
Appeal Decisions

Site visit made on 13 December 2017

by Stephen Hawkins MA MRTPI

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

Decision date: 9 January 2018

Appeal A Ref: APP/H3320/D/17/3181066

**The Sanctuary, 55 Cleeve Park, Chapel Cleeve, Minehead, Somerset
TA24 6JF**

- 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 Dr Penny Rawson against the decision of West Somerset Council.
 - The application Ref 3/26/17/009, dated 16 March 2017, was refused by notice dated 9 May 2017.
 - The development proposed is a porch/reception with access lobby to it.
-

Appeal B Ref: APP/H3320/D/17/3181069

**The Sanctuary, 55 Cleeve Park, Chapel Cleeve, Minehead, Somerset
TA24 6JF**

- 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 Dr Penny Rawson against the decision of West Somerset Council.
 - The application Ref 3/26/17/015, dated 10 May 2017, was refused by notice dated 3 July 2017.
 - The development proposed is a porch/reception with access lobby to it.
-

Decision

1. Appeal A is dismissed.
2. Appeal B is allowed and planning permission is granted for a porch/reception with access lobby to it at The Sanctuary, 55 Cleeve Park, Chapel Cleeve, Minehead, Somerset TA24 6JF in accordance with the terms of the application, Ref 3/26/17/015, dated 10 May 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No 12, Drawing No 13, location plan.

Preliminary Matters

3. In both appeals the description of the proposed development has been taken from documents entitled 'description of proposed works' accompanying the applications. This is because the relevant parts of the application forms did not describe the proposed developments but made reference to these documents.

4. The Council supplied a copy of an Article 4 Direction dated 15 July 1967 in respect of Cleeve Park. As a result of the Direction express planning permission is required for development within the curtilage of a dwellinghouse and minor operations which would otherwise have been 'permitted development'. I have not been supplied with any substantive evidence which would indicate that the Direction no longer remains in effect.

Applications for Costs

5. Applications for costs in respect of both appeals were made by Dr Penny Rawson against West Somerset Council. These applications are the subject of separate Decisions.

Main Issue

6. The main issue in both appeals is the effect of the proposals on the character and appearance of the area.

Background

7. Cleeve Park is mostly made up of about a hundred small chalet-style dwellings arranged around circulation roads. The dwellings are situated in well-spaced individually landscaped plots within a quiet woodland setting, surrounded by countryside. For the most part, the dwellings are of a similar design and appearance. During my site visit I observed that many of the dwellings have been extended in different ways. Many have outbuildings of varying size and design within their grounds. I also saw other dwellings of varying design and scale, mostly on the edges of the Park. Nevertheless, and whilst the dwellings and how they are occupied might have evolved since their erection, my overall impression is that the Park retains a unified style and coherent appearance which contributes significantly to its individual character.

Reasons-Appeal A

Character and appearance

8. The dwelling has a design and appearance consistent with many other properties in the Park. The proposed porch would be on its front elevation. The main parties disagree over the porch floor area. Even so, the submitted plans indicate that it would appear as a relatively large addition when compared with the modest scale of the dwelling.
9. Further, the porch would extend significantly beyond the side wall of the dwelling, towards the boundary with the adjacent property. The misalignment between the side wall of the porch and that of the dwelling would create a disruptive appearance. It would also reduce, albeit slightly, the sense of space between the dwelling and the adjacent property.
10. Consequently, the porch would not compare favourably with the design, scale and siting of front additions to other dwellings in the vicinity. The porch would have similar details to the dwelling and it would utilise similar external materials. However, these matters would not, in themselves, mean that the porch would assimilate successfully with its context. Due to all of the above factors, the porch would fail to integrate with the dwelling or its surroundings and it would appear as an awkward and alien addition.

