



Appeal Decision

Site visit made on 16 July 2020

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 14 August 2020

Appeal Ref: APP/V3310/W/20/3247394

Eastfield, Old Bristol Road, East Brent, Highbridge, Somerset TA9 4HX

- 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 Dean Murphy and Mrs Emma Cox against the decision of Sedgemoor District Council.
 - The application Ref 24/19/00019, dated 24 May 2019, was refused by notice dated 22 August 2019.
 - The development proposed is for a "retrospective change of use of a former stable building to Use Class B1 (office), extension of building to form domestic garage, and proposed erection of a domestic carport/workshop".
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Decision

1. The appeal is allowed and planning permission is granted for a change of use of a former stable building to Use Class B1 (office), extension of building to form domestic garage, and proposed erection of a domestic carport/workshop at Eastfield, Old Bristol Road, East Brent, Highbridge, Somerset TA9 4HX in accordance with the terms of the application, Ref 24/19/00019, dated 24 May 2019, subject to the conditions in the attached schedule.

Procedural Matter

2. The above description of development has been taken from the submitted application form. I have omitted reference to the proposal being retrospective as this is unnecessary detail that does not constitute development.
3. I observed that the development described above has been partially carried out insofar as the former stable building and extension are currently being used in Use Class B1 (office) and as a domestic garage respectively, for the occupants of Eastfield. I have dealt with the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposed domestic carport/workshop on the living conditions of neighbouring occupants at The Grange.

Reasons

5. The appeal site forms part of a residential property known as Eastfield, located towards the eastern extent of the village of East Brent. The wider property comprises of a detached dwelling located towards the front of the site, in line with neighbouring dwellings, and then extends out towards the rear to adjoin the rear boundary of neighbouring properties Cloverdale and The Grange. Open fields lie beyond the northern and eastern boundaries of the property.

6. The proposed carport/workshop and former stable building, now converted and extended for use as an office and domestic garage respectively, are located towards the rear boundary of the neighbouring residential property The Grange. The proposed carport/workshop in particular would run parallel along the rear boundary of The Grange. The Council have expressed specific concerns over the size, width and location of the proposed carport/workshop along this shared boundary and the potential overbearing effect it may have on neighbouring occupants.
7. During my site visit I observed that the boundary treatment between The Grange and the proposed carport/workshop was densely planted with tall landscaping and screened by a close boarded fence. I also observed that the immediate interface of The Grange to the appeal site was a small rear garden with a large tree to one side, backing onto an ancillary shed/garage with no windows on the rear elevation and extending across the predominant width of the property. Beyond that the primary dwelling on The Grange was only visible at first floor level.
8. As such, views of the proposed carport/workshop would likely be limited to the roof line and would be at a considerable distance from any habitable room windows on The Grange. Whilst the built form would be visible to some extent within the rear garden of The Grange, I am not satisfied that it would be to such a degree that it would lead to the harmful “visual domination” of this area. The existing landscaped boundary treatments strongly define the interface between these two properties already, and in my view offer a positive sense of enclosure by virtue of the established height of vegetation and general verdant character. The limited visibility of the appeal development would not in my opinion negatively affect these existing conditions.
9. Accordingly, the proposed domestic carport/workshop would not harm the living conditions of neighbouring occupants at The Grange. It would comply with Policies D2 and D25 of the Sedgemoor Local Plan (LP) (adopted February 2019) which seek, amongst other things, to ensure development achieves high quality design which does not unacceptably impact upon the living conditions of neighbouring occupants.

Other Matters

10. The appeal site is located within Flood Zone 3a of the Environment Agency’s (EA) mapping. Both the National Planning Policy Framework (the Framework) and the Planning Policy Guidance (PPG) outline a clear process for determining whether development can appropriately occur within flood affected areas. Table 2 of the PPG categorises the appeal development as ‘less vulnerable’, and therefore represents appropriate development within this flood zone. The development is supported by a Flood Risk Assessment which details flood resilience measures which have been implemented for the existing buildings and would be implemented for the proposed carport/workshop. Subject to appropriate conditions requiring the recommended flood resilience measures be implemented, and a flood evacuation plan as suggested by the Council, I am satisfied that the appeal development would not amount to unacceptable flood risk to occupants.
11. Concerns have been raised by interested parties with respect to whether the appeal development is appropriately located outside the defined settlement boundaries and the effect of the appeal development on the character and

appearance of the area. I note that the Council has not raised any objections in this respect and that an extant planning permission for the retrospective office use and domestic garage was granted by the Council separate to this appeal decision¹. Notwithstanding this, I have reviewed the relevant LP policies and following my observations during my site visit am satisfied that the location of the appeal development is acceptable subject to conditions limiting the extent of the office based use, and would not amount to harm to the character and appearance of the area.

