
Appeal Decision

Site visit made on 14 March 2017

by David Walker MA MRTPI

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

Decision date: 21st April 2017

Appeal Ref: APP/H3320/W/16/3164346
62 King George Road, Minehead TA24 5JE

- 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 Richard Beaver against the decision of West Somerset Council.
 - The application Ref 3/21/16/055, dated 23 June 2016, was refused by notice dated 4 November 2016.
 - The development proposed is erection of detached dwelling with associated vehicle parking and garden.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the Council's decision on the application the West Somerset Local Plan to 2032 of November 2016 (the Local Plan) has been adopted. It replaces many of the policies of the West Somerset District Local Plan (the DLP) referred to in the reasons for refusal. I have determined the appeal in the light of the policies of the newly adopted plan and, where relevant, retained policies of the DLP.

Main Issues

3. The main issues in the appeal are:
 - i) the effect of the proposal on the character and appearance of the area
 - ii) the effect of the proposal on the living conditions of the occupants of neighbouring properties in relation to scale and proximity, with regard to outlook
 - iii) whether the proposal would be safe from flooding, and
 - iv) the effect of the proposal on trees in close proximity.

Reasons

Character and appearance

4. King George Road is a short residential street with a regular arrangement of development along both sides in semi-detached two storey houses over front gardens. The appeal site would be formed from part of the rear garden to No 62 that lies adjacent to the street where it turns a corner to link with Hayfield Road, which also has a regular pattern of development.
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5. With no existing housing along the stretch of King George Road containing the appeal site, the proposal would be the only dwelling. Being positioned close to No 62 with only a small gap to the rear face of the existing dwelling, even after the removal of the existing lean-to, would break with the established pattern of frontage houses with spacious back gardens. The much greater scale and massing of the proposal in comparison with the existing ancillary outbuildings would create a cramped appearance.
6. In a context with open spaces on both sides of the street the introduction of a dwelling would plainly be out of character. The provision of gardens for both the existing and proposed dwellings would not reduce the cramped effect to a sufficient degree.
7. Such harm to the character and appearance of the area would conflict with the requirements of Policy NH13 of the Local Plan, which replaces Policy NH10 referred to in the Council's decision, for new development to meet the highest standards of design and to respond positively to the local context, amongst other requirements.

Living conditions

8. Existing windows serving No 62 would look directly out onto the flank wall of a two storey dwelling where there is presently an outlook towards open space. No 60 also benefits from an unencumbered outlook over the neighbouring garden that would be restricted by a dominating development having an enclosing effect.
9. The diminished outlook that would be available to the occupants of both properties would be a significant change to existing living conditions that would be harmful. While a hipped roof configuration would help to reduce the massing effect to a degree it would not reduce the overbearing impact of a building of the height and scale proposed in such close proximity to the neighbours. Any benefits gained by the removal of the existing lean-to would be offset by a new garage with a half-hipped roof that would project closer to the existing properties.
10. On this issue, the scale and proximity of the proposal would have a harmful effect on the outlook available to the occupants of the neighbouring properties. As a result it would conflict with Policy NH13 of the Local Plan for new development to respond positively to its neighbours.

Flooding

11. The appeal site would be at risk of tidal flooding. In these circumstances it is the Government's policy at paragraph 100 of the National Planning Policy Framework (the Framework) to direct development away from areas at the highest risk by applying the Sequential Test.
12. In this regard my attention has been brought to the limited availability of other housing land at Seward Way and Stephenson Road, potentially at a higher risk of flooding. However, the submitted flood risk assessment does not fully explore the availability of other sites to meet the housing needs of the area within which the appeal site falls as required under the Planning Practice Guidance. Therefore, and with regard to the identified flood defences, whether or not the effects of flooding could be mitigated there are no assurances from

the limited Sequential Test provided that the proposal would accord with the Framework policy.

13. Although the Environment Agency's recommendation to raise floor levels could reasonably be secured by condition, the lack of a suitable Sequential Test causes conflict with the requirements of Policy CC2 of the Local Plan for development to be located so as to mitigate against flood risk, as well as section 10 of the Framework. Even if alternative sites were subsequently shown to be at a greater risk of flooding this would not outweigh the harm to character and appearance, and to living conditions, identified above.

Trees

14. Three semi-mature Maritime Pine trees (T1, T2 and T3) lie outside of the appeal site boundary but would be close to the proposed dwelling. In particular, tree T1 identified within the submitted tree survey has a root protection area extending into the appeal site. The root structure would likely extend to be in the vicinity of the proposed dwelling.
15. However, the submitted method statement explains that with the demolition of the garage undertaken by hand to preserve roots, and the construction of house foundations and patio also by hand, there would be a minimal impact on rooting areas. I have no conflicting technical evidence before me to find otherwise.
16. At a position to the south of the proposed dwelling, tree T1 would present a considerable risk of overshadowing and also leaf litter. These would be pre-existing site conditions, however, that would be apparent to future occupants of the proposal. With the tree being located off-site and therefore outside of the control of the appellant and any future occupiers I am satisfied that any threat to its survival would be minimal.
17. While the effect of the proposal on trees would be satisfactory, thereby according with the tree protection requirements of Policy TW/1 of the DLP, this would not outweigh the harm I have identified in relation to the other main issues.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed.

David Walker

INSPECTOR