11. The dwelling is set back from the circulation road. Due to a substantial protected Yew tree and other frontage vegetation there would only be limited views of the porch from the road. Also, the porch would not directly affect any existing planting. Even so, I cannot discount the possibility that the planting might require pruning back significantly in future, thus opening the porch up to wider views in its surroundings and exacerbating the visual harm identified above. Whilst additional planting could be undertaken, this would not be a good reason to allow an otherwise unacceptable form of development.
12. Overall therefore, I find that the porch would cause unacceptable harm to the character and appearance of the area. Consequently, the porch would not accord with saved Policy BD/3 of the adopted West Somerset Local Plan 2006 (LP), as its scale and proportions would not be in character and appropriate to the building to which it relates. This policy is consistent with the National Planning Policy Framework (the Framework) core planning principle of always seeking to secure high quality design. It is also consistent with the more detailed policy on good design at Section 7 of the Framework.
13. The Council also made reference to the dwelling being in a Special Landscape Area (SLA). However, I have not been referred to any relevant part of the Development Plan or any relevant policies which might apply as a result. Consequently, I have given this matter limited weight.

Other Matters

14. The porch would have a side window facing towards the boundary with the adjoining property (No 56). Additionally, a small window would be inserted in the side elevation of the dwelling to serve a bathroom. From these windows it would be possible to overlook the front garden and driveway of No 56. However, as that area is open to views from the road it could not accurately be described as private. Moreover, the bathroom window is likely to be obscure glazed. Therefore, I accept that the porch would not unacceptably affect the privacy currently enjoyed by the adjoining residential occupiers.
15. Reference has been made to the 'permitted development' rights currently available for larger residential extensions outside of certain designated areas¹. Even so, due to the Article 4 Direction such rights would not apply in respect of the dwelling. I appreciate that the dwelling is of modest size and that the appellant wishes to enlarge it to provide living space more suited to her requirements. I also note that the porch has been designed around physical constraints associated with drainage and a telegraph/electricity pole. Further, I have taken account of the support for the porch from an interested party. However, none of these matters materially affect the weight given to my findings on the main issue.

Reasons-Appeal B

Character and appearance

16. The proposed porch would be on the front elevation of the dwelling. It would be of relatively modest size compared with the scale of the dwelling and its side would be aligned with the existing side wall. The porch would be of a similar form to the dwelling and would echo aspects of its detailed design. The porch would also utilise similar external materials to the dwelling and it would not

¹ Class A.1 (g) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

have an excessive number of openings. Therefore, the porch would integrate successfully with the dwelling and it would not erode any space at the side of the property. Consequently, the design scale and siting of the porch would be materially different to the scheme at Appeal A and would be similar to front additions to other dwellings in the vicinity.

17. I acknowledge that a rear extension to the dwelling was permitted on appeal in January 2017². Even so, the porch is of modest size and there would be limited public views in conjunction with the rear extension. Consequently, the porch would not significantly alter the scale and character of the dwelling or the visual impact on its surroundings, either individually or in accumulation with the permitted rear extension.
18. Therefore, the porch would not cause unacceptable harm to the character and appearance of the area. Consequently, the porch would accord with LP Policy BD/3, as its scale and proportions would be in character and appropriate to the building to which it relates. For the reasons explained in Appeal A, I have given limited weight to the Council's reference to the SLA.

Other Matters

19. Interested parties have made reference to Cleeve Park being located in the open countryside. However, the Council did not suggest that the porch would fail to accord with Policy OC1 of the adopted West Somerset Local Plan and I have not been provided with any substantive evidence to suggest otherwise. I also note concerns about the extensive recent planning history of the site, possible precedent for further development, possible future business use of the dwelling, the feasibility of moving the telegraph/electricity pole and comments on the Article 4 Direction. However, I have to deal with this appeal on the basis of its individual planning merits. I do not have any substantive evidence concerning the effect of the porch on wildlife or on the Park's infrastructure. Therefore, I can only give the above matters limited weight.

Conditions-Appeal B

20. In addition to the standard commencement condition, I have imposed a condition specifying the approved plans, in the interests of certainty. The external materials are specified on the approved plans. Therefore, it is not necessary to impose a matching materials condition. As there would be no unacceptable overlooking of the adjoining residential property, the suggested condition regarding obscure glazing of the side window is unnecessary.

Conclusions

21. For the reasons given above I conclude that Appeal A should be dismissed and Appeal B should be allowed.

Stephen Hawkins

INSPECTOR

² Reference APP/H3320/D/16/3159772.