12. Concerns have been raised regarding the traffic generated by the office use on the appeal site, with particular regard for the frequency of delivery vehicles. The proposed office use has been described as being “desk based” with limited off-site staff employed and related deliveries likely to be infrequent. I am satisfied that appropriate conditions can be imposed to limit the hours and days which such movements may occur to safeguard the living condition of neighbouring occupants. I am also satisfied that there is adequate space on site to accommodate the necessary parking demand and to facilitate safe vehicular ingress and egress from the appeal site. As such, the appeal development would not amount to harm with respect to highway safety.

Conditions

13. In allowing the appeal development I have had regard to the conditions suggested by the Council, of which the appellant has had the opportunity to comment on. Where necessary I have amended the wording of the suggested conditions in the interests of precision and clarity, and in order to comply with advice in the PPG and the Framework.
14. Planning permission is granted subject to the standard three year time limit condition for implementation of the domestic carport/workshop. In addition, it is necessary to specify the approved plans in the interest of certainty. Conditions relating to external building materials are not necessary as the relevant details are shown on the approved plans. Details specifying the types of obscure window glazing and limiting the installation of lights are necessary in the interest of the living conditions of neighbouring occupants, and to ensure they can be enforced if not fitted with glazing. It is necessary for a condition to secure parking spaces and turning areas in the interest of highway safety.
15. Conditions limiting the extent of the permitted office use are necessary to ensure that it remains tied to the residential use of the site and in the interest of living conditions of neighbouring occupants. It is necessary to remove permitted development rights from the garage and proposed carport/workshop to similarly ensure they remain in domestic use and not as part of any business or other purpose. Conditions relating to the implementation of flood evacuation plans, flood resilience measures and maintenance works are necessary in the interest of managing flood risk. Likewise, conditions relating to foul and surface water drainage.

Conclusion

16. For the reasons given above I conclude that the appeal should be allowed.

J Gibson

INSPECTOR

¹ LPA Reference: 24/18/00024

Schedule of Conditions

- 1) The development hereby permitted, and where not already completed, shall begin no later than three 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 (Dwg No SCA 1802 001, dated July 2018); Layout Plan, as existing (Dwg No SCA 1802 002, dated July 2018); Layout Plan, as proposed (Dwg No SCA 1802 003, Rev 1, dated August 2019); Plans, as existing (Dwg No SCA 1802 004, dated July 2018); Elevations, as existing (SCA 1802 005, dated July 2018); Ground Floor Plan, as proposed (Dwg No SCA 1802 006, dated July 2018); Roof Plan, as proposed (Dwg No SCA 1802 007, dated July 2018); Elevations, as proposed (Dwg No SCA 1802 008, dated July 2018).
- 3) The office use hereby permitted shall only be carried out by the occupants of the main dwelling known as Eastfield.
- 4) The office building hereby permitted shall be used for office administration and for no other purpose, including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
- 5) Operations associated with the office use hereby permitted, including deliveries, shall only take place between the hours of 8:30 to 17:30 on Mondays to Fridays, and not at any time on Sundays or on Bank or Public Holidays.
- 6) Notwithstanding the provisions of the Town and Country Planning General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) the use of the garage/store and carport/workshop hereby permitted shall be limited to the domestic and private needs of the occupier of the dwelling currently known as Eastfield and shall not be used for any business or other purpose whatsoever.
- 7) The area allocated for cars to be parked and for vehicles to turn shall be laid out within the site in accordance with the approved plans of development within three months of the date of this permission. The parking spaces and turning area shall thereafter be kept clear of obstruction and be available at all times for those purposes.
- 8) No external lighting shall be erected or installed on the building hereby permitted or on the site without the prior approval of the Local Planning Authority.
- 9) Within three months of the date of this permission the windows on the southern elevation of the office building hereby permitted, facing the neighbouring property The Granges, shall be fitted with obscured glazing (to Pilkington glass classification 5 or equivalent of glass supplied by alternative manufacturers) and shall be retained as such thereafter. If the windows have not been fitted with obscured glazing within the specified timeframe the office use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of this use shall be removed until such time as the windows have been fitted with obscured glazing.
- 10) The regular maintenance of trees and shrubs on the boundary east of the office building and domestic garage hereby permitted shall be carried out in

accordance with recommendations detailed in the submitted Technical Note (File Ref P20/IDB/2 v1.1, dated 6 February 2019 and prepared by GWD Consulting Engineers).

- 11) The development hereby permitted shall be carried out incorporating the recommended flood resilience measures detailed within the submitted Flood Risk Assessment (File Ref P20/FRA, dated 22 August 2018 and prepared by GWD Consulting Engineers).
- 12) Submit a flood evacuation plan for the office use hereby permitted within one month from the date of this permission to be approved in writing by the Local Planning Authority. The flood evacuation plan shall include details of any early warning systems and rescue/evacuation routes. The approved details shall thereafter be implemented.
- 13) Submit details of the proposed foul and surface water drainage systems, including the piping and filling of any ditches, within three months from the date of this permission to be approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved details.

End of Schedule