



Appeal Decision

Site visit made on 12 August 2019

by M Harris BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2019

Appeal Ref: APP/Q3305/W/19/3226850
Bramley Barn, Oxendale, Street BA16 0JX

- 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 David Hemmings against the decision of Mendip District Council.
 - The application Ref 2018/1846/FUL, dated 20 July 2018, was refused by notice dated 29 November 2018.
 - The development proposed is the demolition of existing cottage and erection of 3no terrace houses including parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on
 - i. the character and appearance of the area;
 - ii. the occupiers of 1 Elaina Close in respect of light, outlook and privacy;
 - iii. the future occupiers of the proposed dwelling for Plot 1 in respect of privacy; and
 - iv. whether there would be sufficient off-street car parking provision and, if not, the effect of the development on the safety and convenience of road users.

Reasons

Character and appearance

3. The local built environment is one of mixed residential character. On Cranhill Road, dwellings are typically two-storey of stone construction with red-tiled roofs, arranged in a mix of detached, semi-detached and terraces. Oxendale and Bullmead Close, whilst of more recent construction, broadly replicate this approach. A contemporary dwelling with a combination of flat and mono pitch roof elements is situated at the end of Bullmead Close.
4. A large surface level car park lies immediately south of the site, bounded to the east by the edges of a large modern development (including a range of building styles/types) and to the south by a three-storey development of retirement

apartments. The openness of the car park is a dominant feature which detracts from the townscape and is a large contributor to the character and appearance of the local area being a varied one with no single specific unifying style or pattern of development.

5. Bramley Barn is set back from the highway behind boundary treatment. An area of hardstanding extends from the boundary to the edge of pavement providing access to three garages not associated with the appeal. Due to this setback the area appears to lack a unifying feature and presents as though it is land which has not been specifically planned for.
6. The proposal would draw development closer to Oxendale and would provide a building line to this section of road. This change would have the effect of unifying the built environment and improving the street-scene. As noted by the Council, the site is in a prominent position within the immediate locality and the stronger building line would strengthen the grain of development, reducing the degree to which the car park detracts from the built environment. Although the proposal has a vertical emphasis, together with a steeper roof pitch, there is a wide variety of architectural form already present in the area. Therefore, the proposal would not cause harm to the character and appearance of the area.
7. For the above reasons, I conclude that harm would not be caused to the character and appearance of the area in respect of the location, scale and design of the proposal and it would therefore not conflict with Policies DP1 and DP7 of the Mendip District Local Plan Part 1: Strategy and Policies 2014 (the 'Local Plan') which requires development proposals to respect local identity and distinctiveness and to be appropriately designed in response to the local context. In addition, I find no conflict with policy on design as set out in Chapter 12 of the National Planning Policy Framework ('the Framework').

Occupiers of 1 Elaina Close

8. Bramley Barn is positioned almost directly on the rear/north-western boundary of the plot with No 1 Elaina Close similarly closely sited to this shared boundary. The blank rear elevation of Bramley Barn faces the rear garden of No 1 Elaina Close and as such there are no issues of overlooking or loss of privacy. From the rear garden of No 1 Elaina Close, Bramley Barn presents as a part two storey, part single storey building with a catslide roof limiting the degree to which it presents as an overbearing mass.
9. The proposal moves development away from the shared boundary. The rear gardens of Plots 1 and 2 would be broadly sited where Bramley Barn is positioned with the garden of Plot 3 located where the existing side terrace is positioned.
10. Despite the building line moving, the proposal would introduce a larger development form. Instead of the existing blank two storey gable end and catslide roof arrangement, there would be a two-storey elevation across the width of three properties with doors at ground floor and windows at first floor together with pitched roof. The effect of this would be an unacceptable level overlooking of the rear garden of No 1 Elaina Close, with the resultant adverse impact on privacy. Further, the increased scale and massing of the proposal would present as an overbearing and dominant structure when viewed from the rear garden of No 1 Elaina Close resulting in a loss of light.

