



Appeal Decision

Site Visit made on 23 November 2020

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2020

Appeal Ref: APP/D0121/D/20/3259148

Cinderford Cottage, Ropers Lane, Wrington BS40 5NH

- 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 Mrs Helen Gwinnett against the decision of North Somerset Council.
 - The application Ref 19/P/2514/FUH, dated 30 September 2019, was refused by notice dated 18 June 2020.
 - The development proposed is described as Erection of two storey side extension and single storey porch with associated works following the demolition of a lean-to domestic store.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mrs Helen Gwinnett against North Somerset Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the living conditions of adjoining occupiers in Greystones and Swallow Barn, with particular regard to outlook; and
 - the effect of the proposed development on the character and appearance of the surrounding area and the Wrington Conservation Area (CA).

Reasons

Living conditions

4. Situated in a relatively built-up environment, the proposed development on the appeal site would be located near to the shared boundaries with Greystones and Swallow Barn. The submitted 'combined proposed drawing' shows that the proposal meets the 45 degree test for the nearest windows of those properties.
5. However, the proposed extension would be positioned in front of the main garden and sitting out area of Greystones – whose main outlook I observed on my site visit faces south, towards the site – and would extend along much of the length of the patio and outside seating area at Swallow Barn. As shown on the 'combined proposed drawing', the proposed development would present a significant extent of blank wall towards both of these outside areas.

6. Given the limited degree of separation to the shared boundary with Greystones and the height of the extension, the development would therefore appear as a significantly enclosing feature that would unacceptably restrict the outlook from Greystone's main garden and sitting out area. Although the patio at Swallow Barn faces south rather than towards the site, the extension would rise well above the boundary wall and due to its height, length and close proximity, would appear from the patio as a dominating addition that would significantly restrict outlook. Combined with the single-storey building on the other side of the patio, the proposed development would also create a tunnel effect, with the patio being unacceptably hemmed-in and enclosed as a result. In coming to this view, I have taken account of the land levels on the site.
7. For the above reasons, I conclude that the proposed development would harm the living conditions of adjoining occupiers in Greystones and Swallow Barn, with particular regard to outlook. I therefore find that it would conflict with DM32 and DM38 of the North Somerset Council Development Management Policies Sites and Policies Plan Part 1 (SPP). Amongst other aspects, these require development to not prejudice adjoining occupiers' living conditions. The proposal would also be inconsistent with the Council's Residential Design Guide Supplementary Planning Document which, amongst other aspects, sets out that extensions should not cause significant harm to the living conditions of neighbouring residents when using their gardens and that permission may still be refused for an extension that complies with the 45 degree tests.

Character and appearance

8. The site is situated within the built-up area of Wrington. The surrounding area contains a variety of traditional and modern properties, some of which are relatively large, finished in a mixture of stone, brick and rendered walls. The site is visible in the locality, including from Yeomans Orchard, Ropers Lane and the adjoining public right of way. It is located within the Wrington CA, whose significance stems from, amongst other aspects, its traditional buildings and boundary walls and the village's historic core. Containing a traditional, well-proportioned semi-detached dwelling finished in similar materials to surrounding built form, the site positively contributes to the character and appearance of the CA.
9. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area in the exercise of planning powers. The National Planning Policy Framework (Framework) also sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
10. Taking up part of the site's garden, the proposed extension would be relatively large and result in a notable increase in habitable floorspace. However, with a similar dual pitched roof and set lower than Cinderford Cottage, it would respect the main dwelling and not appear as an unacceptably prominent addition. Finished in materials found in the locality, the external appearance of the extension and the small porch would also reflect the existing building and surrounding built form.

11. The extension would be visible in the surrounding area and would reduce public views of the wider area and surrounding landscape to some extent. However, it would read as a sufficiently sympathetic feature that would be experienced within the context of surrounding built form and as forming part of the built-up nature of the locality. The reduction in public views of the wider area and surrounding landscape would generally be limited to a small section of the public realm where the public right of way joins Ropers Lane. I also observed on my site visit that, even from this point, the extension would not entirely prevent views of the Mendip Hills beyond the site. In coming to this view, I have taken account of the relationship between the semi-detached dwellings of Greystones and Cinderford Cottage, boundary walls in the locality and the local topography and land levels in the surrounding area.
12. For the above reasons, I conclude that the proposed development would not harm the character and appearance of the surrounding area and the Wrington CA. I therefore find that it accords with SPP Policies DM3, DM32 and DM38 and Policies CS5, CS12 and CS32 of the North Somerset Council Core Strategy. Amongst other aspects, these: set out the Council's approach to conserving the historic environment and achieving high quality design and place-making; require extensions to respect the existing property and not harm the street scene; and seek development to be of a high quality which is sensitive to and respects local character and does not harm the character and appearance of conservation areas.

Other matters

13. The site is near to a grade II listed building, Roper's Lodge. The Council does not allege that the proposed development would have an adverse effect on the listed building, its setting or any features of special architectural or historic interest which it possesses. From the available evidence and given the intervening highway and degree of separation between the listed building and the appeal site, I have no reason to disagree with this.
14. It has been put to me that the existing dwelling is limited by its awkward configuration, small ground-floor rooms and steep stairs, the latter of which fall short of current Building Regulations, and the motivation is to sympathetically extend Cinderford Cottage to create a property with improved circulation space which is suitable for the appellant and her husband to reside in in later life. The appellant's Design and Access Statement also sets out, amongst other aspects, that Cinderford Cottage is neither a Listed Building nor forms part of a Listed Building or curtilage and that the site is not within any nature conservation designation or flood zone and does not include any preserved trees. Be that as it may, these matters do not outweigh the harm I have identified nor provide justification for development that conflicts with the development plan.

Conclusion

15. For the above reasons, the appeal is dismissed.

T Gethin

INSPECTOR