
Appeal Decision

Site visit made on 18 January 2017

by Andy Harwood CMS MSc MRTPI

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

Decision date: 08 February 2017

Appeal Ref: APP/D0121/W/16/3160041

The Laurels, 83 Claverham Road, Yatton, Bristol, Somerset BS49 4LD

- 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 William Howard against the decision of North Somerset Council.
 - The application Ref 16/P/0346/F, dated 21 December 2015, was refused by notice dated 30 March 2016.
 - The development proposed is the part demolition of a stone barn/store and construction of a detached dormer style dwelling.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by North Somerset Council against Mr William Howard. This application is the subject of a separate Decision.

Procedural Matters

3. The Council adopted the Site and Policies Plan 1: Development Management Policies (DMP) on 19 July 2016 after the decision was made. The appellant has been given the opportunity to comment upon this change in development plan policies since the appeal was submitted. The Council has also confirmed that the legal challenge to the adopted North Somerset Council Core Strategy (CS) has not affected all policies. CS policy CS12 referred to in their decision is unaffected.
4. Various plans were submitted with the appeal documents. Each of the plans submitted show a 4 bedroom 2 storey dwelling rather than a 3 bedroom dwellings arranged over 1 ½ storeys as described with the accompanying design and access statement. I have considered the appeal on the basis of the plans refused by the Council as referenced on the decision notice: 'RGS23.DRG.PLG.01 Rev C'.

Main Issues

5. The first main issue is the effect of the proposal upon the character and appearance of the area. The second is the effect of the proposal upon protected species. The third main issue is whether, taking account of local
-

housing needs, any adverse impacts would significantly and demonstrably outweigh any benefits of the proposal (the planning balance).

Reasons

Character and appearance

6. The appeal site is within a part of Yatton that stretches out to the east of the village along Claverham Road. The prevailing pattern of development is linear with most dwellings set out spaciouly facing the road. There is substantial variety to the style of buildings that are generally behind landscaped gardens along this part of the road. There are some examples of existing dwellings and other large buildings set behind the general building line. I have taken those into account in terms of their impact upon the visual qualities of the area and they do not have an overriding impact upon the general character and appearance of the area.
7. The dwelling at the appeal site is set back further from the road than the neighbouring dwelling at No 81 and is offset from the side boundary at an angle. The rear corner of the dwelling is further away from the boundary than the front. A driveway leads from the front vehicular access to the existing stone outbuilding to the rear and side of the dwelling. The existing outbuilding is at a point where the spacious, landscaped rear garden opens out. The robust hedges and other landscaping on the boundaries and within the front garden contribute to the present leafy character of the area. This spacious layout is noticeable when viewing from the road particularly from directly in front of the access and is typical of the nearby area. The large gap between the upper parts of Nos 81 and 83 is particularly noticeable.
8. The proposed 2 storey dwelling would be positioned close to the side boundary with No 81, behind the established building line in this part of the settlement and the stone outbuilding would be removed. The new building would take up much more space than the existing outbuilding and would appear close to both adjoining dwellings, looking cramped and squeezed in alongside them. Although the proposed building may be smaller in terms of mass and height than the adjoining properties, that would not prevent the loss of space or cramped appearance. The design theme for the building would not look out of place in this area and appropriate materials are proposed. However the proposed position would be inappropriate as it would not demonstrate sensitivity to the local character of the area.
9. In relation to the first main issue, the proposal would have a harmful effect upon the character and appearance of the area. This would not comply with CS Policy CS12 or DMP Policies DM32 and DM37. This would not comply with paragraph 56 of the National Planning Policy Framework (the Framework) which attaches great importance to the design of the built environment, with good design being a key aspect of sustainable development.

Protected species

10. The appellant has submitted a bat survey of the stone outbuilding. This has been carried out in relation to a possible conversion of the outbuilding into an annexe rather than the partial demolition of the building as proposed now. However, I can take this survey into account.

11. The survey identified that droppings were present in the building indicating that Pipistrelle bats may have used the building. These and other bats are protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 (the regulations). The report recommends further survey work in the form of activity surveys to identify which species of bats are using the building. I have not been provided with a copy of the additional report although the Council has referred to it. Reference is also made within e-mail correspondence regarding proposed mitigation and that the acceptability of that could depend upon further tests to identify the species present.
12. What is clear is that protected species have been present within the outbuilding and I do not have mitigation works before me to consider. I have a duty under Regulation 9(3) to have regard to the requirements of the Habitats Directive in determining this appeal. I cannot reach the conclusion that the three derogation tests could be met. From the information available therefore, in relation to the second main issue the demolition of the building would cause harm to a habitat of a protected species which would not comply with CS policy CS4 and DMP policy DM8. This would not comply with paragraph 118 of the Framework.

Planning balance

13. The Council has confirmed that it cannot presently demonstrate a 5 year supply of deliverable housing sites. In these circumstances the development plan policies should not be considered up to date. As a consequence, paragraph 14 of the Framework applies and this requires the granting of permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against its policies taken as a whole.
14. The proposal would provide the appellant with a smaller dwelling that would be more manageable as he gets older. An additional dwelling would also be a useful addition to the housing supply of the area and would help in a small way to support local facilities which the site is accessible to without reliance upon private vehicle use. These positive factors have moderate weight.
15. The distance of the proposed dwelling from No 81 and No 83 would, along with suitable additional landscaping and boundary treatment, secure sufficient privacy within those adjoining properties. The structure would be much larger than the existing outbuilding but I do not consider it would be imposing or domineering for occupants of these nearest dwellings. These are neutral matters neither weighing in favour nor against the proposal.
16. I give substantial weight to my conclusions in relation to the first 2 main issues including the harm to development plan policies. The moderate weight that I can give the advantages of the proposal does not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

Other Matters

17. The appellant has drawn attention to a number of other developments in Claverham Road. I have taken those into account above in terms of the effect upon character and appearance of the area. Many of those decisions relate to different types of developments not dwellings which are not directly

comparable to this appeal. I have considered this appeal on the basis of the information presented and current policies and material considerations.

18. The appellant has also referred to the Residential Design Guide – Section 1 which had been referred to in a previous similar decision on this site. The Council has not relied upon that document, my attention is not drawn to any parts of that document to assist the appellant's case and only the front page has been provided to me. This is not a change of circumstances since the previous decision that adds any weight to the appellant's or the Council's cases.

Conclusion

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

Andy Harwood

INSPECTOR