



Appeal Decision

Site visit made on 10 September 2019

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2019

Appeal Ref: APP/R3325/D/19/3231882

64 Middle Path, Crewkerne, Somerset TA18 8BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by Mrs Heather Palmer against the decision of South Somerset District Council.
 - The application Ref 19/00352/HOU, dated 22 January 2019, was refused by notice dated 12 April 2019.
 - The development proposed is the construction of a garden building in the form of an oriental style summerhouse.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On my visit I observed that work on the summerhouse has commenced, with the structure partially constructed. However, I made my assessment strictly on the basis of the drawings upon which the Council made its decision.

Main Issues

3. The main issues are the effect of the proposed development on (i) the living conditions of the occupants of Bridge End, with reference to sunlight and outlook and (ii) the character and appearance of the area.

Reasons

Living conditions

4. The appeal relates to the erection of a summerhouse in the rear garden of 64 Middle Path. Considering its small plan, the structure would be notably tall, measuring 3.97m from ground level.
5. The adjacent property, Bridge End, has been extended and has a raised side patio off its conservatory, directly behind the proposed location of the structure. The patio's elevation would reduce the effect of the summerhouse to an extent. However, it would still maintain a height of 3.15m when measured from this area. Given its scale and immediate proximity to the shared boundary, its enclosing and overbearing effects would be significant. As such, it would unacceptably compromise the outlook of residents making use of the patio.
6. The appellant has supplied photographs, one of which shows Bridge End with access to sunlight at around 8am, despite the presence of the unauthorised structure. Given this evidence, I find that the proposal is unlikely to cause significant loss of morning sunlight to the patio or conservatory. I also appreciate that the extension of Bridge End has altered the original relationship

between the properties, and I agree that the summerhouse would reintroduce a greater degree of privacy for the occupants of both dwellings. However, these matters would not mitigate or justify the harm that I have identified.

7. References have been made to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. As the height of the structure goes beyond the scope of the regulations and would be harmful when judged on its own merits, this has not had a significant bearing on my decision. Although it is indicated that Bridge End's patio is unauthorised, no substantive evidence has been supplied to support that conclusion.
8. I therefore find on this issue that, although the proposal would not cause unacceptable restrictions to sunlight, it would have an unacceptable, harmful effect on the living conditions of the occupants of Bridge End with regard to outlook. As such, it would conflict with Policy EQ2 of the South Somerset Local Plan 2006–2028 (adopted 2015) (SSLC) and the National Planning Policy Framework (the Framework) insofar as they require proposals to protect the residential amenity of neighbouring properties.

Character and appearance

9. The area around the appeal site is characterised by a mixture of properties set within their own grounds. Outbuildings of various sizes, constructed in a range of materials, including timber and corrugated sheeting, are commonplace. As such, the proposed summerhouse, which is subserviently designed, scaled and located, would be aesthetically compatible with the surrounding environment. Given that 64's garden is extensively enclosed behind substantial boundary treatments, the structure would be well hidden from public view in any event.
10. I therefore conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area. It would comply with the requirements of Policy EQ2 of the SSLC and the Framework insofar as they seek development to achieve a design which respects local character.

Other Matters

11. The site is adjacent to the Crewkerne Conservation Area (CA). I therefore have a duty to pay special attention to the desirability of preserving or enhancing its character or appearance. As the structure would be well hidden from public view and compatible with its environment, I am satisfied that the proposal would preserve the character and appearance of the CA.
12. I note the appellant's concerns with regard to the Council's conduct. However, these are not matters for me to consider in the context of a S78 appeal, which is confined to an assessment of the planning merits of the proposal.

Conclusion

13. Although the proposal would not unacceptably affect the character and appearance of the area, I have found that it would harm the living conditions of neighbouring residents. Given the importance placed by local and national policy on maintaining standards of residential amenity, I find that the proposal would conflict with the development plan as a whole. Therefore, taking all matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR