



Appeal Decision

Site visit made on 9 March 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th April 2020

Appeal Ref: APP/D0121/W/19/3242053

128A High Street, Nailsea, BS48 1AH

- 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 Peter and Ben Gilks against the decision of North Somerset Council.
 - The application Ref 19/P/1254/FUL, dated 21 May 2019, was refused by notice dated 18 July 2019.
 - The development proposed is conversion of former Tattoo Parlour (Sui Generis Use) into one bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would provide adequate living conditions for future residents having regard to surrounding land uses, in particular with regards to privacy, outlook and disturbance.

Reasons

3. The appeal site is currently a vacant shop unit, located to the rear of Nailsea High Street. The surrounding area comprises predominately town centre uses, with nearby uses include shops and a hot food takeaway. To the north is a car park which supports both the High Street and the nearby supermarket. The appeal site comprises a single storey addition to number 130 High Street. It has two large windows, one of which overlooks the car park, the other is located on the western elevation. On both the northern and western sides of the building is a pedestrian footpath, with the path along the western elevation providing access to the High Street. The building is separated from the footpath to the front by a raised area, which, via a small flight of steps, provides access to the building. The western footpath directly adjoins the appeal site.
4. The appeal proposal would convert the existing building into a one bedroom dwelling. New dividing partitions would be erected internally and a new window inserted into the northern elevation to serve the bedroom. It is proposed to replace the existing windows and insert an obscure panel along the bottom portion. A bin store is proposed which would be located to the front, and it is proposed that this area will be enclosed by railings to create a private area.
5. The windows of the dwelling would face directly onto a pavement to the front and side. At the time of my site visit, I noted that both were relatively well

used by shoppers parking in the adjacent car park and accessing either the high street or the supermarket. Due to the design and orientation of the building, these windows would provide the principal source of natural light and outlook for the proposed dwelling. The front windows would look across the pavement and road and onto the existing car park. The side windows would look onto the existing lane. Due to the orientation and outlook of the windows over busy and trafficked areas without respite or enclosed areas, I consider that this would offer a poor outlook from within the dwelling.

6. Due to proximity of the windows to the public pavement, anybody walking on the pavement, along with users of the car park would have views into the dwelling. To ensure some privacy within the dwelling, I note that obscure glazing of the lower panels to the lounge windows are proposed. No such provision is made for the bedroom window. To be assured of privacy, occupiers would be required to draw curtains or use net curtains. I am not convinced that either solution would provide future occupiers with a good standard of privacy. I noted the change in levels, with the floor level of the building being higher than the external ground level. Whilst this may prevent some direct looking into the dwelling, this only serves to accentuate the outlook from inside the dwelling.
7. A small area of amenity space would be provided at the front of the dwelling. The space would be bounded on two sides by pedestrian pavement and would be in full view of the adjacent car park. It therefore offers very little privacy and is almost entirely taken up by a cycle locker and bin store. I note that there are other dwellings, principally above neighbouring retail units, which have limited or no amenity space. However, I consider that given my findings in relation to the poor outlook, the need for private amenity space for this proposal is greater.
8. I therefore conclude that the proposal would not provide satisfactory living conditions for the occupiers of the proposed dwelling, and in this respect, would conflict with North Somerset Core Strategy Policies CS3, CS12 and DM32 which deal with high quality design, and residential development within defined settlement boundaries.

Other Matters

9. It is common ground between the parties that at this moment in time, the Council are unable to demonstrate a 5 year supply of housing land. On the basis of the information before me at this time, I see no reason to disagree with this position and I have therefore determined the appeal on this basis.
10. Paragraph 11 of The Framework states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole or where specific policies in the NPPF, indicate that development should be restricted.
11. The proposed development would contribute a single dwelling towards the existing housing stock within the District. Whilst this is considered to be a benefit, given the limited scale of the contribution, I find that the adverse impact of the proposed development upon the living conditions of future occupiers, significantly and demonstrably outweighs this limited benefit.

Conclusion

12. I conclude that for the above reasons the appeal should be dismissed.

Adrian Hunter

INSPECTOR