The Planning Inspectorate

Appeal Decision

Site visit made on 19 December 2016

by JP Roberts **BSc(Hons), LLB(Hons), MRTPI**

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

Decision date: 3rd February 2017

Appeal Ref: APP/F0114/W/16/3159825
Land at Gladstone Street, Welton, Midsomer Norton BA3 2BR

- 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 J Davis against the decision of Bath & North East Somerset Council.
- The application Ref 16/00511/FUL, dated 27 January 2016, was refused by notice dated 31 March 2016.
- The development proposed is the erection of a single detached dwelling house.

Decision

1. The appeal is dismissed.

Main Issue

2. Whether the proposal would preserve or enhance the character or appearance of the Midsomer Norton and Welton Conservation Area.

Reasons

3. The appeal site comprises an open overgrown area of land in the northern part of the Conservation Area, fronting Gladstone Street near to where it meets Belle Vue. The heritage significance of the area derives from its association with the Welton Colliery, which used to lie to the north-west of the appeal site. Stone-built terraced houses for colliery workers, along with some individual larger properties, characterise this part of the area. The Council's Conservation Area Character Appraisal Supplementary Planning Guidance (SPG) identifies a number of nearby buildings, including the houses to the east and west of the appeal site, as making a positive contribution to the area, with which I agree.

4. The site lies within the housing development boundary of the town, where there is no objection in principle to new residential development. The site forms a narrow rectangle of land mostly slightly set back from Gladstone Road, and is bounded by a public footpath on one side and a lane providing access to the houses forming a northern spur of Belle Vue. Being adjacent a street, lane and public footpath, the site is a prominent one, particularly because it can be clearly seen across the wide open garden of 19 Gladstone Street. Although the site is overgrown, it does not stand out as being unsightly, but complements the more cared-for gardens nearby.

5. A material consideration in this case is the appeal decision[1] in relation to an application for a detached dwelling on the site, which was dismissed on 1 November 2005. The Inspector in that case found that if a dwelling were to be erected it would appear incongruous, isolated in what is now an informal "square" of open space around which housing is arranged, exacerbated by its prominent position. I agree with this assessment.

6. There have been no material changes in the site or its surroundings since that time. The appellant suggests that the Inspector may have failed to appreciate the way in which the housing evolved in the area, pointing to historic maps which indicate that there does not appear to have been a clear planned evolution of growth, but rather a more haphazard pattern. Whilst this may be so, and the site may not have been planned to form the informal square referred to by the previous Inspector, it is still the case that the appeal site has the appearance of an informal square which contributes to the sense of openness which adds to the attractiveness of the area.

7. There are no nearby examples of individual dwellings which would sit in such a prominent and isolated position in relation to nearby dwellings. In this regard I have taken note of the recent approval of a house in Belle Vue, opposite Cavendish House, but I consider that the siting of the approved house would relate satisfactorily to the existing line of development along this part of Belle Vue, whereas the proposal would be well forward of the terrace on the northern side of Gladstone Street.

8. Whilst the proposed house has been designed to respond to nearby houses, and it would be of a height comparable to those nearby, because of its exposed position it would appear as prominent and awkward in the street scene.

9. The appellant also suggests that rather than the site forming a former detached garden, the historic maps indicate that the site previously hosted buildings. The 1886 map shows what appears as a 3 or 4 small buildings on the site, whilst the 1904 map shows a larger group, which seems to have disappeared by the time of 1931 map, leaving just one small building. The evidence of these buildings gives no clues as to their size or nature, and they could well be small garden or livestock buildings, of a very different scale and nature to a dwelling. In my view, it provides little in the way of historic justification for the proposal.

10. I find that the proposal would neither preserve nor enhance the character or appearance of the conservation area and it would conflict with Bath and North East Somerset (BANES) Core Strategy Policy CP6 which deals with environmental quality and aims to promote, protect, conserve or enhance the distinctive quality, character and diversity of the district's environmental assets. It would also conflict with saved BANES Local Plan Policies BH.6, D.2 and D.4, which respectively deal with conservation areas, design and public realm and townscape.

Other matters

11. I have had regard to concerns expressed by local residents in respect of parking and highway safety, drainage and overlooking, but none of these matters adds to my reasons for dismissing the appeal.

[1] Ref: APP/F0114/A/05/1185789

Balancing exercise and conclusion

12. The proposal would result in less than substantial harm to the significance of the conservation area, and thus it is necessary to weigh this harm against the benefits of the proposal. The provision of an additional house would make a modest contribution to the district's housing stock, and it would make a more efficient use of the site in an area where new development is encouraged. There would be modest economic benefits arising from the construction and subsequent occupation of the dwelling. However, I consider that the harm to the character and appearance of the conservation area would be significant and would outweigh these benefits.

13. Thus, for the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and that the appeal should be dismissed.

JP Roberts

INSPECTOR