
Appeal Decision

Site visit made on 13 October 2020

by John Wilde CEng MICE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 October 2020

Appeal Ref: APP/V3310/W/20/3257081

16 Crowpill Lane, Bridgwater TA6 3JD

- 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 Lee Vaughan against the decision of Sedgemoor District Council.
 - The application Ref 08/20/00051 STP, dated 10 March 2020, was refused by notice dated 25 June 2020.
 - The development proposed is a one bed flat over two newly created garages together with the provision of an additional parking space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:-
 - 1) The living conditions of the occupiers of adjacent properties with respect to outdoor amenity space and the future occupiers of the proposed development with respect to outdoor amenity space and internal space and,
 - 2) The character and appearance of the area.

Reasons

3. Crowpill Lane is a no-through road within a built up area of Bridgwater. There is a certain amount of planning history to the immediate area of the appeal site, with planning permission having previously been granted for the conversion of a public house to the east of the appeal site to four flats, and new development in the form of four terraced houses and a coach house to the west.

Living conditions – outdoor amenity space, neighbours

4. The appeal site itself is the current parking area for the previously mentioned coach house plus an area of outdoor amenity space for two of the aforementioned flats. The proposed development would result in a one bedroomed flat over two garages. There would be two parking spaces to the east of the new building, bordered by a narrow pathway and then the reduced amenity areas for the two existing flats.
5. The Council do not have minimum outdoor amenity space standards that developers should adhere to. Nevertheless, policy D25 of the adopted version

of the Sedgemoor District Council Local Plan 2011-2032 (LP) makes clear that development proposals that would result in the loss of amenity value or unacceptably impact upon the residential amenity of occupants of nearby dwellings will not be supported. Furthermore, the National Planning Policy Framework (the Framework) in paragraph 27 calls for places with a high standard of amenity for existing and future users.

6. The reduced amenity areas for the existing flats would, according to the Council, measure only between 2.8m and 3.7m in length, and I have no evidence that this would not be the case. I acknowledge that the areas of the amenity space would be commensurate with those afforded the other two flats, at the front of the house. However, to my mind it is not only the actual space available that is significant, it is also the quality and usability of that space. In this case the amenity spaces would be bordered by the two storey rear elevation of the flats to the east and the side elevation of the proposed flat to the west. I acknowledge that this would be of a lesser height than the existing coach house but it would be only about 3m away. Moreover, to make the amenity spaces remotely private, it would require fencing on three sides.
7. To my mind this would make the areas unattractive and would have an unacceptable impact upon the residential amenity of the occupiers of the two affected flats and would therefore conflict with policy D25 and the Framework. There would also be conflict with policy D2 of the LP which requires that development respects the amenity value of the occupiers of nearby buildings.

Living conditions – outdoor amenity space, future occupiers

8. The proposed flat would have a tiny area of outdoor amenity space at the end of the two proposed parking spaces. Directly to one side of this area would be the east elevation of the flat whilst to the rear would be the boundary wall with the garden area of 89 Chilton Road. This would again be an unattractive area and would conflict with both policies D25, D2 and the Framework. The fact that the existing coach house was granted planning permission without amenity space is not to my mind a satisfactory reason for perpetuating such a process. I acknowledge that a one bedroom flat may have a lesser demand for outdoor space than a family orientated dwelling, but am equally aware that the Framework calls for a high standard of amenity.

Living conditions – internal space

9. In respect of internal area, the Council have no policy that stipulates minimum areas and I note that the area provided would be in line with the nationally described space Standard. In this regard therefore there would be no conflict with policy.

Character and appearance

10. The proposed flat has been designed with a mansard type roof to reduce its impact in terms of massing, has been reduced in size from that previously proposed and features architectural finishes that mean that it would be acceptable in terms of its appearance.
11. However, the majority of dwellings in the area, including those fronting Chilton Road and those in Crowpill Road with the exception of the existing coach house, have reasonably sized outdoor amenity areas, many with good sized traditional rear gardens. They are also generally terraced, two storey and most,

although not all, have a small defensible space to the front. The proposed flat would have hardly any amenity space, and what space it would have would be squeezed in at the side rather than at the rear, and there would be no defensible space to the front. Furthermore, it would be situated over garages. Therefore, whilst its appearance may be acceptable, it would be out of character with the area in general in terms of its layout, style and spatial positioning. It would therefore conflict with Policy D2 of the LP which requires that development is of a high quality that responds positively to and reflects the particular local characteristics of the site and the identity of the surrounding area.

Conclusion

12. I have found that the proposed development would provide insufficient suitable amenity space for the occupiers of the adjacent flats and for future occupiers of the development itself. I have also found that it would not reflect the character of the area. The fact that the appearance and internal space of the proposed development would be satisfactory does not outweigh these issues. Therefore, having had regard to all other matters raised, including the issue of anti-social behaviour, I conclude that the appeal should be dismissed.

John Wilde

INSPECTOR