



Appeal Decision

Site visit made on 9 July 2019

by S Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2019

Appeal Ref: APP/H3320/W/19/3222170

Back Lane, Holford, Somerset TA5 1RY

- 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 & Mrs T J Ayre against the decision of West Somerset Council.
 - The application Ref 3/16/18/005, dated 4 April 2018, was refused by notice dated 8 August 2018.
 - The development proposed is the erection of a dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a dwellinghouse on land at Back Lane, Holford, Somerset TA5 1RY in accordance with the terms of the application Ref 3/16/18/005, dated 4 April 2018, subject to the conditions in the attached schedule.

Procedural Matters

2. The decision to refuse planning permission was made by West Somerset Council, which ceased to exist on 1 April 2019, following a merger with Taunton Deane Borough Council to form the new Somerset West and Taunton Unitary Authority. Provisions within the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 allow for any "plan, scheme, statement, or strategy" prepared by one of the merging authorities to be treated as if "it had been prepared and, if so required, published by the single tier council for the whole or such part of its area as corresponds to the area to which the particular plan, scheme, statement or strategy relates". The status of the West Somerset Local Plan to 2032 (2016) (LP) has not therefore changed as a result of the merger.
3. The appellant submitted model 3D drawings depicting street scenes, Chartered Landscape Architect appraisal and a topographical survey that were not before the Council at the time of its decision. As the Council and interested parties have, though, had the opportunity to comment on these documents during the appeal process, I have considered them in my decision. Accordingly, no party has been prejudiced.
4. The proposal has also been considered by the Secretary of State in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (SI 571/2017). A screening direction has been issued which states that the proposal is not Environmental Impact Assessment development.

Main Issues

5. The main issues are the effect of the development on the character and appearance of the area and the impact upon the living conditions of the occupiers of neighbouring properties by way of privacy.

Reasons

Character and appearance

6. Holford is a small village within the Quantock Hills Area of Outstanding Natural Beauty (AONB). The appeal site is located on Back Lane within the main built form of the village, opposite the Plough Inn and set back from the A39 which runs north-south through Holford. The site is a triangular plot of land which is accessed via the public house car park. A low mix species hedge runs along the boundary to the south dividing the site from the narrow lane which provides access to further residential properties within the village. To the north east, a stone/rendered wall defines the boundary with the car park and to the northwest, the site abuts Glenstone Farm which is separated from the plot by a low wall, high fence and mature hedge. The site is level and slightly elevated from the lane by around 0.5 metres as indicated by the topographical survey.
7. The area is characterised on the east side of the A39 by larger dwellings set back from the road in spacious plots. To the west side, where the site is found, properties are mostly positioned side-on to the road with many bordering the highway. The entrance to Back Lane is dominated by the public house with its principal elevation snug against the road and the converted stables opposite set at an angle. This leads through to a more enclosed setting where the narrow lane is bounded by dwellings, barns, stone walls and hedgerows tight up against the road. There are a variety of building types and forms closer together within plots of varying sizes.
8. Policy SC1 of the LP identifies Holford as a secondary village where small scale development will be permitted subject to criteria. The policy specifies that development within or in close proximity to the contiguous built-up area must demonstrate that it, among other matters, is well related and with safe and easy pedestrian access to existing essential services and social facilities; respects the historic environment; complements the character of the existing settlement; does not generate significant additional traffic movements; and does not harm the amenity of the area.
9. The site presently makes a very limited contribution to the street scene. It is slightly elevated, physically separated, visually barren and provides no function within the settlement. The proposal is for the erection of a modest sized one and a half storey two-bedroom rendered dwelling under a tiled roof. It would be positioned gable end on to the lane with its frontage facing the entrance to Back Lane. Access via the public house car park would be through the existing gateway in the stone boundary wall, with parking and turning provided within the site.
10. The siting and design of the proposed dwelling would not be at odds with that of the surrounding development. It would have a low ridge height and be constructed and finished with materials to match surrounding buildings. The small footprint of the proposal would be similar to other properties within the immediate surroundings and the plot size is also comparable. The gable end

would be visible from the road and would be observed from some properties immediately to the south. However, the proposed dwelling would have a narrow span with a limited height and the proposed natural boundary treatment, which can be the subject of controls through a planning condition, would visually soften the expanse of this side elevation. Consequently, the gable end would not appear overly dominant or be visually harmful.

11. In coming to my conclusion, I have considered the location of the site in the AONB and find that the proposal would conserve and enhance its natural beauty and would not have an unacceptable effect on the character and appearance of the area. As such, the proposal would, in this regard, comply with Policies SC1, SV1 and NH13 of the LP which, among other matters, seek to ensure new development is sustainably sited, complements and positively contributes to the character of the existing settlement.

Living conditions

12. The degree of overlooking from the proposed dwelling to the nearest neighbouring properties would be limited due to separation distances, height of the proposed dwelling and dormer windows, which due to their design, naturally restrict the ease to look out. This coupled with the established vegetation within the gardens and boundaries that provide a good level of natural screening, leads me to conclude that the neighbouring properties would not be overlooked to the degree that the occupiers' privacy would be appreciably compromised.
13. Accordingly, I conclude that the proposal would not significantly harm the living conditions of the neighbouring occupiers with regard to privacy. As such, the development complies in this regard with Policies SC1, SV1 and NH13 of the LP which, among other matters, seek to protect the amenity of neighbours.

Other Matters

14. Comments from interested parties have questioned the appellants' right to access the land from the public highway through the Plough Inn's car park and the boundary with Glenstone Farm. These are not matters, though, that I can consider in my decision.
15. Forge Cottage is positioned on the opposite side of the lane fronting the road parallel to the south. It is acknowledged that the proposed dwelling would be positioned directly to the rear of the cottage, however the distance between the rear elevation of the cottage and the proposed gable end is around 22 metres and there is an existing garage which is situated in between that would partially screen the view.

Conditions

16. It is necessary to impose the standard three-year time limit commencement of development condition and necessary to impose a condition to require the development to be carried out in accordance with the approved plans in the interests of certainty.
17. A condition to ensure an appropriate landscaping scheme is implemented and maintained is required to safeguard the character and appearance of the area.

18. There is exceptional justification for the removal of specified permitted development rights in the interests of the living conditions of the occupiers of the neighbouring properties, based on my deliberations set out above. Due to the nature of the area, I consider that it would be reasonable and necessary to impose a planning condition relating to construction working hours.
19. Where I have altered the wording of the remaining conditions put forward by the Council I have done so in the interest of precision.

Conclusion

20. For the reasons above, and taking into account all other matters raised, I conclude that the appeal should be allowed subject to the conditions set out in the schedule.

S Hanson

INSPECTOR

Schedule of conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

DRAWING NO 200-01 REV B Proposed Site Location and Block Plan

DRAWING NO 200-02 Proposed Plans and Elevations

DRAWING NO 200-03 Parking and Turning Area
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 200-02 Proposed Plans and Elevations.
- 4) Prior to any ground works commencing there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include details of existing walls, fences, trees, and hedgerows which are to be retained; details of all new walls, fences and other boundary treatments; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the hard surfacing; and a programme of implementation.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) 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 extension, enlargement or other alteration of the dwelling house shall be erected other than those expressly authorised by this permission.
- 7) Construction works shall take place only between 0700 and 1800 on Monday to Friday and between 0800 and 1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.