
Appeal Decision

Site visit made on 4 December 2017

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2018

Appeal Ref: APP/R3325/W/17/3180420
Coker Firs, 141 West Coker Road, Yeovil BA20 2HH

- 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 Barry Delves against the decision of South Somerset District Council.
 - The application Ref 17/01396/FUL, dated 23 March 2017, was refused by notice dated 15 June 2017.
 - The development proposed is removal of existing garage and construction of a detached single dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for removal of existing garage and construction of a detached single dwellinghouse at Coker Firs, 141 West Coker Road, Yeovil BA20 2HH in accordance with the terms of the application, Ref 17/01396/FUL, dated 23 March 2017, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr and Mrs Barry Delves against South Somerset District Council. This application is the subject of a separate decision.

Procedural Matter

3. After viewing the appeal site with the main parties I carried out unaccompanied visits to Nos 2, 2a and 4 Nash Lane to make an assessment of the proposal from the gardens of those properties.

Main Issues

4. The main issues in this case are:
 - a) the effect of the proposal on the character and appearance of the area; and
 - b) the effect on the living conditions of the occupiers of Nos 2 and 2a Nash Lane, with particular reference to outlook, privacy, daylight and sunlight.

Reasons

Character and appearance

5. The appeal site is located approximately 100 m to the east of the Bunford Hollow Roundabout. It was formerly part of the residential curtilage of Coker Firs, but I note that this property has been sold separately and renamed as The Oaks.

6. This stretch of West Coker Road on its south side, between Nash Lane and Placket Lane, is characterised by large detached houses in spacious plots set back from the road behind a wooded frontage. Those mature trees forward of No 141 are protected by a Tree Preservation Order. A number of dwellings are glimpsed through their driveway entrances but the built form is very much secondary to the sylvan setting.
7. The proposal would replace an existing double garage. The residential plot created as a result of severing this parcel of land would be narrower than others to the east but this would not be noticeable to the casual observer and I do not consider that it would be read as being out of character. The new house would be set back from West Coker Road in line with No 141 and it would be positioned off the side boundaries. The development would therefore sit comfortably within its plot without appearing unduly cramped. The existing treed frontage would continue to screen the site from the majority of public views and the street scene would be largely unaffected.
8. Accordingly, I conclude that the proposal would not cause material harm to the character or appearance of the area. It would comply with Policy EQ2 of the South Somerset Local Plan (2006-2028) (LP) insofar as it seeks high quality design which respects local area context and character.

Living conditions

9. The garage on the appeal site is elevated above bungalows in Nash lane and its windows afford views over the gardens to these properties. The proximity of the building to the boundary and the presence of overlooking windows have a particular impact upon 2a Nash Lane.
10. The proposed development would wrap around the footprint of the garage, the area formerly occupied by this building becoming part of the garden for the new property. Although taller than the garage, the dwelling would be positioned further from the boundary and forward on the plot. The net effect would be to pull the built form away from the patio area belonging to No 2a.
11. The windows in the rear elevation of No 2a already look out onto fencing at a higher level and coniferous planting along parts of the boundary. These features would provide screening for the development. That is not to say the dwelling would be completely hidden from view. It would still be visible from surrounding gardens. However, visibility is not an indicator of harm. Given my observations, I am not persuaded that the development would be overbearing or that it would lead to a material reduction in daylight or sunlight for the neighbours. Any adverse impacts would be minor and they would be offset by the improvements to privacy and outlook arising from the removal of the existing garage.
12. The new dwelling would not have any windows in the side gable elevation facing toward No 2a. First floor openings in the rear wall are marked on the plans as being obscurely glazed and this could be secured using a planning condition. As such, there would be no material loss of privacy for adjoining residents.
13. I therefore conclude that the appeal scheme would not have an unacceptable adverse impact on the living conditions of the occupiers of bungalows in Nash Lane. There would be no conflict with the requirement of LP Policy EQ2 that proposals should protect the residential amenity of neighbouring properties.

Other Matters

14. Planning permission was granted for a dwelling on the site in 2010¹. This permission lapsed prior to implementation. The latest proposal is on a slightly different footprint but is of similar design, albeit it has a wider side wing to accommodate an integral garage and larger bedroom above. The Council argues that the previous proposal was assessed under different policies but LP Policy EQ2 and its predecessor, Policy ST6 of the former local plan, are substantively similar in requiring development to respect its context. Whilst I acknowledge the lack of a fallback position, the planning history lends support to the principle of a dwelling on this site.
15. Concerns have been raised in relation to surface water drainage. There is no firm evidence to demonstrate that a sustainable drainage scheme would not operate effectively on the site. Even if soakaways were problematic, attenuation methods could be used in conjunction with a mains solution. A surface water drainage scheme can be secured by condition to mitigate the risk of flooding.
16. The proposed development would share an existing vehicular access onto West Coker Road. The Highway Authority is satisfied that this arrangement would provide a safe means of access to the development and I have seen nothing to persuade me to the contrary. The access is wide enough for two vehicles to pass within the entrance and visibility for exiting vehicles is satisfactory.
17. I note the concerns regarding the impact on television reception and subsidence arising from building works. No technical evidence is provided to support these objections but they would be civil matters in any event.
18. Although the appellant owns a parcel of land to the rear of No 141 this does not form part of the appeal scheme. Any future development proposals for that site must be considered in the context of a fresh planning application.
19. All other matters referred to in the representations have been taken into account, but no other matter is of such strength or significance as to outweigh the considerations that led me to my conclusions.

