
Appeal Decision

Site visit made on 26 January 2020

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd June 2020.

Appeal Ref: APP/Q3305/W/19/3236884

1 Westfield, Shepton Mallet, Somerset BA4 5TY

- 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 Ms Rachael Shingler against the decision of Mendip District Council.
 - The application Ref 2019/1417/FUL, dated 22 May 2019, was refused by notice dated 2 September 2019.
 - The development proposed is a dwelling house and double garage.
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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; and
 - the effect of the proposal on the living conditions of the occupiers of 1 and 3 Westfield with particular regard to outlook and light; and
 - whether or not the proposal would provide satisfactory living conditions for future occupiers of the proposed dwelling with particular regard to privacy; and
 - the effect of the proposal on highway safety.

Reasons

Character and appearance

3. The appeal property, 1 Westfield, is a two-storey semi-detached dwelling which occupies a substantial corner plot at the junction of Westfield and W Shepton. The rear of the property and the existing garage are on a small sideroad, Board Cross.
4. The character of each of the nearby roads is notably different. Westfield is characterised by similar pairs of semi-detached dwellings set back from the road behind garden areas. Corner plots are particularly substantial with large front garden areas. Significant gaps between the pairs are prevalent and create a sense of spaciousness; the pair of which No 1 is part is typical of this design.
5. Properties along W Shepton are very different in character, the urban grain is much tighter and higher in density and a terrace of three and two storey

- rendered houses is the dominant feature in the area immediately surrounding the appeal site.
6. Board Cross, is narrow and is more reflective of the character of W Shepton than Westfield due to the close-knit pattern of development and the prevalence of terraced housing.
 7. The proposal is to demolish the existing garage and construct a new two bedroom dwelling with an integral garage and driveway. The access to the new dwelling would be from Board Cross, which the dwelling would also front. In order to facilitate the demolition of the existing garage a new double garage would be constructed as part of the proposal to serve the existing dwelling at 1 Westfield.
 8. The proposed new dwelling would appear in the immediate visual context of the pattern of development which characterises W Shepton and Board Cross rather than that of Westfield. Accordingly, in view of this setting, the smaller plot size and the tighter grain would not appear cramped or incongruous.
 9. However, the proposed double garage would be sited in the front garden area of No 1 and would be seen in the context of this road. The fairly substantial structure would be prominent in views along Westfield and would largely infill the gap between the dwelling at No 1 and the side boundary. The removal of this key visual break would be out of keeping with the other dwellings along Westfield and would harm the sense of spaciousness which characterises the road. Glimpse views of the proposed dwelling would also be possible, further highlighting the reduction in the size of the plot.
 10. The resultant buildings would cover a significant proportion of the plot and would appear as a cramped form of development. Furthermore, the proposed garage would be sited forward of the existing building line, thus interrupting the rhythm of the built form along the street scene and further eroding the character and appearance of Westfield.
 11. The materials used in the area appear to be a mixture of render and stone. However, dwellings on Westfield are predominantly stone built leading to a sense of uniformity in the appearance of the buildings along the road. Whilst the materials used in the proposed new dwelling would sit comfortably with others immediately surrounding it, the proposed double garage would not. The garage would be viewed in the context of the stone buildings along Westfield and would appear as a part of that group of buildings. As such, the rendered finish would fail to integrate effectively with the wider street scene thus further emphasising the alien nature of the structure.
 12. For the reasons set out above the proposal would cause unacceptable harm to the character and appearance of the area and, thus, would fail to accord with saved Policies DP1 and DP7 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029, December 2014 (LP). Amongst other things, Policy DP1 sets out that all development proposals should contribute positively to the maintenance and enhancement of local identity and should be formulated with an appreciation of the built and natural context of their locality. Similarly, Policy DP7 states that proposals for new development should demonstrate that they are of a scale, mass, form and layout appropriate to the local context.

13. The development would also fall short of the expectations of The National Planning Policy Framework (the Framework) which promotes high standards of design and states that developments should be visually attractive and sympathetic to the character of the area.

