
Appeal Decision

Site visit made on 3 August 2020

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 September 2020

Appeal Ref: APP/R3325/W/20/3248873

Chataway House, Leach Road, Chard TA20 1FR

- 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 Steven Beasant (Energy Drop Zone Ltd) against the decision of South Somerset District Council.
 - The application Ref 18/03818/FUL, dated 25 November 2018, was refused by notice dated 13 September 2019.
 - The development proposed is 5 new houses.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Steven Beasant (Energy Drop Zone Ltd) against South Somerset District Council. This application is the subject of a separate Decision.

Procedural Matter

3. The appellant submitted an amended plan¹ to the Council, during the course of the application, showing a revised layout for Plots G - J. However, the evidence indicates that this drawing was not accepted by the Council as a formal amendment to the application, and no publicity or consultation was carried out on the alternative scheme. The Council's decision was based on the layout shown on the drawing numbered CH006 (referred to as CH006-2 by the Council).
4. The revised layout differed significantly from that on which the views of interested parties were sought, and which was ultimately determined by the Council. Consequently, my consideration of the amended scheme would deny those who should have been consulted through the planning application process, the opportunity of such consultation. Furthermore, if I were to accept the amended layout plan, it would conflict with the details shown on the other application drawings. I have therefore determined the appeal on the basis of the plans considered by the Council.

Main Issues

5. The main issues are the effect of the development on:
 - a) The character and appearance of the area; and,

¹ Drawing No CH003 Rev A

- b) The living conditions of the occupants of the flats at Chataway House, with particular regard to the location of the parking spaces.

Reasons

Character and appearance

6. The appeal site lies in the grounds of a two-storey L-shaped former office building, which is currently being converted to flats. Five houses have also recently been built in the northern part of the original plot. The site is accessed off Leach Road, which forms a loop off Thorndurn Park Drive. This loop generally serves substantial commercial buildings, on large plots with car-parking and landscaping, and therefore has a more spacious character than the close-knit residential areas to the south. A key element of this character is the presence of areas of green space and trees, which help assimilate the large-scale buildings into their surroundings, and soften the street scene.
7. The landscaped area that comprises much of the appeal site occupies a key location, on the inside of a bend in the road. It is visible looking into the loop from Thorndurn Park Drive to the south, and also from views down Leach Road from the west. The group of protected trees on the land helps to maintain the balance of greenery to buildings, and is therefore a positive feature in the street scene. The oak, in particular, is a large and prominent tree, which is visible from a wide area, and therefore has a significant amenity value.
8. The trees are not shown on the submitted plans, but it appears that they would be lost as a result of the development. I saw that the maples would be within the footprint of the house on Plot J, or so close that they would not survive the construction process. The oak would probably be directly affected by the creation of the parking spaces for Unit H. In any case, it would be so close to the houses on Plots G and H that it would be unlikely to survive the construction process, or post-development pressure from residents to have it removed. No Arboricultural Report has been submitted to demonstrate that the trees could be successfully retained within the layout. Based on the evidence before me, I conclude that the trees would be lost through the construction process, or as a result of post-development incompatibility with the houses.
9. The trees would be replaced by a terrace of 3-storey houses, which would be very close to the back edge of the pavement. Although they would be of a similar size, design and materials to the recently built houses to the north, their siting would be noticeably at odds with the spacious landscaped character of Leach Road. The large, unrelieved mass of the front façade of the building, would be a prominent and incongruous feature in the street scene, in stark contrast to the current landscaped appearance of the site. The overall development does include boundary hedge planting and a communal garden. However, the loss of the trees and grassed area would result in the visual balance of green space to built development being significantly reduced, which would be harmful to the character and appearance of the area.
10. Plot G would be set further back into the site, but it would, nevertheless, intrude into the green space and contribute to the likely loss of the oak tree. It would also appear as an uncharacteristically tall, solitary building, largely surrounded by the access road and car parking for other units. Its high, unrelieved gable ends would present prominent and unattractive features when entering the site off Leach Road, and when viewed from the internal parking

and circulation area. As there would be little space around the building, there would be very limited opportunity to provide landscaping to assimilate the building into its surroundings and to reduce its incongruous, isolated appearance.

11. Plot C has already been partially built, and continues the line of buildings comprising Units D – F. Although its detachment from the remainder of the terrace, and its perpendicular ridge, will give it a slightly odd, detached appearance, from most viewpoints it will read as part of the overall group of buildings to the north of the access road. It would provide an active frontage to the access road, and added surveillance of the parking area. Overall, it would not be harmful to the character and appearance of the existing development, or the area in general.
12. To conclude on this issue, whilst Plot C could be accommodated without harm, the loss of the green space and trees, and the uncharacteristic appearance of Plots G – J, would be damaging to the appearance of the area. The proposal would not, therefore, meet the advice of the National Planning Policy Framework (the Framework) to ensure that developments are visually attractive, as a result of good architecture, layout and appropriate and effective landscaping. In coming to this view, I have considered the terraced housing that is currently under construction on the southern side of Thorndurn Park Drive. Whilst these buildings are close to the pavement, their context relates more to the dense housing development to the south, than the spacious character of Leach Road. They do not, therefore, set a precedent for the appeal proposal, which must, in any case, be determined on its own merits.
13. For the above reasons, I conclude that the proposal would be harmful to the character and appearance of the area. It would therefore be contrary to Policies EQ2 and EQ5 of the South Somerset Local Plan (2006 - 2028) (the Local Plan), which seek to ensure that existing Green Infrastructure is protected, and that development preserves or enhances the character and appearance of the district. The proposal would also fail to meet the government's aim, as set out in Section 12 of the Framework, to achieve well-designed places.

Living conditions

14. The overall proposals for the site involve the provision of tandem parking spaces directly in front of both wings of the former office building. The hard surfacing already exists, and appears to have previously been car parking as part of the former office use. It is proposed that the parking spaces for Units G, I and J should be accommodated within these areas. Use of these spaces would result in vehicle manoeuvres close to the windows of the flats. As the occupants of the flats would have no control over the movements, the noise of engines and glare of headlights could prove to be a source of conflict.
15. However, the plans show that there would be a total of 87 parking spaces within the development. Most of these would be located close to the former office building, so the coming and going of vehicles, and the attendant noise and disturbance, would be a feature of the development. The area allocated to Units G, I and J, being close to the communal entrance to the flats, would probably be regularly used by visitors, regardless of the appeal scheme. Consequently, the proposal would not be likely to result in a noticeable impact on the living conditions of the occupants of the flats.

16. I therefore conclude that the development complies with Policy EQ2 of the Local Plan, insofar as it seeks to ensure that development proposals protect the residential amenity of neighbouring properties. I also find no conflict with the aims of Section 12 of the Framework in this regard.

Planning Balance

17. The Council accepts that it cannot currently demonstrate a five-year supply of deliverable housing sites. Paragraph 11 of the Framework therefore applies, and permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
18. In terms of social benefits, the development would deliver five additional dwellings, which would make a modest contribution towards addressing the shortfall in housing sites. It would also support the Framework's objective of significantly boosting the supply of homes. There would be economic benefits through employment during the construction phase, and through the future occupants' support for local services and businesses, although in view of the limited scale of the proposal, these benefits would be modest.
19. However, the harm that I have identified to the character and appearance of the area would be significant, particularly the loss of the protected trees. As a result, the environmental role of sustainable development would not be achieved. When assessed against the policies in the Framework, taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits.

Conclusion

20. For the reasons given above, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR