
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: 8 February 2017

Appeal Ref: APP/Q3305/W/16/3157714
35 Stonehill, Street, Somerset BA16 0PF

- 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 and Mrs Barfoot-Franks against the decision of Mendip District Council.
 - The application Ref 2016/0046/FUL, dated 8 January 2016, was refused by notice dated 14 April 2016.
 - The development proposed is a single dwelling on a brownfield site.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) The effect of the proposal on the character and appearance of the surrounding residential area, and
 - ii) The effect of the proposal on the living conditions of the occupiers of 37, 39, 41 and 43 Stonehill with particular regard to overlooking.

Reasons

Character and appearance

3. The appeal site forms part of a yard to the rear of the terrace of houses at 31 to 41 Stonehill, backing onto the rear gardens of houses on Blenheim Road. Access to the area runs from Stonehill between Nos 29 and 31, and leads to a number of garages, sheds and parking spaces. The buildings in the yard are of varied, undistinguished design, and parts of the area have a somewhat neglected appearance.
 4. There is no objection to the principle of development, and subsequent to the refusal the Council has granted planning permission for a dwelling of a different design on the site. The proposed dwellings would comprise two elements, a garage and utility room with a studio over, attached to a larger element providing the bulk of the domestic accommodation, with two bedrooms and a bathroom in the roofspace.
 5. Both buildings would have simple pitched roofs. However, the roof of the larger element would be tall, about 7m above ground level and 1½ times the height of the ground floor elevation to eaves level. This would make the building
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appear especially bulky and top-heavy, and in my view, it would look oversized in such a hinterland location. The appellants have likened it to a stone barn, typical of the area. Whilst the design appropriately reflects the rural vernacular style, it is not appropriate to its suburban context, where it would appear as incongruous.

6. Whilst I recognise that the design quality of the garages and other outbuildings in this backland location is not high, they are low key and make little impact when seen from nearby dwellings or from Stonehill in the gap between Nos 41 and 43. The proposed building would be far more noticeable and would not pay adequate regard to its context as required by national and local policies.
7. I do not see this as a question of architectural taste or style; I see no reason why a contemporary design would not fit in satisfactorily on the site. However, the bulk and height of this particular design would be harmful for the reasons I have explained.
8. I therefore conclude on the first main issue that the proposal would result in material harm to the character and appearance of the surrounding residential area, and would conflict with Policies DP1 and DP7 of the Mendip District Local Plan (MDLP) 2006-2029 Part 1 Strategies and Policies, adopted in 2014, which respectively deal with local identity and distinctiveness and the design and amenity of new development.

Living conditions

9. Main bedroom windows in the north facing roofslope would be set at a height sufficient to allow occupiers to look out. The windows would face the rear gardens of the houses at 37-41 Stonehill, at a distance of about 10m at its closest. The gardens of 37 and 39 Stonehill have intervening garages, fences and parking between the garden area and the boundary, and I consider that the nearest amenity space would be sufficiently screened or far enough away so as not to result in harmful overlooking. The combination of distance and tight angle would ensure that views into the garden of 43 Stonehill would not result in material harm to its occupiers' living conditions.
10. However, the garden of 41 Stonehill is more exposed, with a low boundary wall surmounted by open-mesh trellis fencing. Whilst the garden is capable of being overlooked by anyone passing by, as the garden lies towards the end of the yard, it is likely that opportunities for doing so would be rare and would be passing. The presence of a bedroom window at such a close distance would give occupiers of No 41 an uncomfortable perception of being overlooked, and that and the potential for actual overlooking would be unneighbourly and interfere with the enjoyment of their garden.
11. I therefore conclude on the second main issue that the proposal would result in material harm to the living conditions of the occupiers of 41 Stonehill and would conflict with MDLP Policy D7, which, amongst other things, aims to protect the amenity of users of neighbouring buildings and land uses and to provide a satisfactory environment for current and future occupants.

Other matters

12. I recognise that the proposal has been devised to accommodate the needs of the appellants, one of whom has mobility difficulties. Whilst I have taken this

into account in my decision, and bearing in mind that the proposed dwelling is not the only design solution for the site, it does not outweigh the harm that I have found.

13. I have also had regard to a local resident's concerns about drainage but this does not add to my reasons for dismissing the appeal.

Conclusion

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

JP Roberts

INSPECTOR