



Appeal Decision

Site visit made on 8 June 2020

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2020

Appeal Ref: APP/Q3305/W/20/3246746

115 Wells Road, Glastonbury BA6 9AJ

- 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 Neil Kite against the decision of Mendip District Council.
 - The application Ref 2019/2138/FUL, dated 27 August 2019, was refused by notice dated 21 October 2019.
 - The development proposed is described as the erection of two semi detached houses on land north of 115 Wells Road, Glastonbury.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area;
 - whether the living conditions of future occupiers of the proposed development would be sufficient, with particular regard to outside space; and
 - the effect of the proposed development on the living conditions of adjoining occupiers, with particular regard to noise, disturbance and overlooking.

Reasons

Character and appearance

3. Forming part of the wide and deep rear garden of 115 Wells Road, the appeal site is situated in a relatively open and verdant setting. Although there is a variety of built form with varying densities and uses in the surrounding area, the site forms part of the well-defined linear development pattern of detached and semi-detached residential properties facing Wells Road. Their relatively long rear gardens and the limited presence of outbuildings means that the surrounding area is reasonably spacious and has a low-density, and the site reads as part of this context. Given its position adjacent to the footpath and the garden of the Waggon and Horses, the site is visible from the public realm and is experienced in the locality as positively contributing to the spacious character and verdant appearance of the surrounding area.
4. The large rear garden of No 115 is wider than the gardens of the adjoining semi-detached dwellings. Nevertheless, the proposed development would appear as a cramped feature, with the two semi-detached houses squeezed into markedly

constrained spaces in comparison to the plots of the adjoining detached and semi-detached properties. It would therefore appear out of character with the open and low density context in which it would be experienced. Visually intruding into the open and soft landscaped space that separates the row of detached and semi-detached properties on Wells Road and the buildings on Sharpham Road, it would also erode the spacious and verdant setting of the locality. I recognise the scope for some shrub planting on the site, the lower position of the proposed dwellings and the larger plot size of No 115 and its different design, age and form. However, neither these matters nor the presence of the public house, the different development pattern and mix of buildings in the locality or other recent developments in the wider area lead me to a different conclusion.

5. Accordingly, the development would appear as an incongruous addition that would fail to respect its context. In coming to this view, I have taken account of its similar design, form and scale to surrounding properties and the relative sizes of gardens in the locality, including the narrower and progressively shorter gardens to the east and the smaller gardens of the terraced houses further along Wells Road and the properties on Sharpham Road.
6. For the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area. I therefore find that it conflicts with Policies DP1 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (MDLP). Amongst other aspects, these require development of a high quality design which is appropriate to the local context, results in attractive places and contributes positively to local identity.

Future occupiers

7. The proposed dwellings would be situated in relatively small plots. The external amenity space for each dwelling would therefore be limited, particularly in comparison to the size of some of the large rear gardens of nearby residential properties. However, the gardens of the proposed two-bedroom dwellings would total approximately 60 square metres each. Accordingly, and with little substantive evidence to indicate otherwise, it seems to me that future occupiers would have an acceptable amount of external amenity space.
8. For the above reasons, I conclude that the living conditions of future occupiers of the development would be sufficient, with particular regard to outside space. I therefore find that it accords with MDLP Policy DP7 in relation to its requirement that a satisfactory environment is provided for future occupants.

Adjoining occupiers

9. The proposed development would increase the number of residents in the locality. However, given the surrounding area is relatively built up, the additional noise and disturbance from the two proposed dwellings would not be significant. It would therefore not give rise to an unacceptable increase in noise and disturbance which would harm the living conditions of adjoining occupiers.
10. Existing and proposed boundary treatment would separate the proposed development from 115 and 117 Wells Road. There would be no windows in the side elevations of the proposed dwellings, while first-floor front-elevation windows would be obscure glazed and would serve hallways and bathrooms. The proposed windows in the rear elevation would face towards properties in Sharpham Road, which are situated on lower land. However, the proposed dwellings would be well separated from those properties by the presence of rear gardens and the relatively wide grass strip and footpath. Existing and proposed boundary treatment, including fencing and soft landscaping, would also provide screening between the site and

the properties to the north. Accordingly, the appeal proposal would not result in significant overlooking into adjoining properties or their gardens.

11. This is also a residential area with several properties located in relatively close proximity. As such, a certain degree of mutual overlooking would not be unusual. I am therefore satisfied that the proposal would not introduce an unreasonable level of overlooking of adjoining properties. Given the separation distances involved and the proposed dwellings' height and pitched roof, it would also neither significantly overshadow nearby properties nor unacceptably reduce their sunlight and outlook.
12. For the above reasons, I conclude that the proposed development would not harm the living conditions of adjoining occupiers, with particular regard to noise, disturbance and overlooking. I therefore find that it accords with MDLP Policy DP7 in relation to its requirement that development protects the amenity of users of neighbouring buildings and land uses and provides a satisfactory environment for current occupants.

Planning Balance

13. Although the rear garden of No 115 would be reduced, at approximately 150 square metres it would nevertheless be larger than other nearby gardens and would be of sufficient size in relation to the living conditions of the occupiers of No 115. The appeal proposal would also not harm the living conditions of adjoining occupiers and the occupants of the proposed dwellings would have adequately sized gardens, cycle storage and acceptable car parking provision. However, I have found that the development would harm the character and appearance of the surrounding area. Irrespective of whether backland development is specifically covered by local and national planning policy, these matters do not outweigh that harm nor provide justification for development that conflicts with the development plan.
14. Located within the settlement limit of Glastonbury where the local plan seeks to direct new housing, it has been put to me that the proposed development of a smaller site would provide much-needed affordable dwellings, as starter homes, in an accessible location and without encroaching into the countryside. Be that as it may, two additional dwellings would have only a limited effect on the supply and mix of housing and the evidence before me does not indicate that there is an undersupply in the area. Given the scale of the development, the benefits – including in relation to construction work and the sourcing of local materials – would be relatively limited. I also have little substantive evidence that the accessible and resource-efficient dwellings would be secured as affordable housing. Accordingly, I find that the benefits do not outweigh the harm I have identified nor justify a departure from the local plan.

Conclusion

15. For the above reasons, the appeal is dismissed.

Tobias Gethin

INSPECTOR