Living conditions

14. The proposed dwelling would be two-storey and would represent a large addition to the rear of No 1; due to its size and proximity the building would inevitably have an effect on the levels of light reaching the rear gardens and elevations of both 1 and 3 Westfield. The orientation of the properties is such that the effect of the proposed dwelling on light would be throughout much of the morning at No 1 and until the early afternoon at No 3.
15. The proposed double garage would also have an effect on the levels of light reaching the rear of these properties during the afternoon and evening. The effect of the garage would be limited by its lesser height and bulk but the reduction in light would nevertheless be notable in my view.
16. I consider that the proposal, taken as a whole, would significantly degrade the levels of light reaching the rear of 1 and 3 Westfield and would cause harm to the living conditions at both properties in this respect.
17. The proposed dwelling would be readily visible from the rear of 1 and 3 Westfield and would, indeed, alter the outlook from these properties. The separation distance between 3 Westfield and the position of the proposed dwelling are such that the effect would not be unduly harmful to the outlook from 3 Westfield. However, the proposed dwelling would be sited in close proximity to, and directly to the rear of, the host property at 1 Westfield. Due to the size of the building, particularly the height, the proposal would appear as a dominant feature in the outlook from No 1.
18. The elevation of the proposed dwelling which would face No 1 would be largely blank with the exception of patio doors at ground floor level. This expanse of featureless brickwork would intensify the harm I have outlined above. Furthermore, the proposed 2m high boundary fence which would divide the proposed dwelling from the existing would also exacerbate the sense of enclosure at the rear of No 1. Consequently, the proposal would appear oppressive. I therefore consider that the proposed dwelling would cause an unacceptable degree of harm to the living conditions of the occupiers of 1 Westfield in respect of outlook.
19. Whilst the proposed 2m high boundary fence would lessen any overlooking at ground floor level, the rear first floor window at 1 Westfield would look directly into the rear garden area belonging to the proposed new dwelling at close proximity. Consequently, those using the garden area would not have an acceptable level of privacy and would feel exposed and overlooked. The proposal would, therefore, fail to provide a satisfactory level of privacy for future occupiers of the proposed dwelling.
20. For the reasons set out above, the proposal would harm the living conditions of the occupiers of 1 and 3 Westfield with particular regard to outlook and light and would not provide satisfactory living conditions for future occupiers of the proposed dwelling with particular regard to privacy. As such the proposal would conflict with saved Policy DP7 of the LP which seeks high quality design which

protects the amenity of users of neighbouring buildings and provides a satisfactory environment for current and future occupiers.

21. There would also be a failure to conform with the Framework which states that developments should create a high standard of amenity for existing and future users.

Highway safety

22. The proposed dwelling would have an integral garage with a driveway/parking space in front. The proposed driveway would retain its current position with access from Board Cross. As is the case at present, the proposal provides no available turning space on site which would allow a vehicle to turn and enter and exit the space in a forward gear.
23. Board Cross is narrow along most of its length, however, in the vicinity of the appeal site the road is wider and more open thus enabling a good level of visibility of, and from, the proposed parking space. At the time of my site visit, traffic speeds along Board Cross appeared relatively low and were lower still around the appeal site due to its proximity to the junction with W Shepton. The volume of traffic along Board Cross was also fairly minimal.
24. Due to the low vehicle speeds, minimal traffic volume and the one-way nature of the road I consider that a vehicle could safely reverse onto the highway without impeding the free flow of traffic or causing a hazard. The accident records presented by the appellant would also appear to support this view.
25. I do not consider that the proposal would lead to an increase in the number of vehicular movements using the Board Cross access. No 1 Westfield would have its parking area and garage at the front and would no longer have use of the space and garage on Board Cross. This access would, instead, serve the proposed new dwelling. In my view, as No 1 has its own garage at the front, the intensity of the use of Board Cross would remain broadly in line with the current situation.
26. The Council express concern that the proposed dwelling would have sufficient capacity for the provision of three bedrooms and consequently assessed the scheme against the parking requirements for a dwelling of that size. However, the submitted plans clearly show a two bedroom dwelling and the proposal must be assessed on the basis of the scheme before me and not supposition about possible future alterations.
27. The Somerset County Council Transport Policies Parking Strategy, September 2013 (Parking Strategy) includes Shepton in Zone B and, therefore, states that a two bedroom dwelling should provide two parking spaces. Through the garage and driveway space, the proposed dwelling would provide the requisite number of spaces so as to accord with the policy.
28. The proposal would retain the access and parking space in roughly the same arrangement as is currently the case and would not cause harm to highway safety in this respect. Accordingly, the proposal would comply with saved Policies DP9 and DP10 of the LP. Policy DP9 states that development proposals will be supported where they make safe and satisfactory provision for parking of motor vehicles and avoid causing traffic or environmental problems within the wider transport network. Policy DP10 states that development will be supported where vehicle parking is proposed which is appropriate to the

operational needs of the development and refers back to the standards set out in the Parking Strategy which have been met by the proposal.

29. The proposal would also broadly accord with the Framework which emphasises the need for new developments to ensure safe and suitable access to the site can be achieved for all users and states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

30. I acknowledge that the proposal would permit the efficient use of energy and would be well insulated. I also note the appellant's intention to design the dwelling in such a way so as to respect nearby properties and sit comfortably within its surroundings.
31. I have given careful regard to all of the above considerations. However, none are sufficient to dissuade me from the conclusions I have reached that the proposal would cause harm to the character and appearance of the area, cause harm to the living conditions of the occupiers of 1 and 3 Westfield and would fail to provide satisfactory living conditions for future occupiers.

Conclusion

32. For the reasons given above I conclude that the appeal should fail.

L J O'Brien

INSPECTOR