
Appeal Decision

Site visit made on 14 November 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 24 November 2017

Appeal Ref: APP/F0114/W/17/3180279

**Landscaped Verge West of Valley View Close, Valley View Road,
Charlcombe, Bath BA1 6TP**

- 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 M Masters against the decision of Bath & North East Somerset Council.
 - The application Ref 17/02254/FUL, dated 11 May 2017, was refused by notice dated 6 July 2017.
 - The development proposed is new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council, in its decision notice, refers to policies D2 and D5 of the emerging Bath and North East Somerset Placemaking Plan (the Placemaking Plan). Since that decision was issued, the Placemaking Plan has been adopted and the saved policies, also referred to, relating to the Bath & North East Somerset Local Plan (including minerals and waste policies) adopted October 2007 have been replaced. I have determined the appeal accordingly. These circumstances would not prejudice the appellant, as the relevant policies relating to the Placemaking Plan remain in place, along with that of the Bath and North East Somerset Core Strategy (the Core Strategy).

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The site currently comprises a generally open area of land enclosed by a post and wire fence and to some extent by fairly low trimmed conifer trees with gaps between them. Only a fairly modest area at the north-west end of the site is hard surfaced, the remainder being covered with grass, albeit in a currently fairly poor condition.
5. That openness of the site, despite being privately owned and used by the appellant for ancillary residential purposes, forms an important open buffer and transition between the fairly dense and formal nature of Valley View Close's streetscene, comprising two storey terraced dwellings, and the pleasant

informality of Valley View Road to the north of the site leading out to the countryside, with only allotment gardens immediately to the north of it opposite the site. That road, from its junction with Valley View Close westwards and west of a detached bungalow adjacent to that junction, also substantially narrows and is edged on its northern side by mature hedgerow, factors which together contribute to its distinctive more rural country lane characteristic.

6. Whilst there are other dwellings and buildings of varying designs along that narrow stretch of road beyond the site to the west, they are sporadically positioned, reflecting the general openness of this urban fringe location. The first dwelling immediately to the west of the site served by Valley View Road, whilst visible from the vicinity of the site, is also set back from the road within a fairly spacious plot, further adding to that sense of openness.
7. The proposed dwelling would occupy most of the width of the site, particularly at its eastern end where the site is slightly narrower. In the context of the sporadic positioning of other buildings along Valley View Road alone, it would not be unusual. However, it would be seen much more distinctly in relation to its proximity to the terraced dwellings and immediate context of Valley View Close such that it would substantially encroach upon the existing open buffer provided by the site.
8. Despite its flat roof design and intended Sedum roof, its two storey nature, staggered upwards east to west due to the natural slope of the site, would also cause it to be a dominating feature of this prominent location, unlikely to be significantly screened by proposed boundary hedging and tree planting. That would be particularly the case when seen from lower down on the approach to the site from the east and from Valley View Close.
9. The proposed parking area, again located on the sloping site and raised above the level of Valley View Close to the east, would have the potential to be largely screened by proposed boundary hedge planting. However, the ongoing effectiveness of that hedge for such a purpose, or for partially screening or softening the development generally, could not be guaranteed in terms of its longer term maintenance and survival. As such that parking area, particularly with cars parked on it, would be a further substantial and prominent hard addition to the site further detracting from that existing visual buffer.
10. For the above reasons, the proposed development would be a jarring, obtrusive and incongruous feature of this location on the periphery of the settlement.
11. The appellant highlights that close boarded fencing would be erected around the boundaries of the site as permitted development to prevent ongoing trespassing if the proposed development were not to go ahead, claiming that this would screen the site's open aspect. However, such fencing would only be of a maximum height of 2 metres and less than that where replacing the existing lower roadside fencing. Therefore, even with such fencing around the site, it is likely that, compared with the noticeably greater height of the proposed dwelling, a good degree of openness would still be retained. It would also not have the same site coverage and massing effect as that proposed development. I have therefore afforded little weight to this factor as a potential fall-back position.

12. It is also claimed that the proposal would have the benefit of ensuring that a low hedge would be maintained on the site. Whilst that would be beneficial in terms of its softening effect, it is not a fundamental factor in terms of the site's importance in providing an open buffer. Again, any such hedge planting could also not be guaranteed to survive or be maintained as proposed in the longer term.
13. Despite the intended use of high quality materials, detailing and modern innovative design, for the above reasons, the proposed development would cause unacceptable harm to the character and appearance of the surrounding area. As such, it would be contrary to policy CP6 of the Core Strategy and policies D2 and D5 of the Placemaking Plan which together, amongst other things, require development to be of high quality design which reinforces and contributes to its specific local context, and to contribute positively to and not to harm local character and distinctiveness. It would also be contrary to the National Planning Policy Framework (the Framework) which in paragraph 17 sets out that planning should, amongst other things, always seek to secure high quality design and take account of the different roles and character of different areas, and in section 7 relates to requiring good design.

Conclusion

14. The Framework sets out that there should be a presumption in favour of sustainable development and indicates that to achieve that, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
15. I acknowledge that the proposal would add to the local supply of housing and would be intended to be energy efficient. However, those benefits would be small, relating only to a single dwelling, and would be insufficient to outweigh the unacceptable harm that I have found would be caused to the character and appearance of the surrounding area. It would therefore not be a sustainable form of development.
16. Therefore, for the reasons given above, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR