



Appeal Decision

Site visit made on 27 July 2020

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2020

Appeal Ref: APP/W3330/W/20/3250206

2A Dyers Close, West Buckland, TA21 9JU

- 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 John Uwejoma of UMA Construction Ltd. against the decision of Somerset West and Taunton Council.
 - The application Ref: 46/19/0034 dated 17 October 2019, was refused by notice dated 12 February 2020.
 - The development is proposed extension to form a one-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant's name, as shown on the appeal form, differs from the name of the applicant which appears on the planning application form. The appellant has confirmed that this was a typographical error on the application form and that the appellant is Mr John Uwejoma of UMA Construction Ltd. as given on the appeal form. I have reflected this in the banner heading above and proceeded on that basis.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the living conditions of occupiers of 2 and 2a Dyers Close, with regard to outlook, sunlight and daylight; and
 - the character and appearance of the area.

Reasons

Living conditions

4. The appeal site forms the rear part of a corner plot with Number 2a Dyers Close (No. 2a) at the junction of Dyers Close and Silver Street. No. 2a along with Numbers 1 and 2 Dyers Close (Nos. 1 and 2) are positioned around the corner from the main part of Dyers Close with their front elevations facing towards Silver Street. No. 2a was originally a retail unit but has been converted into 2 flats. The appeal site comprises a single-storey building which provided storage space for the retail unit and is located behind these flats and adjacent to single-storey garages next to Number 3 Dyers Close.

5. The appeal building forms part of the southern boundary to the modestly sized garden of No. 2 and is positioned to the east and very close to but set back from the rear elevation of the flats within No. 2a.
6. The proposed development would extend above the single storey building to create a first floor. Whilst it would be set back from the rear elevation of No. 2a, it would nevertheless only be a short distance from the first-floor bedroom window. This currently has an open outlook towards the street which would be significantly reduced by the proposal. This would be harmful to the living conditions of the occupants of this flat.
7. The garden to No. 2 is east facing although with a relatively open southern boundary due to the modest height of the existing development along this side. Whilst set back from the rear elevation of the existing single-storey building, the additional height on the southern boundary of No. 2's garden would lead to an increased sense of enclosure of this space which would be harmful to the occupiers of No. 2. It would also be likely to reduce the amount of sunlight to this area thereby causing some overshadowing of this garden. I note that the garden to No. 2 is already overshadowed as a result of existing development, including No. 2 itself. However, I have not been provided with any substantive evidence that the proposed development will not significantly increase this.
8. The first-floor extension would also be very close to the windows in the rear elevation of No. 2a which serve a bathroom and bedroom, a habitable room, in each of the flats. In the absence of any technical evidence to show how much sunlight the bedroom windows would receive, I am not persuaded that the height, proximity and position of the first-floor extension would not cause an unacceptable loss of sunlight to these windows. It therefore seems to me that the bedrooms would be less sunny as a result of the development. This would be harmful to the occupiers of these adjacent properties.
9. The existing store is positioned very close to the ground floor bedroom of No. 2a. This room is served by two windows, one of which is very small and high level the other, larger window is largely blocked by an existing shed. It seems unlikely that this bedroom currently receives adequate daylight. The additional height and the proximity of the proposed development to this window would be likely to further reduce this. I have not been provided with any technical evidence relating to the effect of the proposed development on daylight. Without this I cannot be certain that the proposed development would not cause an unacceptable loss of daylight to this property.
10. The appellant has highlighted that the position of the house will not cause a loss of privacy to properties on the opposite side of Dyers Close. However, this is a neutral factor.
11. I conclude that the proposed development would significantly harm the living conditions of occupiers of Nos. 2 and 2a Dyers Close, with regard to outlook, sunlight and daylight. It would therefore conflict with Policy DM1(e) of the Taunton Deane Borough Council Adopted Core Strategy 2011-2028 (Core Strategy) which supports development that does not unacceptably harm the amenities of individual dwellings.

Character and appearance

12. The surrounding area is residential in character, with properties in the immediate vicinity of the appeal site being two-storey and arranged in short blocks of semi-detached and terraced properties set back behind front gardens and driveways. This layout gives the area a spacious and open character.
13. The front elevation of the house would align with that of No. 3 although it would be separated from this by the adjacent garages. It would also have a front facing roof slope to match No. 3 and a stepped eaves level at the rear. Whilst the house would be a similar width to nearby houses, including No. 2a, it would be narrower than No. 3 with which it shares a frontage and at odds with the terraced and semi-detached blocks characteristic of the surrounding development. Furthermore, its ridge height would be lower than those of surrounding properties. This would make it appear as an arbitrary and awkward addition, at odds within the street scene.
14. The space between the rear of No. 2a and the side elevation of No. 3 is relatively wide due to the presence of the single-storey store and garages. This contributes to the open character of the area. The partial infilling of this gap would erode openness. However, more fundamentally, the proximity of the proposed development to the rear of No. 2a would make it appear unduly cramped. The use of matching materials to existing houses, whilst this would help to integrate the development within the street scene, would not overcome this harm.
15. I accept that the design of the development would result in a more traditional form of development whereby the two garages would sit between 2 two-storey house. However, this is not a characteristic feature of Dyers Close and therefore provides little justification for the development.
16. On the opposite corner of Dyers Close there are 2 houses which project forward of the established building, with a ridge running opposite to those of properties along Dyers Close. However, these are large properties occupying the entirety of a corner plot which align with development on Silver Street with which they also share a frontage. They are also not an infill development like the appeal scheme. As such, whilst they are more imposing than the proposal, they are not comparable and do not justify the scheme before me.
17. I conclude that the proposed development would harm the character and appearance of the area. It would therefore conflict with Policies DM1(d), CP1(g) and CP8 of the Core Strategy and Policy D7 of the Taunton Deane Adopted Site Allocations and Development Management Plan 2016. These policies together require new development to be a high quality of design, to integrate with its surroundings and not harm the appearance and character of the street scene.

Conclusion

18. For the reasons set out above and having regard to all other matters raised including the provision of adequate parking, I conclude the appeal should be dismissed.

Rachael Pipkin

INSPECTOR