



Appeal Decision

Site visit made on 20 August 2019

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2019

Appeal Ref: APP/Q3305/W/19/3230086

The Homestead, Hannahs Lane, Westbury Sub Mendip, Wells BA5 1JD

- 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 Hughes against the decision of Mendip District Council.
 - The application Ref 2018/2774/FUL, dated 9 November 2018, was refused by notice dated 15 March 2019.
 - The development proposed is for the erection of stand-alone residential annexe.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development would constitute a separate or ancillary residential unit;
 - The effect of the proposed development on the character and appearance of the surrounding area, with particular regard to the Westbury Sub Mendip Conservation Area (CA); and
 - The effect of the proposed development on the living conditions of residents, with particular regard to the occupiers of neighbouring properties and the occupiers of the main house and the proposed building on the appeal site.

Reasons

Separate or ancillary unit

3. The Council considers that the proposed development is tantamount to a new separate dwelling, and I note that the proposed detached building would be of a scale and contain all the internal facilities necessary to allow for separate, independent living. It would also include its own entrance and the proposed site plan appears to show a separate rear garden for the new building. However, the evidence is not conclusive that it would be used in this way.
4. The appellants describe the building as a residential annexe to the existing house, which they would live in while their children move into the main house, and the planning application form makes it clear that planning permission is sought for the erection of a stand-alone residential annexe. The evidence before me indicates that the new building and the existing dwelling on the

appeal site would also share the driveway and parking area, and the new building would not have a separate address or utility provision.

5. This points towards the ancillary nature of the development, while a planning condition could secure details of proposed landscaping and boundary treatment within the site. The use of the new building as an annexe to the main dwelling could also be controlled by a condition, such as that proposed by the Council, if planning permission were to be granted.
6. Accordingly, subject to the imposition of a suitable condition to restrict the use of the building to an ancillary annexe, I conclude that the development does not constitute a separate residential unit. Although not consistent with all the principles covering dependent persons accommodation in the Council's House Extension Design Guide, the proposal would therefore not entail a separate unit of accommodation, which the guidance seeks to avoid.

Character and appearance

7. The appeal site contains a detached chalet bungalow surrounded by garden and a parking area, and a historic barn building with a more modern attached single garage. It is located on the edge of but within the Westbury Sub Mendip CA. Built form in the surrounding area is of varied age and design, and many plots contain relatively generous parking and hard-standing areas. However, the predominant development pattern in the locality involves relatively well-spaced buildings, with many properties situated in reasonably spacious, uncluttered plots. The open nature of the site, visible and apparent from the public realm, reflects and contributes to the spacious character and appearance of the surrounding area and, amongst other aspects, the significance of the CA derives from this. The evidence before me indicates that while the existing dwelling is not original, the barn dates from the 19th century and there is a historic relationship between the barn and the siting of the dwelling in the relatively open site.
8. The development would result in three detached buildings in reasonably close proximity. Due to the siting and scale of the annexe, the development would create a cramped and cluttered environment. This would erode the open and spacious nature of the site. Accordingly, the annexe, which would be visible from the public realm and surrounding plots, would be experienced as an incongruous feature whose siting would relate poorly to the locality and the main house on the site and be out of character with the surrounding area.
9. The demolition of the garage structure would reduce the relatively narrow space between it and the main house. However, its removal would increase visibility from the public realm into the site and the garden area where the annexe would be located. The cramped presence of the proposed building, framed between the barn and main house, would therefore be accentuated and involve more than a fleeting glimpse.
10. As the appeal proposal is for a detached building, I find that matters often considered pertinent to proposals for extensions are not particularly relevant in this instance. However, in any event, the annexe's relatively large footprint indicates that it would not be read as a particularly subordinate feature.
11. In reaching this view, I have taken account of the relatively large size of the appeal site, the size of other nearby buildings including garages, and the

resulting density on the site in relation to the surrounding area. I recognise that the design of the annexe and the size of the parking area would not appear particularly inconsistent with the surrounding area. The chalet style annexe would, amongst other aspects, also utilise local materials, take design cues from nearby buildings, and be lower than the main dwelling on the site, the barn and other surrounding properties, and may appear as an outbuilding within the curtilage of the main dwelling.

12. However, neither these aspects nor the development of other nearby buildings over the past few years within and near the CA lead me to a different conclusion. I am also mindful of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). This requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area in the exercise of planning powers.
13. As the harm I have identified would be relatively localised, it would – in the words of the Framework – constitute “less than substantial harm” to the significance of the CA as a whole. However, this still constitutes harm, and in such circumstances, the less than substantial harm should be weighed against the public benefits.
14. The development would provide some public benefits including additional ancillary space that would provide accommodation for the appellants in their advanced years and allow them to be cared for by family members. This would reduce the burden on the state to provide care for them and the development would also remain for others, possibly with dependent relatives, to use and benefit from in the future. The removal of the non-original garage structure would allow the barn to be experienced in its more historic form, and it has been put to me that demolition of the garage would also improve access to the site and therefore highway safety. However, based on the development and its use, the extent of these benefits would be modest and do not therefore outweigh the great weight given to the conservation of designated heritage assets.
15. For the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area, with particular regard to the Westbury Sub Mendip CA. I therefore find that it conflicts with Policies DP1, DP3 and DP7 of the Mendip District Local Plan 2006-2029 (Part I: Strategy and Policies) (MDLP). Amongst other aspects, these require development to contribute positively to local identity and distinctiveness, to be of a high-quality and have a layout which is appropriate to the local context, and preserve the significance of designated heritage assets. The proposal would also be inconsistent with the provisions of the Framework in relation to achieving well-designed places and conserving and enhancing the historic environment.

