The Planning Inspectorate

Appeal Decision

Site visit made on 21 February 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 8 March 2017.

Appeal Ref: APP/V3310/W/16/3160287
7 Hollies Close, Middlezoy, Bridgwater TA7 0PN

- 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 Musgrave against the decision of Sedgemoor District Council.
- The application Ref 34/16/00009, dated 7 June 2016, was refused by notice dated 4 August 2016.
- The development proposed is described as "detached bungalow with garage parking and garden and garage and parking for existing dwelling at 7 Hollies Close, Middlezoy".

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the development on: (i) the character and appearance of the area and; (ii) the living conditions of neighbouring residents and future occupants, with regard to privacy and outlook.

Reasons

Character and Appearance

3. The appeal site is the side garden of a bungalow located on the corner of Hollies Close and Church Road, within a predominantly residential area. The existing bungalow and detached single garage face onto Hollies Close, which is a cul-de-sac comprising bungalows. The site adjoins a substantial two-storey period house at the rear, No 14 Church Road.

4. The proposed development would be a two-bedroom bungalow and a single garage, with associated garden space. In addition, the development would include a replacement single garage to serve the existing dwelling, and modifications to the vehicular access.

5. The development would occupy the majority of the side garden of No 7, which is elevated above road level. There would be a narrow gap between the existing bungalow and its proposed garage, but otherwise the development would extend continuously towards Church Road. At present, the entrance to the cul-de-sac has an open and spacious appearance. This would be adversely affected by the development, which would be prominent in views from Hollies Close and Church Road. I have taken into account the proposed reduction in ground levels, but I consider that the development would still be an obtrusive feature due to its scale and siting.

6. I have considered the information submitted with regard to the planning permission[1] for a dwelling on the open land opposite the appeal site. The full balance of considerations that informed that decision is not before me. In any event, every case is determined on the basis of its own site-specific merits.

7. I accept that the amenity space would be likely to be of a sufficient size to meet the needs of future occupants. However, the desire to accommodate two garages, in addition to the bungalow, would result in a continuous form of development which would have a cramped appearance and would not reflect the established character of the area.

8. I conclude on this issue that the development would have an adverse effect on the character and appearance of the area, contrary to Policy P5 of the Core Strategy[2] which seeks to secure development that is appropriate to the scale, design and existing character of the settlement. The development would not meet the aims of the National Planning Policy Framework (the Framework) insofar as it seeks to secure high quality design.

Living Conditions

9. The bungalow would be sited at a higher level than No 14 Church Road, which adjoins the rear of the site. No 14 contains windows to main habitable rooms at ground and first floor level which would face towards the development. A 2.0m high fence has been erected along the rear boundary of the site and this would restrict views from the ground floor windows of No 14. Nonetheless, it is likely that there would be views from the first floor bedroom windows into the garden and bedroom of the bungalow.

10. I saw from my site visit that the fence also affects the outlook from the ground floor kitchen window of No 14, due to its height and location on the boundary. Whilst the fence may not require planning permission, it is included as part of the proposal before me and, therefore, I have taken it into account.

11. I conclude on this issue that the development would adversely affect the living conditions of neighbouring residents and future occupants, with regard to outlook and privacy. Therefore, it would be contrary to Policies D16 and P5 of the Core Strategy which seek to protect the residential amenity of occupants of nearby dwellings, and would not meet the aims of the Framework insofar as it seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

12. I appreciate that the development would be well located in relation to access to services, and that it would make a very small contribution to the housing supply. However, these considerations do not outweigh the harm, as set out above.

13. For the reasons given above, the appeal is dismissed.

Debbie Moore

Inspector

[1] Ref 34/14/00011 dated 8 July 2014
[2] Sedgemoor Local Development Framework: Core Strategy 2006-27 (adopted September 2011)