
Appeal Decision

Site visit made on 4 January 2017

by David Walker MA MRTPI

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

Decision date: 31st January 2017

Appeal Ref: APP/V3310/W/16/3158881

Merrywood, Lime Street, Nether Stowey, Bridgwater TA5 1NH

- 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 David Hall against the decision of Sedgemoor District Council.
 - The application Ref 36/16/00018 DRT, dated 13 May 2016, was refused by notice dated 18 August 2016.
 - The development proposed is erection of summer house and retention of 1.2m fence and decking forming a front terrace.
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Decision

1. The appeal is dismissed insofar as it relates to the proposed summer house. The appeal is allowed insofar as it relates to the retention of 1.2m fence and decking forming a front terrace and planning permission is granted for 1.2m fence and decking forming a front terrace at Merrywood, Lime Street, Nether Stowey, Bridgwater TA5 1NH in accordance with the terms of the application, Ref 36/16/00018 DRT, dated 13 May 2016, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan at scale 1:1,250; Plan at scale 1:200 (excluding summer house); Existing and Proposed Site Plan, Cross Section, Street Scene Drg No 2016056/001/A (excluding summer house).

Preliminary Matter

2. The Council modified the description of the proposal in its decision notice. As this more accurately reflects the development and has been used by the appellant at section E of the appeal form I have amended the description accordingly.

Main Issue

3. The main issue in the appeal is the effect of the proposal on the character and appearance of the area.

Reasons

4. Merrywood is a one-off property along Lime Street occupying a large plot in an elevated position at the entrance to the village on approach from the north. While other houses along the street have generally open frontages in the streetscene the appeal site is bounded with trees. Nonetheless, the proposed summer house which incorporates a store would not be obscured by the trees.
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5. At a position in front of the host dwelling the summer house would be clearly visible as the only domestic building forward of the established building line. It would thus detract from the established pattern of domestic development along this side of the street and appear incongruous. Although it would replace an existing shed, that structure had been removed at the time of my site inspection. I have accordingly been unable to take the existing effects into account and have determined the appeal on its merits.
6. A modest fence along the common boundary with the neighbour would not reduce the visual impact of this element of the proposal to an acceptable degree. Accordingly, the harm to the character and appearance of the area I have identified would conflict with the high quality design requirements of Policies D2 and D16 of the Sedgemoor Core Strategy 2011 (the CS).
7. While the summer house would support a bed and breakfast business and provide storage for a mobility scooter, I have not been provided with any compelling reasons why the proposed location is necessary or how the development would accord with tourism Policy D12 of the CS to outweigh the conflict with other policies of the CS I have identified.
8. In contrast, as a result of the extent to which the fence and decking are subsumed within the trees and highway bank of the frontage they are not especially prominent. I am also mindful that other timber fences exist at this part of the street and of the extensive walling, steps and handrails associated with properties close by. Frontage structures are evidently a characteristic of this part of the streetscene, necessitated by the relative change in levels.
9. While the introduction of the fence and decking elements of the proposal has undoubtedly resulted in change to the appearance of the frontage, I do not find it to be harmful. In the circumstances these elements of the proposal do not appear visually discordant and are sufficiently separated from the Nether Stowey Conservation Area to avoid harm to the setting of the designated heritage asset. My attention has also been brought to the close proximity of the decking to existing trees, but I have nothing before me to indicate that these are of value or would be at unacceptable risk of harm.
10. As I am satisfied that the fence and decking are not harmful to the character and appearance of the area I find they would accord with the design requirements of Policies D2 and D16 of the CS. It being apparent that these works are physically and functionally severable from the proposed summer house I intend to issue a split decision in the appeal, granting permission for the fence and decking, and dismissing the appeal in relation to the summer house. The only necessary condition being to identify the plans approved in the interests of certainty.

Conclusion

11. For the reasons given above I conclude that the appeal should be allowed insofar as it relates to the fence and decking and dismissed insofar as it relates to the summer house.

David Walker

INSPECTOR