Living conditions

16. The development would result in an enlarged parking area on the site, and the proposed site plan shows parking spaces next to the shared boundary with 6 Hannahs Lane and its garden. The proposed increase in residential accommodation on the site would also be likely to result in more vehicle manoeuvres compared to the existing situation.

17. However, the proposed parking area would not be significantly larger than the existing area, the site is situated lower than No 6 due to topography, and existing boundary treatment – including a wall, fence and soft landscaping – provides some screening and a relatively good level of separation between the site and No 6. Given the limited scale of the development, it seems to me that the increase in vehicle movements on the site would not be significant, even when accounting for the tandem parking arrangement. Furthermore, I observed on my site visit that the current layout allows for a car to be parked close to the shared boundary. Consequently, I am satisfied that the proposed parking arrangement would not result in significant disturbance or overlooking to the occupiers of No 6.
18. The annexe would be in relatively close proximity to 5 and 6 Hannahs Lane and Players House. However, the combination of separation distances, boundary treatment, topography, and the annexe's design and orientation indicate that it would not be overbearing or result in significant overshadowing, disturbance, overlooking and loss of light and outlook to adjoining occupiers.
19. The development is intended to provide ancillary accommodation and the use of the new building as an annexe to the main dwelling could be controlled by a condition. Accordingly, its ancillary nature would mean that there would be a connection between the occupiers of the annexe and the main dwelling. On this basis, I am satisfied that the development – including in relation to its size, scale and position to the main dwelling – would not compromise the living conditions of the occupiers of the main dwelling or provide inadequate living conditions of the occupiers of the proposed annexe.
20. For the above reasons, I conclude that the proposed development would not harm the living conditions of residents, with particular regard to the occupiers of neighbouring properties and the occupiers of the main house and the proposed building on the appeal site. I therefore find that it accords with MDLP Policies 7 and 8. Amongst other aspects, these require development to protect the amenity of users of neighbouring buildings and land uses, provide a satisfactory environment for current and future occupants, and not give rise to unacceptable impacts on noise levels and residential amenity. The proposal would also be consistent with the provisions in the Framework in relation to providing a high standard of amenity for existing and future users.

Other matters

21. I note the appellants' reference to their pre-application discussions with the Council and the amendments they made to the proposal, their concerns relating to the consultation input of past staff members, the Council's decision making process and not determining the application at Planning Board, and their view that inaccurate public comments have been quoted in the Council's Officer Report. I also note their frustration regarding the advice, position and engagement of Council Officers, the time that elapsed between submitting the planning application and receiving the Council's Decision Notice, and the associated costs and stress. However, these issues are not determinative as to the acceptability of the appeal proposal. I have therefore considered the proposal on its merits, based on the evidence before me.

Planning Balance

22. The appeal proposal would create ancillary accommodation that would be affordable for the appellants. It would provide some privacy and independence for them while also enabling family members, living close by in the main house, to provide care for them in their advanced years. This would reduce the burden on the state to provide such care, allow a young professional family to move into the area, and enable the appellants' son and family to live together and support and care for them in their old age and when they may be less able to care for each other.
23. I have given the appellants' personal circumstances careful consideration. However, I am mindful of the advice contained in Planning Practice Guidance¹ that in general planning is concerned with land use in the public interest. It is probable that the proposal would remain long after the appellants' personal circumstances cease to be material. Future use of the ancillary annexe would also not necessarily entail a similar situation.
24. The site is within the development boundary of Westbury Sub Mendip and therefore the principle of new accommodation is supported by MDLP Policies CP1 and CP2 subject to, amongst other aspects, compliance with local and national planning policy. Parking would be provided in accordance with the relevant parking standards. I recognise that the parish council did not object, no archaeological objections have been raised and that the appellants would seek to source local construction materials and labour. It has been put to me that the development would be in a sustainable location, would improve access and highway safety, that the resource efficient annexe has been designed and sited to respect the alignment of the main dwelling and to reduce any impact on neighbouring properties, and that any view of the proposal from Players House would be screened by existing landscaping and built form.
25. Be that as it may, the above aspects and the proposal's modest benefits – given the scale of the development – do not outweigh the harm I have identified and the great weight given to the conservation of designated heritage assets. Nor do they provide justification for development that conflicts with the development plan.
26. A number of neighbours have raised other concerns in relation to the proposed development, such as regarding highway safety, trees, biodiversity and subsidence. However, given my conclusions on the main issues and that the appeal is dismissed, there is no need for me to address these in further detail.

Conclusion

27. For the above reasons, the appeal is dismissed.

Tobias Gethin

INSPECTOR

¹ Paragraph: 008 Reference ID: 21b-008-20140306 – 'What is a material planning consideration?'. Revision date 06/03/2014.