooking, noise, smell, traffic or other

disturbance. These objectives are consistent with the National Planning Policy Framework.

Conclusions

11. Whilst I have found that the proposal would not result in material harm to the living conditions of the occupiers of No 19. The proposed development would be inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt.
12. None of the aforementioned considerations, or any of the other many matters mentioned by the Appellant in support of his appeal, either individually or collectively, clearly outweighs the harm caused by reason of inappropriateness. Very special circumstances do not therefore exist in this case and the appeal must be dismissed.

Jameson Bridgwater

INSPECTOR