Conditions

20. The Council has suggested various conditions in the event that I am minded to allow the appeal. I have considered each against the six tests set out in paragraph 206 of the National Planning Policy Framework and advice contained within the Planning Practice Guidance (PPG). Where necessary I have adjusted the wording to improve precision and enforceability.
21. In addition to the standard commencement condition, it is necessary to attach a condition to define the plans with which the scheme shall accord. This will provide certainty regarding the scope of the permission. In the interests of protecting the character and appearance of the area a condition is required to secure details of external materials and other aspects of the design.
22. For the same reason, and to protect privacy and outlook for adjoining residents, a condition is necessary to secure the implementation of a scheme of tree and shrub planting. A separate condition is required to ensure that existing trees are protected during the construction phase.

¹ Council Ref. 10/04538/FUL

23. To prevent overlooking of neighbouring properties, a condition is needed to secure the obscured glazing shown on the approved plans. To ensure that privacy is not infringed by future alterations it is necessary to remove permitted development rights for new windows and openings in the side and rear elevations of the dwelling. Having regard to the relationship of the site to adjoining properties it is also reasonable to remove permitted development rights for extensions and outbuildings, in order that the effect on neighbours can be considered by the Council.
24. Although the Council argues that permitted development rights for hard surfacing should be removed to prevent flooding, the same objective can be achieved via a condition requiring the submission of a scheme of surface water drainage and the implementation and retention of measures approved under this scheme.
25. The plans show parking and turning for two vehicles in accordance with the Council's standards. A condition is required to secure provision of these areas, in the interests of highway safety.
26. The site lies near an area known to contain a Romano-British settlement from which various artefacts have already been recovered. An archaeological watching brief is therefore needed to ensure that any discoveries during the course of the development are recorded.
27. The removal of the existing garage would offset the impact of the new dwelling. A condition is therefore required to secure this part of the scheme and enable the Council to control finished site levels.

Conclusion

28. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Robert Parker

INSPECTOR

SCHEDULE OF 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: 3944/SD01 Rev A.
- 3) No development shall commence until a foul and surface water drainage scheme, incorporating Sustainable Drainage (SuDS) principles and rainwater harvesting, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first occupation of the dwelling and permanently retained and maintained thereafter (including any areas of porous surfacing where these are integral to the surface water drainage scheme).
- 4) No development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been first submitted to and approved by the local planning authority in writing.
- 5) No development shall be carried out above ground floor slab level unless details of the following (including samples where requested) have been submitted to and approved in writing by the local planning authority:
 - a) materials for all external walls and roofs;
 - b) materials, colour and finish for all external windows and doors;
 - c) depth of window and door reveals;
 - d) eaves and verge treatment;
 - e) rainwater goods; and
 - f) all boundary treatments.

Development shall be carried out in accordance with the approved details and retained as such thereafter.
- 6) Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a scheme of tree protection measures shall be submitted to and approved in writing by the local planning authority. The scheme shall be prepared by a suitably experienced and qualified arboricultural consultant in accordance with British Standard 5837: 2012 'Trees in relation to design, demolition and construction' and it shall include details relating to specially engineered hard-surfacing and the installation/routing of any required below-ground utility services. The approved tree protection requirements shall be implemented in full prior to any of the aforementioned activities taking place and they shall remain in place for the duration of the construction of the development.

- 7) The dwelling hereby approved shall not be occupied unless there has been submitted to and approved in writing by the local planning authority, a scheme of tree and shrub planting. The scheme shall specify the use of UK-provenance planting stock, the planting locations, numbers of individual species, sizes at the time of planting, details of root-types/volumes, e.g. whether "cell-grown" or "container-grown" and the approximate date of planting. The installation details regarding ground preparation, staking, tying, strimmer-guarding and mulching shall also be included within the scheme.

All plantings and installations comprised in the approved details shall be carried out within the first planting season following the occupation or completion of the development, whichever is sooner; and if any trees or shrubs which within a period of five years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the local planning authority gives written consent to any variation.

- 8) The dwelling hereby approved shall not be occupied until the driveway turning area has been laid out in accordance with the details shown on the approved plans and surfaced in a material to be first agreed in writing with the local planning authority. This area shall be kept clear of obstruction at all times and shall not be used other than for access, parking and turning in connection with the development hereby permitted.
- 9) The dwelling hereby approved shall not be occupied until the existing garage has been removed and the site and the levels restored in accordance with details to be first submitted to and approved in writing by the local planning authority.
- 10) The dwelling hereby approved shall not be occupied until the first floor windows serving the bathroom and bedroom 3 in the rear (south) elevation have been fitted with obscured glass and in the case of the bedroom 3 window shall be fixed shut and in the case of the bathroom window installed as per the approved plan so the top half of the window is a top hung opening. The windows shall be permanently retained and maintained in this fashion thereafter.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, including dormer windows, or other openings shall be formed in the side and rear elevations of the building, without the prior grant of planning permission.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling or garages/outbuildings erected on the site without the prior grant of planning permission.

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