11. The appellant has highlighted that there is already potential overlooking of the rear garden of No 1 Elaina Close from existing properties on Oxendale, citing this and the existing interaction between No 1 Oxendale and Bramley Barn, together with a local pattern of short rear gardens, as justification for allowing the appeal. I do not have details of the approval of properties in Elaina Close before me. However, I consider that the increased overlooking that would arise from the current proposal would have an unacceptable impact.
12. It has also been stated that by moving the building line away from the shared boundary, the degree to which there would be an overbearing impact on No 1 Elaina Close would be reduced. As set out above, I disagree with this and find that, notwithstanding the greater separation, owing to the overall increase in scale and mass associated with the larger structure, the proposal would have an unacceptable impact leading to a material loss of outlook and light to the rear garden
13. For the above reasons, I conclude that the proposal would be harmful to the occupiers of 1 Elaina Close, contrary to Policy DP7 of the Local Plan and paragraph 127 of the Framework in respect of protecting existing and future users/occupiers of development.

Future occupiers of Plot 1

14. The position of the existing dwelling presents the blank south western elevation to the rear elevation of No 1 Oxendale. The latter contains windows at ground and first floor level. The existing Bramley Barn is positioned very close to the shared boundary.
15. The proposal would be sited further forward in the plot with the front elevation closer to Oxendale. The area currently occupied by the existing building would be replaced by the rear garden space of Plot 1, separated from the rear garden of No 1 Oxendale by the existing 1.6 metre boundary fence.
16. The effect of this is that the rear garden of Plot 1 would be capable of being directly overlooked from the windows in the rear elevation of No 1 Oxendale, the impact of which would be a reduced level of privacy for the future occupiers of Plot 1. Whilst I acknowledge the appellant's position regarding the existing potential overlooking of Bramley Barn's garden from No 1 Oxendale, I do not have details of the Oxendale planning permission and, in any event, I do not consider that harm which might or might not currently arise acts as a justification for the harm found in the current proposal.
17. For the above reasons, I conclude that the identified overlooking would adversely impact on the future occupiers of Plot 1 contrary to Policy DP7 of the Local Plan insofar as it seeks to protect the amenity of users of neighbouring buildings and to provide a satisfactory environment for occupiers and paragraph 127 of the Framework in respect of protecting existing and future users of development.

Safety and convenience of road users

18. The site is located within the built-up area of Street, a town providing a range of goods and services. It is noted by the Council to be close to the defined town centre.

19. The proposal identifies a single parking space for each plot plus one shared visitor space. A highways objection noted that this is below the six spaces identified for a development of this scale within the Somerset County Council Parking Strategy (September 2013) (the 'Parking Strategy').
20. The Parking Strategy establishes (Section 5.3) that the provision of six spaces is the optimum standard, based on an analysis of typical car ownership levels relative to dwelling size. The Strategy indicates that where proposals deviate, evidence must be supplied which details the local circumstances together with a Travel Plan to demonstrate how this will be managed.
21. The appellant has outlined that the site location is one that has access, via sustainable transport modes, to locally provided goods and services. I agree with this position. However, a Travel Plan which outlines how the proposal would mitigate unacceptable impacts, as required by Policy DP9 of the Local Plan, has not been provided in support of the proposed reduction in parking.
22. Whilst the public car park opposite the site might provide suitable mitigation for visitors, I agree with the Council that the chargeable nature would likely deter residents from using it and thus result in potentially inappropriate on-street parking. As such, in the absence of a Travel Plan, I agree with the Council in respect of their concerns over parking in the wider area.
23. Whilst only representing a snapshot in time, it was evident from my site visit that there are local pressures in respect of on street parking, compounded by the chargeable car park and daytime restrictions on parking on streets in the immediate locality, including Cranhill Road which serves Oxendale. In my view, when considering the likely level of car ownership for dwellings of this size, as set out in the Parking Strategy, together with the potential for parking associated with this development to have impacts on local roads, particularly on Oxendale and in Bullmead Close, the proposal is unacceptable and would negatively impact on the convenience of road users with the potential for negative impacts on highways safety.
24. For the above reasons, I conclude that the under provision of parking relative to the Parking Strategy would result in inappropriate parking on the road and would have a negative impact on the safety and convenience of road users contrary to Policies DP9 and DP10 of the Local Plan insofar as they seek to ensure that parking spaces are provided at the appropriate number and that development proposals make safe provision without causing wider harm. For the reasons outlined the proposals fail to satisfy the requirements of the Somerset County Council Parking Strategy 2013 and the Framework insofar as it supports the use of Travel Plans, as reflected in the Local Plan.

Conclusion

25. Whilst the proposal would be acceptable in terms of its impact on the character and appearance of the area, I have found harm in respect of the other main issues. These are matters of overriding concern and therefore the appeal should be dismissed.

M Harris

INSPECTOR