



Appeal Decision

Site visit made on 10 November 2020

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2020

Appeal Ref: APP/Q3305/W/20/3255121

5 Collett Avenue, Shepton Mallet BA4 5PL

- 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 Valuto against the decision of Mendip District Council.
 - The application Ref 2020/0407/FUL, dated 24 February 2020, was refused by notice dated 23 April 2020.
 - The development proposed is removal of existing garage and erection of new dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Plans, including cross sections have been provided in the appeal submission which postdate the Council's decision. However, they provide distances, viewing angles and other details, without amending the proposal and therefore do not warrant re-consultation. Accordingly, I have given them consideration as additional details of the determined application proposal.

Main Issues

3. The main issues are:
 - whether the proposal would harm the living conditions of the occupants of 4, 5 and 6 Collett Avenue in terms of overlooking and;
 - whether the proposal would lead to loss of car parking on Collett Avenue and if so the highway safety implications for it and the surrounding area.

Reasons

Overlooking of 4, 5 and 6 Collett Avenue

4. Collett Avenue is within an extensive suburban part of Shepton Mallet. It is a cul-de-sac of predominately semi-detached dwellings, set in near alignment and in spacious gardens.
5. The appeal site is part of the rear garden of 5 Collett Avenue and includes its car parking spaces and access, which are from the adjoining road Drill Hall Lane. The site is on very slightly elevated ground and there is a clear view to the back of 4, 5 and 6 Collett Avenue. It is separated from the neighbouring gardens by a beech hedge and fence.

6. Nos 4, 5 and 6 Collett Avenue would have upper floor and ground floor windows in clear line of sight of the proposed dwelling's ground floor access steps and raised entrance decking. Whilst a 1.8m close boarded fence would form a new boundary with No 5, this would not be high enough to prevent overlooking. The submitted cross section drawings illustrate the proposed separation distances, but these are insufficient to prevent overlooking of the occupants of the above houses.
7. The rear elevation of the proposed dwelling would also face Nos 4, 5 and 6. The ground floor lounge would have large windows, and bearing in mind the proposed finished floor level, this would also overlook these houses, again with insufficient separation distance. The upper bedroom window of the proposal would have obscure glazing and restricted opening which would alleviate its impact; such details could be controlled by condition.
8. Therefore, notwithstanding the bedroom window, I therefore conclude that the proposal would lead to the overlooking of 4, 5 and 6 Collett Avenue, which would harm the basic everyday living conditions of the occupants. I acknowledge that No 5 is in the control of the appellant and the situation would currently be his choice, but any future occupiers would have impaired privacy.
9. Policy DP7 of the Mendip District Local Plan Part 1: Strategy and Policies (LP) requires protection of the living conditions of the occupants of neighbouring and proposed buildings. The proposal would therefore be in conflict.

Loss of parking and implications

10. No 5 Collett Avenue currently has parking and access to the rear, off Drill Hall Lane, which is narrow in parts and serves a mix of dwellings and commercial premises. The proposal would remove No 5's current parking and access, so that it would be wholly reliant on the on-street parking on Collett Avenue.
11. I observed on my site visit that a significant number of these houses particularly in the immediate vicinity of the appeal site, do not have off street parking, leading to considerable demand. I also noted that Collett Avenue provides direct access to Collett Park, which is a spacious public open space and inevitably car borne users would be attracted and use the parking.
12. The proposal would place undue parking pressure on Collett Avenue, which would lead to congestion and excessive manoeuvring to find a space particularly bearing in mind its cul-de-sac nature and limited width. Similarly, pressure would be put on the surrounding roads. The nature of resulting excessive car manoeuvring movements would impair safety. I note the submission of a parking survey, however that was only on one particular evening and would not necessarily reflect the situation at other peak times. Similarly, I acknowledge that it was undertaken during Covid lockdown but that too may not be wholly representative as non-essential travel was not permitted and visitors would not have used the parking.
13. I therefore conclude that the proposal would increase the parking pressure on Collett Avenue and the surrounding roads which would impair highway safety. Policy DP10 of the LP requires the provision of on-site parking to avoid congestion, respect safety as well as visual impact. The proposal would be in conflict.

Other matters

14. The proposal would provide a new dwelling in an accessible location close to services, which would have social and economic benefits, including a contribution to housing land supply. However, these benefits would be very limited and would not outweigh the harm that I have found above.

Conclusion

15. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR