

Appeal Decision

Site visit made on 1 June 2020 by Ben Phillips Bsc Msc

Decision by Zoe Raygen Dip URP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 22 June 2020

Appeal Ref: APP/D0121/D/29/3244493

15 Bleadon Hill, Weston-Super-Mare BS24 9JD

- 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 R Counsell against the decision of North Somerset Council.
 - The application Ref 19/P/2433/FUH, dated 1 October 2019, was refused by notice dated 31 December 2019.
 - The development proposed is described as the demolition of existing boundary wall. Erection of a new boundary wall, replacement gates to improve access into/out of the site and erection of an outbuilding.
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Decision

1. The appeal is dismissed insofar as it relates to the erection of an outbuilding.
2. The appeal is allowed and planning permission is granted insofar as it relates to the demolition of existing boundary wall, erection of a new boundary wall, replacement gates to improve access into/out of the site at 15 Bleadon Hill, Weston-Super-Mare BS24 9JD in accordance with application 19/P/2433/FUH, dated 1 October 2019, and the plans submitted with it, so far as relevant to that part of the development hereby granted, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, 03A, 04A, 05A, Comparison Drawing.
 - 3) No development shall commence until details / samples of the materials to be used in the construction of the boundary wall hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

Appeal Procedure

3. 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 Matter

4. Amended plans were submitted during the consideration of the application, reducing the scale of the proposed outbuilding. These amended plans were fully

considered by the Council and I have therefore determined the appeal on the basis of these plans.

Main Issues

5. The main issues in this case are the following:

- The effect of the development upon the character and appearance of the area;
- The effect of the development on highway safety; and
- The effect of the proposed development on trees.

Reasons for Recommendation

Character and Appearance

6. The appeal property is prominently sited on Bleadon Hill, on the corner with Burnham Drive. Bleadon Hill is a lengthy road that is partly within a wider residential area south of the centre of Weston Super Mare. The road is pleasant and quiet, and characterised at this point by detached dwellings of varying scale and character, but with a consistent set back from the highway providing front gardens and/or front driveways.
7. Whilst most properties in the vicinity have open front boundaries, contributing to the uncluttered, spacious character, there is a variety of boundary treatments visible, with a 1.8m stone wall and 1.8 m (approximately) close boarded fence visible on Bleadon Hill, and short walls and further close boarded fences visible along Burnham Drive. I note that the Council set out that the prominent close boarded fence on Bleadon Hill opposite the appeal property has no planning history, however there is nothing to suggest the Council is taking action regarding the fencing and its appearance suggests it has been in place for a number of years and forms an established part of the street scene.
8. Given the topography of the appeal site, with the dwelling itself sitting above the road level and a secondary wall and hedging set behind the existing front boundary dwarf wall, the proposed 1.8m -2m stone wall front and side boundaries would have a limited impact on the openness which is characteristic of the dwellings to the west facing Bleadon Hill. The position of the property is prominent however its corner position is also unlike and untypical of the dwellings along Bleadon Hill facing the road with open frontages. Moreover, the topography of the land rising up behind the wall would ensure that it would not appear too dominant nor intrusive. I agree with the Council that the proposed materials, stone with cock and hen coping are appropriate. Whilst 2 options of the finish are provided, a condition requiring samples to be submitted would ensure that the stone is suitable.
9. In light of the foregoing, I conclude that the proposed erection of a new boundary wall and replacement gates would not have detrimental impact on the character and appearance of the surrounding area. I therefore see no conflict with Policy CS12 of the North Somerset Council Core Strategy (CS) and Policy DM32 of the North Somerset Council Development Management Policies Sites and Policies Plan (Part 1) (DM) which collectively require development to demonstrate a sensitivity to local character. In addition, I find no conflict with the Council's Supplementary Planning Document 'Residential Design Guide – Section 2 Appearance and character of house extensions and alterations' (adopted 2014)

(SPD), which states that boundary treatments should not cause harm to the character of the area.

