
Appeal Decision

Site visit made on 13 July 2020

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 15 July 2020

Appeal Ref: APP/W3330/W/20/3248120
20 Townsend Road, Minehead TA24 5RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Jim Waterman against the decision of Somerset West and Taunton Council.
 - The application Ref 3/21/19/086, dated 30 September 2019, was refused by notice dated 5 December 2019.
 - The development proposed is outline consent (access only) for the erection of a detached dwelling on land to the rear of 20 Townsend Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 1 April 2019 West Somerset Council merged with Taunton Deane Borough Council to become Somerset West and Taunton Council. The development plans for the merged local planning authority remain in place for the former area of West Somerset Council until such a time as they are revoked or replaced. It is therefore necessary to determine this appeal with reference to policies set out in the plans produced by the now dissolved West Somerset Council.
3. The planning application was submitted in outline form, with all matters reserved other than access. I have considered the appeal on this basis. Submitted plans indicate the position and layout of the proposed dwelling, but as matters of appearance, landscaping, layout and scale do not form part of the outline application I have treated these as indicative only.

Main Issues

4. The main issues are the effect of the proposal on:
 - a) the character and appearance of the area, and
 - b) the living conditions of the occupants of the existing flats, with particular regard to external space and noise and disturbance from vehicle movements.

Reasons

Character and appearance

5. The appeal site is in an area characterised by large detached and semi-detached dwellings set in large plots. Neighbouring buildings to the northwest of the site comprise similarly scaled blocks of flats. This gives the area a spacious character and appearance.
6. No 20 Townsend Road (No 20) is a large semi-detached dwelling, which stands to the northeast of the appeal site. Although divided into three flats it still has the appearance of a single dwelling when viewed from the road, with a single principal main entrance and typical ancillary garage buildings to the rear. The rear of the plot is easily seen from the road owing to the wide gap between No 20 and the building to the northwest. The largely undeveloped rear garden contributes to the area's spacious character and appearance.
7. The indicative plans demonstrate that the site is physically large enough to accommodate a modest dwelling, with a small garden and parking. However, when viewed from the road, through the wide gap between the existing buildings, a dwelling on the appeal site would appear cramped. It would occupy a position that is not commonplace in the area, set behind the existing original building fronting the road. This would give No 20 a more developed context and would erode the area's spacious character and appearance.
8. In summary, the proposal would harm the character and appearance of the area, contrary to Policy NH13 of the West Somerset Local Plan to 2032 adopted 2016 (WSLP), insofar as it seeks to ensure that development proposals make a positive contribution to the local environment.

Living conditions

9. The indicative plans suggest that a portion of garden for the three existing flats could be retained. At my visit I saw that a similar area is currently fenced off to separate it from the rest of the rear garden, and evidence suggests that this is used solely by the ground floor flat. However, the indicative plans show that this could be a shared garden to serve all three flats. Although it would be much smaller than the large grassed area at the southwestern end of the plot, it is well orientated, and not shaded by other development. Were the appeal to succeed it should be possible to ensure that the proposed dwelling could be designed to avoid significant overlooking towards a retained area of garden, and in any case this area would be a communal area shared by three independent households which would not require the same level of privacy as a private garden for a single household. I am satisfied that it would be possible to provide a sufficient outdoor area for the existing flats.
10. The Council has expressed concern with the appellant's reference to a one bedroom ground floor flat, when planning history suggests that it is much larger than this. The footprint of the building suggests that the ground floor flat is likely to have more than one bedroom, however I am not satisfied that this discrepancy would cause me to come to a different view in relation to the adequacy of a retained communal garden for the flats.
11. Two ground floor windows face towards the existing access drive, which runs to the side of No 20. The proposal would increase vehicle movements at the site associated with the future occupiers of the proposed dwelling. However, the

side access is already utilised by occupants of the existing flats to access the parking area at the rear. Additional vehicle movements would result in a modest increase and owing to the narrow width of the drive to the side of No 20 vehicles would be likely to pass by the ground floor flat at a slow speed. I am therefore satisfied that the proposal would not harm the living conditions of the occupants of the existing ground floor flat.

12. In summary, the proposal would not harm the living conditions of the existing flats, and would therefore accord with Policy NH13 of the WSLP, insofar as it seeks to ensure that development proposals respond positively to existing neighbours.

Other Matters

13. The closest neighbouring dwelling to the south, No 14 Whitegate Gardens, is at a higher level and faces away from the appeal site. Although the design of the proposed dwelling is not before me, I am satisfied that a dwelling could be erected at the appeal site without creating opportunity for future occupants to overlook this closest neighbour.
14. I accept that the appeal site is well located with good access to the town centre, and that the proposal would deliver an additional dwelling which would contribute to housing provision in the area. However, the harm to the character and appearance of the area is considered to outweigh these matters.

Conclusion

15. Although I have found the proposal to be acceptable in terms of the second main issue, this is a neutral matter that does not outweigh my finding on the first main issue. Accordingly, the appeal should be dismissed.

Andrew Tucker

INSPECTOR