



Appeal Decision

Site visit made on 21 July 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2020

Appeal Ref: APP/V3310/W/20/3250964

Land to rear 12 Church Street, Highbridge TA6 3AR

- 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 P Wynn against the decision of Sedgemoor District Council.
 - The application Ref 11/19/00103, dated 10 October 2019, was refused by notice dated 16 January 2020.
 - The development proposed is the change of use and extension to form a one bedroom dwelling with first floor refuge.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use and extension to form a one bedroom dwelling with first floor refuge at Land to rear 12 Church Street, Highbridge TA6 3AR in accordance with the terms of the application, Ref 11/19/00103, dated 10 October 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not 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: 18/123/100e; 18/123/101e; 18/123/102e; 18/123/500e; and 18/123/1000e.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed.

Procedural matter

2. The postcode given on the application form appears to be that of the Council offices. I have, therefore, used the postcode from the appeal form.

Main Issues

3. The main issues are the effect on the living conditions of neighbouring residents, with particular regard to outlook, light and privacy; and the effect on the living conditions of future occupiers of the site, with particular regard to the space that would be available within the dwelling.

Reasons

4. The site is currently a garage with a shallow, mono-pitched roof. To one side, and set back from the garage is a pair of recently constructed dwellings. These dwellings are very close to the appeal site, but I saw at my site visit that the part closest to the appeal site contains an entrance door at ground floor and obscure glazed window at first floor. I saw that another ground floor window, further away, serves an open plan living area that also has windows to the rear.
5. The side wall of the garage closest to the dwelling extends above ground floor height. The proposals indicate that this high wall would remain alongside these dwellings, effectively forming a parapet behind which a pitched roof would be installed. Notwithstanding the position of the proposal relative to the travel of the sun and, even at times when the sun was low in the sky, the existence of the parapet, together with the location and arrangement of windows of the adjoining dwellings means that the proposed roof would have a very limited effect on the light entering the adjoining main living spaces.
6. There is another dwelling on the opposite side of the site. It has a forward-facing window looking out alongside the site, partially behind the existing garage, and another full height glazed door facing the site's existing side wall. The proximity of the forward-facing window to the existing wall is such that the increased height from the roof is likely to have a very limited effect on daylight, compared to the existing garage structure.
7. There would be a greater effect on the glazed door, as it directly faces the appeal site. However, the proposed roof structure would slope away, significantly limiting any effect. Furthermore, I saw at my site visit that the outlook from this area is already compromised by vehicle parking for this neighbouring dwelling. Therefore, I find that the additional height would not result in significant adverse effects on the daylight entering, or outlook from, this neighbouring property.
8. The front windows in the proposed dwelling would face towards the rear of other dwellings on Church Street. However, the view from the main window would be towards small obscure glazed windows in the closest building. The arrangement of buildings is such that clear views from this window to the nearest clear glass windows would not be available. It may be possible to obtain views towards this nearby property from the proposed front door, but future occupiers are unlikely to linger in that location. Furthermore, the windows are already visible to people accessing a number of properties from the small yard surrounding the site. I, therefore, find that there would be no significant loss of privacy to the occupiers of these nearby dwellings.
9. With regard to the foregoing, I find that the proposal would not harm the living conditions of neighbouring residents. There would, therefore, be no conflict with those parts of Policies D2 or D25 of the Sedgemoor Local Plan – Adoption Version 2019 (LP) which seeks to protect the amenity value of the occupiers of nearby buildings, including through impacts relating to loss of privacy, overbearing and visual dominance, and loss of light.
10. Turning to the living conditions of future occupiers, the living space would fall below that recommended in the Nationally Described Space Standards (NDSS). Although outdoor space would be limited, the shortfall in internal space

compared to the NDSS would not be great. Moreover, whilst a material consideration, compliance with the NDSS is not a requirement of LP Policy D25 and I note that LP Paragraph 7.27 indicates that it is unfeasible to demand adherence to them within the district.

11. Given the limited shortfall, I find that the proposal would not result in a conflict with LP Policy D25 that requires development to avoid unacceptable impacts upon the residential amenity of any potential future occupants of proposed dwellings.

Other matters

12. The proposal would result in a loss of parking provision in the existing garages, which I understand are used by a nearby resident, and would provide no parking for future occupiers of the site. However, the Council has indicated that the site is in a location where development is permissible without parking provision. Given the clear accessibility to retail and public transport facilities that I saw at my site visit, I have no reason to disagree.
13. I note that there is an ongoing tenancy agreement in connection with the current use of the garage, but this has little to do with the planning merits of the case.

Conditions

14. A plans condition is required in the interests of certainty. Given the close proximity of neighbouring residents to the site, it is necessary to remove permitted development rights for the installation of additional windows, to protect privacy.

Conclusion

15. With regard to the above, I conclude that the appeal should be allowed.

M Bale

INSPECTOR