
Appeal Decision

Site visit made on 19 May 2020 by Scott Britnell MSc FdA

Decision by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 1st June 2020

Appeal Ref: APP/V3310/W/19/3242666

Sycamore Farm, Turnpike Road, Shipham, Winscombe BS25 1TX

- 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 Leigh Scotcher against the decision of Sedgemoor District Council.
 - The application Ref 44/19/00003 DT, dated 28 March 2019, was refused by notice dated 4 June 2019.
 - The development proposed is construction of 2 no. semi-detached dwellings with parking.
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Decision

1. The appeal is dismissed.

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. The appellant has provided a drawing with their final comments which depicts the relationship between the proposed dwellings and Sycamore Farmhouse, that was not before the Council when it determined the planning application. Given that the Council and third parties have not had an opportunity to comment on this drawing, to consider it would deprive those that should have been consulted upon it that opportunity. Accordingly, and having regard to the principles established by the Courts in *Wheatcroft*^[1], I have considered the appeal on the basis of the drawings determined by the Council. Moreover, as I have been able to assess the relationship between the proposed dwellings and Sycamore Farmhouse at my site visit, I do not consider that the appellant would be prejudiced by this approach.

Main Issue

4. The main issues in this matter are:
 - the effect of the proposal on the living conditions for future occupants of the proposed dwellings, with particular regard to outdoor space; and,

^[1] *Bernard Wheatcroft Ltd v SSE* [JPL 1982, P37]

- the effect of the proposal on the living conditions for the occupants of Sycamore Farmhouse, with particular regard to outlook

Reasons for the Recommendation

5. The appeal site comprises a fairly rectangular plot of land at the junction of Turnpike Road and Sycamore Close. It is currently vacant and overgrown. The proposal is for the erection of 2no. 2 bedroom, 3 person, semi-detached dwellings with gardens and associated car parking spaces. Refuse and cycle storage facilities would also be proposed.

Living conditions for future occupants

6. The proposed dwellings would provide adequate internal space for future residents. However, given the scale of the development and the plot size, the proposal would result in very little outdoor space for the intended occupiers to enjoy. The rear garden for the dwelling occupying the southern portion of the site would be particularly small at 3.7 metres deep, while the rear garden for the attached dwelling would be 4.1 metres in depth. These figures have been taken from the Council's report and are not disputed.
7. Being 2 bedroom houses, it is reasonable to assume that the dwellings may be occupied by families with children. Due to their size, the proposed gardens would provide very little space for a child to play or for a family to enjoy, and there would be little space to hang out washing. Moreover, given the orientation of the proposal and the proximity of the neighbouring buildings, it is likely that the gardens would be in shadow for most of the day, which would make these areas less pleasant to use. A good standard of outdoor space would therefore not be provided, and this would be likely to be harmful to the living conditions of the intended future occupiers.
8. Reference has been made to existing examples of dwellings within Shipham with limited outside space. I have been referred specifically to the development at the corner of Hollow Road and Fairhill, which I observed at my visit. However, I do not have the full details of that development before me, including when it was considered and whether it was assessed against the same policies as the current appeal. It is also not in the immediate area as the appeal site. Thus, I afford limited weight to its presence and do not consider that it justifies the unacceptable development proposed.
9. For the reasons given above, I conclude that the proposal would result in a poor living environment for the future occupiers of the dwellings, which would be harmful to their living conditions. There would be conflict with Policies D2 and D25 of the Sedgemoor Local Plan 2011-2032 adopted 20 February 2019 (SLP). These policies seek, among other things, to deliver buildings, places and spaces that are attractive and enjoyable to use. Moreover, development proposals that unacceptably impact upon the residential amenity of any potential future occupants will not be supported.

Living conditions for the occupants of Sycamore Farmhouse

10. There is dispute between the parties with regards to the distance between the proposed dwellings and Sycamore Farmhouse to the south. The Council estimate the distance between the two storey flank wall of the proposed dwellings and the rear elevation of this adjacent property to be 5-6 metres. The appellant suggests that this distance is approximately 7 metres. Even if I

were to accept the appellant's measurement, it is clear from my observations that there would be a close relationship between the two buildings.

11. As a result, the two first floor bedroom windows within the north elevation of Sycamore Farmhouse would look out upon the blank two storey flank wall of the proposed dwellings within close proximity. Given this relationship, the proposal would appear overbearing from these windows. Notwithstanding that the bedroom at Sycamore Farmhouse is unlikely to be in use throughout the day, the effect would be significant and would harm the living conditions of the occupants of that property.
12. In reaching this conclusion, I note that the appellant suggests that in the older parts of the village, properties are often very close together on small plots. However, no details have been provided to substantiate this point and so I am unable to consider the matter further. In any case, within the immediate context of Sycamore Close, properties are well separated within not ungenerous plots. The appellant also indicates that there would be no openings within the flank wall facing Sycamore Farmhouse to protect privacy. While I accept that this is the case, this does not address the harm arising from the creation of a sense of overbearing which has been identified.
13. I conclude the proposal would cause harm to the living conditions of the occupants of Sycamore Farmhouse. There would be conflict with Policies D2, D25 and T3a of the SLP, which advise, among other things, that development proposals that would unacceptably impact upon the residential amenity of occupants of nearby dwellings will not be supported.

Other Matters

14. In addition to comments of support submitted to the Council during the application, the appellant has submitted a copy of letters that indicates that there is support for the proposal within the local community. A number of comments refer to the lack of affordable housing in the area and the need for smaller, two or three bedroom dwellings. However, I note that the proposal is for market housing and that there is no element of affordable housing proposed.
15. Moreover, while the proposal would add to the mix of housing in the area, and the overall housing stock, it is of a small scale and would not add significantly to the offer available. Consequently, I do not consider that these issues justify the unacceptable proposed development.
16. I note from the planning statement that the appellant indicates that the proposal would overlook the main road and would discourage anti-social behaviour. However, no evidence has been submitted to indicate that such behaviour is an issue at this location and so I afford only limited weight to this suggestion. In their appeal statement, the appellant also refers to advice from the Council in 2012 regarding proposals for two dwellings on the site. I am mindful of the age of that advice and that no further details are provided regarding this matter. Moreover, as the Council indicate, such advice would have been without prejudice to a final decision being made (on a subsequent planning application).
17. I have considered all other matters raised in support of the proposal by third parties. These include that the proposal is within a Tier 3 Settlement, wherein

residential development is acceptable in principle, that it is in an accessible location, is on level ground and is close to village amenities, providing opportunities to cycle and walk. I consider too that the dwellings in their appearance are in keeping with the character and appearance of the area. While these issues weigh in favour of the proposal, they do not negate or justify the harm I have identified.

18. I have taken account of these other matters; however, they do not outweigh the harm that would arise to the living conditions for the future occupants of the proposed dwellings or the occupants of Sycamore Farmhouse.

Conclusion and Recommendation

19. For the reasons given above, I recommend that the appeal should be dismissed.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

C Searson

INSPECTOR