10. The proposed outbuilding would be located to the southern side of the existing dwelling, replacing an existing smaller structure. Given the orientation and position of the appeal property, the outbuilding would be sited in front of the Bleadon Hill building line. This building line provides a consistent and clear frontage and open space characteristic of this road. Whilst partly obscured from the east by the existing trees on the rear boundary with No 17, its (amended) ridge height means that it would be visible from each direction and more prominent than the existing smaller structures. The outbuilding would detract from the open nature of this part of Bleadon Hill.
11. It is noted that the appeal property has limited garden space, the majority of which is sited to its side given the existing large outbuilding to the rear of the property. It is further noted that the appellant states that they intend to use the outbuilding as gym space and workshop, in addition to storage space for items currently kept in the existing outbuildings. I understand that such facilities would improve the well-being of the appellant, however this does not outweigh the harm that I have identified to the character and appearance of the area.
12. In light of the foregoing, I conclude that the proposed outbuilding would be harmful to the character and appearance of the surrounding area, in conflict with CS Policy CS12 and DM Policy DM32 which collectively require development to be of a high standard of design, respect the characteristics of the property and site and demonstrate a sensitivity to local character. There would also be conflict with the guidance contained within the Council's SPD which, amongst other matters, requires building lines should be respected to protect character. Whilst these policies and SPD are over 5 years old, they are consistent with the National Planning Policy Framework (the Framework) which (paragraph 127) requires development to be sympathetic to local character, visually attractive and add to the overall quality of an area, and as such are not considered out of date.

Highway Safety

13. The existing access to the appeal property is located very close to the corner and junction of Bleadon Hill and Burnham Drive. This is clearly far from ideal in terms of highway safety and visibility and the current gates are not set back from the pavement.
14. Whilst the proposed gates would be set back from the highway a greater distance than those currently on site, they would not be set back the 6 metres required by the Council to allow a car to pull off the highway and not block traffic whilst waiting for the gates to open. It is also noted that the Council requested details of the driveway gradient and visibility splays. However, the situation in these regards would not materially change from the existing and there would be a marginal improvement in the position of the gates. Therefore, the evidence before me leads me to conclude that the level of harm would not be materially different to the current situation. Furthermore, I have not been advised of any accident data relating to this junction. Moreover, the likely level of traffic movements from just one dwelling would be small.
15. The Council state that the gates have no formal planning permission but concede that they have been in place for longer than 4 years. I have seen nothing to

suggest that the Council has considered taking any action against the current structures.

16. In light of the foregoing, I find no conflict with DM policy DM24, which states that development will be permitted provided it would not prejudice highway safety.

Impact upon Trees

17. Given the limited foundation required for boundary walls - and the appellants state that the existing walls will be rebuilt or built off the existing foundations, the walls should not harm the roots of the trees at the frontage of the site. Therefore, I see no conflict with CS Policies CS4, CS5, CS9 and CS12, in addition to DM Policies DM8, DM9, DM10 and DM32 which collectively seek to secure high quality design that maintains and protects biodiversity, the natural landscape and green infrastructure.

Conditions

18. The Council has suggested the imposition of conditions relating to the start date of development and compliance with the application plans. In the interest of clarity, I consider these to be appropriate. A condition requiring further details of the proposed materials to be used is also necessary, to ensure that the boundary wall is in keeping with the surrounding street scene.

Conclusion

19. I am satisfied that the boundary wall is both physically and functionally severable from the proposed outbuilding. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that a split decision is issued dismissing that part of the appeal that relates to the proposed outbuilding, and allowing that part of the appeal that relates to the erection of a new boundary wall and replacement gates with the conditions set out above.

B Phillips

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 part of the appeal that relates to the outbuilding is dismissed. That part of the appeal that relates to erection of a new boundary wall and replacement gates is allowed.

Zoe Raygen

INSPECTOR