



Appeal Decision

Site visit made on 26 November 2019 by Scott Britnell MSc FdA

Decision by V Lucas LLB (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th February 2020

Appeal Ref: APP/R3325/D/19/3233676

2 Southernaways, Water Street, Seavington St. Mary, Ilminster, TA19 0QR

- 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 S Packham against the decision of South Somerset District Council.
 - The application Ref 19/00952/HOU, dated 20 March 2019, was refused by notice dated 27 June 2019.
 - The development is described as "Resubmission of application ref: 19/00145/HOU for the erection of garden room and store".
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a garden room and garden store at 2 Southernaways, Water Street, Seavington St. Mary, Ilminster, TA19 0QR, in accordance with the terms of application Ref 19/00952/HOU, dated 20 March 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with approved plans, 107/004, p 107/106 A, p 107/107 A, p 107/108.
 - 2) The garden store hereby permitted shall be completed in all aspects in accordance with the approved plans within 3 months from the date of this decision and shall be retained as such thereafter.
 - 3) The external timber boarding of the garden store hereby approved shall be left to weather naturally and shall not be painted nor stained in any way and shall be retained as such thereafter.

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.

Procedural Matters

3. During the course of the application, the description of development was amended. The Council describe the development as "Erection of a garden room and garden store (revised retrospective application)". I have considered the appeal on this basis but have removed the wording 'revised retrospective application' as this is not a form of development.

Main Issue

4. The main issue in this matter is the effect of the development on the character and appearance of the area and the setting of the listed building.

Reasons for the Recommendation

5. The appeal site comprises a semi-detached dwellinghouse located within a prominent location on the south side of Water Street. The property benefits from a large rear garden, which backs on to open countryside. The appeal dwelling and adjoining neighbour are Grade II Listed, described in the listing as Nos 1 and 2 Southernaways. The development includes a detached garden room located at the end of the rear garden. The Council has no objection to this element and having observed the building I see no reason to reach a different conclusion. The substantive appeal therefore relates to the erection of the detached garden store. The scheme seeks to retain this building, but to reduce its height by 400mm.

Character and appearance of the area

6. The host property, due to its prominent location and character and appearance, contributes positively to the character and appearance of the streetscene and area. The garden store sits to the rear and side of the host property and is elevated, due to a step up in ground levels. As a result, it is visible from the road to the front of the appeal site. However, I observed it to be largely screened from view by trees and vegetation when viewed from the road to the south and the public path that runs along the side of the appeal site. With the reduction in both the ridge and eaves height, in conjunction with its functional form and design, the store would appear as a subservient ancillary building to the host property and would not dominate the streetscene. Further, due to its scale and siting, the spacious character of the rear garden, which contributes to the character and appearance of the area, would be retained. I also consider that the materials used in the construction of the store are sympathetic to the area, which consists of various housing styles and materials.
7. In reaching this conclusion, I have considered that the trees and vegetation that currently screen the building from a number of views may be removed. However, I find the development is acceptable in size, setting, materials and design and consider that this would remain the case in the event that the screening is reduced or removed.
8. To conclude, the development is sympathetic to its context and the character and appearance of the area. It complies with Policy EQ2 of the South Somerset Local Plan (2006 – 2028) (March 2015) and Section 12 of the National Planning Policy Framework (the Framework), which seek, among other things, to ensure that development will be designed to achieve a high quality, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district, reinforces local distinctiveness, respects local context and takes into account local character and site specific considerations.

Setting of the listed building

9. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its

setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 190 of the Framework indicates that harm could be caused to heritage assets by development affecting its setting.

10. The listed building (the appeal dwelling and adjoined neighbour) is located at a prominent location within the village. They are a simple pair of 17th Century thatched roofed cottages which, according to the listing, have undergone some alterations. However, the historic form of the buildings is clearly observed from the front. In contrast, both properties benefit from single storey glazed roof rear extensions. These appear relatively modern additions and obscure large sections of the original building. Consequently, I consider that the importance of the listed building derives from its age and overall form, while the most important views of it are to the front. Its setting therefore is less sensitive to change at the rear.
11. The garden store is located closer to the host dwelling than the garden room. However, with the benefit of the reduced height, in conjunction with the use of sympathetic materials, its form, design and overall size, it would not compete visually with the listed building. Further, the development, due to its scale and siting ensures that the spacious character of the rear garden would be retained. While the store is visible from the road to the front of the appeal site, there is a degree of visual separation with the host building. This ensures that the development does not compete visually with, or detract from, the special quality of the heritage asset. Consequently, I consider that the garden store, with the reduced height, would have a neutral effect on the setting of the listed building and would not impact upon any important views of it. Further, the positive contribution that the heritage asset makes to the character and appearance of the area is maintained. Again, I consider that this relationship would not be detrimentally affected should the current screening of trees and vegetation be removed from the site boundary.
12. With regards to the garden room, given its scale, form and level of separation with the listed building, it does not compete with it visually. Further, the spacious character of the rear garden is retained and so the garden room has a neutral effect on the setting of the listed building.
13. I conclude that the development has no harmful effects on the setting of the listed building and that it complies with Policy EQ3 of the South Somerset Local Plan (2006-2028) (March 2015) and Section 16 of the Framework, which seeks to ensure, among other things, that all new development will safeguard or where appropriate enhance the significance, character, setting and local distinctiveness of heritage assets.

Other Matters

14. I have considered the submissions of third parties in respect of the development. A number of these refer to the creation of a new vehicle access to the site and removal of a hedgerow. These are not, however, matters that relate to the development and so are not determinative factors in this case. Concerns have also been expressed regarding the effect of the development on the living conditions for occupants of nearby properties, with particular regard to outlook. However, given the scale of the store and the level of separation between it and the neighbouring dwellings, no unacceptable effects would

occur. Further, as each case must be considered on its own merits, I do not consider that the development would set a precedent for similar development in the area.

Conditions

15. The Council has suggested a number of conditions that it would wish to see imposed in the event that the appeal is allowed. These include the standard plans condition which I will attach for certainty. A condition requiring the materials to be used in the construction of the external surfaces to match those used in the existing building, is also requested. Given that the development relates to two outbuildings which are of timber construction and have already been erected, this condition is neither relevant nor necessary. A list of the materials employed in the development is set out within the application form.
16. The Council also suggest attaching the standard time condition, while I note that the Council's Report suggests the permission shall have effect from 8 April 2014. However, given that the development has clearly been commenced, no such condition is required. The Council also suggest in their report a condition requiring the reduction in the height of the garden store within three months from the date of any planning permission. I consider this to be a reasonable and necessary requirement in light of the harm that the Council has perceived in respect of the development as it currently stands and shall attach it accordingly.
17. The appellant has also suggested two conditions. Firstly, that the timber boarding to the store building is left to weather naturally. I consider this a reasonable requirement, which would ensure that the completed appearance of the development is sympathetic to its surroundings. A second condition is suggested that landscaping be carried out to the front of the building facing the road. However, given that I have found the development to be acceptable, and in view of the aforementioned condition that the timber be left to weather naturally, I do not consider that this is necessary. I note, in any case, that the applicant in a letter to the Council suggests that they intend to carry out such planting.

Recommendation

18. For the reasons given above, I recommend that the appeal should be allowed, and planning permission be granted with the conditions set out at the start of this decision letter.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed, and planning permission is granted.

V Lucas

INSPECTOR