
Appeal Decision

Site visit made on 18 December 2019

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2019

Appeal Ref: APP/Q3305/W/19/3234725

7 Upper Farm Close, Norton St Philip, Frome BA2 7NA

- 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 Rachel Hambury Young against the decision of Mendip District Council.
 - The application Ref 2018/2957/FUL, dated 29 November 2018, was refused by notice dated 29 May 2019.
 - The development proposed is the erection of a new two storey detached residential property with accommodation in the roof.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area, with particular regards to whether it preserves or enhances the Norton St Philip Conservation Area and the setting of nearby listed buildings, and;
 - The effect of the proposed access and turning arrangements on highway safety.

Reasons

Character and appearance and heritage assets

3. The Norton St Philip Conservation Area (CA) covers the historic central part of the village, and its significance lies in part in the way the mix of buildings and spaces reflect the evolution of the settlement over time. The High Street comprises a corridor of tight knit but varied, generally stone vernacular buildings reflecting historic burgage plots. The access to the lane which serves the appeal site is a rare break in the continuous building line that presents hard onto the High Street, which allows a good view of Albion Cottage and the side elevation of the Baptist Chapel, both of which are Grade II listed buildings.
4. I concur with the Inspector's findings in the previous appeal decision¹ that the area is largely characterised by various traditional stone buildings in a tight knit

¹ Reference APP/Q3305/W/18/3196197 dated 7 September 2018

pattern whereby buildings are set close to the road or lane. Nevertheless, within the pattern of development there are nuances that distinguish the terraced form on the main thoroughfare from the more informal, looser grain of built form along the access lane set behind. In this latter area the established gardens and planting between the buildings and informal appearance of the lane has a softening effect, resulting in a rural character and setting to the tight knit form. These factors combine to make a positive contribution to the character and appearance of the CA.

5. Albion Cottage is a three-storey detached, 17th century stone building, and its significance is principally derived from its architectural and aesthetic quality. Its detached position set back from the High Street and apart from other buildings, when combined with its height, gives it a status and prominence in views from the High Street, the access lane and the footpath to the east, as well as in private views from surrounding properties. The early 19th century Baptist Chapel derives significance from its use as a place of worship as well as its historic fabric. In particular, the prominence of the stone side elevation with pointed arched windows seen within a spacious verdant setting contrasts pleasantly with the traditional compact form of development. Both listed buildings make an important contribution to the character and appearance of the CA.
6. I am mindful of my statutory duties² to have special regard to the desirability of preserving the setting of a listed building or any features of special architectural or historic interest which it possesses, and in addition to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
7. The appeal site is a piece of garden land that has been subdivided by fencing from the rear of 7 Upper Farm Close and adjacent properties. The narrower section that lies between Albion Cottage and Greystones is within the CA and has an access onto the private lane, whereas the wider portion to the rear lies outside of the CA. Although somewhat overgrown, due to the absence of built form and presence of vegetation, the appeal site contributes positively towards the spacious surroundings in which Albion Cottage is experienced and therefore, comprises part of its setting. Its secondary location and softer appearance contrasts with, and compliments, the tight knit buildings along the High Street.
8. It is proposed to construct a detached, gable fronted dwelling on the front portion of the site in a location that broadly aligns with the position of Albion Cottage and Greystones. However, notwithstanding that there are some gable fronted buildings in the High Street, as the dwelling is detached, it would not emulate the settlement pattern in evidence there. Moreover, the dimensions of the plot dictate the form of the dwelling, which has a greater depth than width resulting in the narrower gable end forming the principal elevation. The architectural detailing and scale of the dwelling, whilst not objectionable in itself, in this context lacks the distinction of Albion Cottage or Greystones within their respective grounds.
9. In addition, the proximity of the building to the side boundaries of the site would contrast with the more spacious settings of Albion Cottage and Greystones and therefore, would appear disjointed and incongruous within such

² Sections 66 and 72 Planning (Listed Building and Conservation Areas) Act 1990

- a building line. Accordingly, the proposal would not sit comfortably within the immediate context and would fail to preserve or enhance the character and appearance of the CA.
10. Additionally, due to the surrounding land levels the dwelling would have a ridge height higher than that of Albion Cottage³ which would erode the sense of space within which the designated heritage asset is experienced. The amount of parking and turning area proposed would further exacerbate the reduction in verdant rural character to the setting of Albion Cottage. The impact would be particularly evident in views towards Albion Cottage from the public footpath to the east.
 11. Furthermore, the proposal would create a passing bay adjacent to the Baptist Chapel. Even if careful attention were paid to the surface treatment, this would considerably reduce the grass verge and adversely affect the rural informality of the setting of the side elevation of the Chapel, which, given its proximity would be particularly prominent in views from the High Street and would detract from the view of Albion Cottage from this perspective.
 12. Therefore, taking these factors together the proposal would be harmful to the significance of designated heritage assets, although in light of the scale of the proposal, this would be less than substantial harm. Paragraph 196 of the National Planning Policy Framework (the Framework) states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the development. Nevertheless, great weight⁴ should be given to the asset's conservation. In this case the proposal would have the benefit of providing an additional dwelling to the overall supply, and there would be economic benefits arising from the construction and future economic activity of the occupants. Even so, the benefits accrued from a single dwelling would be limited and therefore, would not outweigh the great weight given to the harm to the CA and the setting of listed buildings.
 13. Whilst conditions could ensure that the materials used in the development would be in keeping, this would not entirely overcome the concerns I have identified.
 14. I appreciate that the appellant in formulating her proposal has been mindful of the findings of the Inspector in the previous decision at the site. However, given that those findings related to a dwelling located towards the rear of the appeal site, such an approach presupposes that a different location would not incur other impacts, which is not the case in relation to the proposal before me. I also note that the appellant has had the support of planning officers, including the heritage officer. However, I am required to exercise my own judgement based on my observations and the evidence before me. Whilst I have taken account of those views, they do not lead me to find otherwise.
 15. The appellant refers to two examples of built form within the conservation area which she considers to be analogous with the appeal proposal. However, whilst I accept that development has evolved over time in the vicinity of listed buildings, it is not shown that the examples relate to recent planning decisions permitting new houses to be built. Furthermore, the specific configurations

³ Section C-C thru Site Drawing No. 228.301

⁴ Paragraph 193 National Planning Policy Framework

referred to are some distance from the appeal site. As such, it is not explained why they would have greater relevance in my assessment than the more immediate surroundings. Therefore, they have limited weight.

16. Accordingly, I find the proposal would be harmful to the character and appearance of the area and would fail to preserve or enhance the character and appearance of the CA and would adversely affect the settings of nearby listed buildings. Therefore, the proposal conflicts with saved policies DP1, DP3 and DP7 of the Mendip District Local Plan 2006-2029, Part 1: Strategy and Policies, December 2014 (LP). These policies, amongst other matters, when taken in combination support new design of a high design quality that respects local distinctiveness and the significance of heritage assets. Furthermore, the proposal would be contrary to section 16 of the Framework which seeks to conserve and enhance the historic environment.

Highway Safety

17. Paragraph 108 b) of the Framework states that development should ensure safe and suitable access to the site can be accessed for all users. Policy DP9 of the LP includes a similar stipulation but in addition, amongst other matters, supports development that provides safe and suitable provision of parking.
18. The proposed dwelling would use the existing access from the lane and would provide 3 off-street parking spaces. The Council refers to the Somerset County Council Highways Development Control Standing Advice and indicates that the Somerset County Council Parking Strategy recommends that 3 parking spaces plus visitor parking spaces should be provided for a three bedroom dwelling at the appeal site, and I have not seen evidence to the contrary. Whilst specific provision has not been made for visitor parking, the evidence does not show that the impact arising from visitors to one dwelling would lead to an unacceptable impact upon highway safety, nor that the residual cumulative impacts on the road network would be severe. As such the balance of evidence does not indicate that the quantum of parking provided would be inadequate.
19. In light of the restricted width of the access lane, a passing space⁵ is shown near to the access lane's junction with the High Street which would allow for two vehicles taking opposite directions to safely pass. Based on the evidence before me, there is little basis to doubt that the passing bay could not be secured by way of a condition and therefore, the proposal makes appropriate provision in relation to the private access lane.
20. The submitted tracking plans indicate that there would be sufficient turning space within the site to enter and exit in a forward gear⁶. However, this is in relation to a car that is 3.44m in length and 1.6m in width which is smaller than average. I have been provided with a different tracking plan⁷ showing that a driver using a vehicle of average size or greater would, due to the position of the dwelling, struggle to turn into or out of the site from the lane or turn vehicles in the space provided without additional shunting manoeuvres being necessary. Given that there would be little certainty or control over the size of vehicles used by future occupants of the dwelling, it cannot be assumed that

⁵ Drawing number 228.100.02(A)

⁶ Drawings numbered 228.100.10, 228.100.11 & 228.100.12

⁷ Statement of case by Paul Greatwood of IMA Transport Planning, September 2019: Drawing No. IMA-19-189 Plan IMA-1.

only smaller vehicles would be used. Therefore, I have given weight to the tracking information that covers a wider range of scenarios.

21. Furthermore, the location of the parking spaces to the rear of the site at some distance from the access lane via a relatively narrow passage adjacent to the dwelling, means that it would be difficult for drivers to exit the spaces in reverse gear as an alternative to turning the vehicle. These factors would deter occupants from using the spaces routinely such that future occupants may find it more convenient to park on the High Street, which is a classified road (B3110). I observed that many of the tight knit dwellings along the High Street did not appear to have off-street parking and so this would increase the competition for available parking spaces on the road. More on street parking would further restrict the available carriageway to vehicles using the High Street, thereby adding to congestion through the village which would be harmful to highway safety.
22. I am aware that the Inspector in the recent appeal did not find harm in this regard, however the parking arrangements she considered were notably different to those before me, as the parking was provided nearer to the access lane rather than to the rear of the dwelling. Consequently, those findings are of limited weight in my assessment. Furthermore, although I accept the Highway Authority did not object to the proposal, they did indicate that standing advice should apply, which does not amount to a positive endorsement. Notwithstanding the recommendation of the Council's Officer, I have determined the proposal on its own merits taking account of the range of detailed evidence presented.
23. On that basis, the provision of parking would fall short of being suitable to meet the needs of the development as required by policy DP9 and would be likely to lead to increased on-street parking harmful to highway safety. As this would be largely due to the position of the dwelling within the site, I am not satisfied that my concerns could be addressed by conditions. Therefore, I find that the proposed access, turning and parking arrangements would fail to provide safe and suitable access contrary to policy DP9 of the LP, which, amongst other matters, seeks to ensure that development provides for suitable parking and safe and satisfactory access to the highway network.

Conclusion

24. For the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector