



Appeal Decision

Site visit made on 22 July 2019 by Ben Phillips Bsc Msc

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2019

Appeal Ref: APP/D0121/W/19/3228963

41 Victoria Road, Clevedon, BS21 7SB

- 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 Mrs A Williams against the decision of North Somerset Council.
 - The application Ref 19/P/0414/FUL, dated 15 February 2019, was refused by notice dated 9 May 2019.
 - The development proposed is described as change of use of existing ground/basement maisonette to 2no. self-contained flats; works to include excavation to form courtyard to lower ground floor flat (resubmission of planning application 18/P/2413/FUL).
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Background and Main Issue

3. The main issue in this case is whether the proposal would provide acceptable living conditions for the intended future occupiers of the proposed flats, with regard to daylight and outlook.

Reasons for Recommendation

4. The application property is a large, three storey (plus basement) semi-detached Victorian Grade II Listed building, located within the settlement of Clevedon, on the corner of Victoria Road and Elton Road, sitting prominently above the sea front. The existing subdivided property is accessed from the front (Elton Road), side (Victoria Road) and rear, where off road parking spaces are located.
5. The proposed development would result in the further subdivision of the property which would result, unlike the existing split level flat, in a two-bedroom flat being located entirely (except for access) within the basement area. This two-bedroom flat would be served only by three small lightwells with the kitchen area, hallway and bathroom having no fenestration. This would result in a lack of natural light and a lack of outlook to any room, including the bedrooms and lounge area served by the lightwells.

6. The rooms within the flat would be likely to be dark, gloomy and oppressive places to spend time in as a result and unpleasant places to use. Adequate living conditions for the intended future occupiers would not be provided. The design of the flat would not create a high quality, functional and sustainable place for the future occupiers to live. There would therefore be conflict with Policies DM39 and DM32 of the North Somerset Council Development Management Policies: Sites and Policies Part 1 (Adopted July 2016) which collectively require a satisfactory standard of accommodation and living conditions to be provided and be of a good design. The proposal would also conflict with the National Planning Policy Framework (para 127), which, amongst other matters, requires development to create places which promote health and well-being, with a high standard of amenity for existing and future users. In reaching this conclusion I acknowledge that future occupiers would be able to make a personal choice about whether to rent or buy the properties, however this does not justify substandard and unsatisfactory accommodation.

Other Matters

7. I acknowledge that the proposal would result in two sizeable flats within the settlement of Clevedon, close to the seafront. However, such provision does not justify harmful development and the conflict with the development plan.
8. I concur with the appellant that each planning appeal and application should be determined on its merits. The examples referred to by the Council of similar development elsewhere have had no bearing on my consideration of this case as they do not appear to be directly comparable.
9. The Council has previously granted Listed Building Consent for the physical works associated with the appeal proposal. From all that I have seen and read it appears that the basement makes a neutral contribution to the special interest of the building. The additional residential accommodation that would be created in this residential building would have a neutral effect upon the significance of this heritage asset. The change of use would therefore preserve the building's architectural and historic interest.

Conclusion

10. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

B Phillips

APPEALS PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR