



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: 21 December 2020

Appeal Ref: APP/D0121/W/20/3259589

7 Bucklands Lane, Nailsea BS48 4PJ

- 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 & Mrs G Hogg against the decision of North Somerset Council.
 - The application Ref 19/P/2714/FUL, dated 30 October 2019, was refused by notice dated 20 March 2020.
 - The development proposed is Proposed construction of 1No. new dwelling to the east of the existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of 1No. new dwelling to the east of the existing dwelling at 7 Bucklands Lane, Nailsea BS48 4PJ in accordance with the terms of the application, Ref 19/P/2714/FUL, dated 30 October 2019, and subject to the conditions set out in the schedule to this decision.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. Situated towards the end of Bucklands Lane, which contains a number of properties in a variety of sizes and architectural styles and designs, the appeal site forms part of the large plot and garden of No 7. Except for that property, dwellings on the Lane generally face the highway from their fairly consistent set back positions within relatively large plots. Combined with soft landscaping, this provides the Lane with a residential character and a spacious, verdant appearance. Although there are smaller residential plots nearby, such as on Bucklands End, the site is experienced within the context of Bucklands Lane.
4. With the exception of No 7, the proposed development would be positioned notably closer to the highway than the other properties on the Lane. However, respecting its surroundings, it would provide a detached dwelling facing the Lane and it would be sufficiently set-back within the site to allow for a reasonable separation to the Lane and space for soft landscaping to be provided. Sitting between Nos 5 and 7, it would provide a transition between their positions relative to the Lane and it would not entirely block public views of No 7, which provides an attractive and distinct end to the streetscene. Existing boundary treatment and soft landscaping, which already partly screens No 7 from views along the Lane, would also limit views of the side of the proposed dwelling, which in any event would not appear as a significant feature

given its relatively modest scale. The appeal proposal would therefore sufficiently respect and maintain the Lane's spacious, verdant nature.

5. Although the proposed dwelling would be adjacent to the site's western boundary, the spacing to adjoining properties on either side would, as shown on the submitted drawing 'Distances between houses in the area, Proposed', be similar to that between existing properties on Bucklands Lane. While the site would be significantly smaller than other plots accessed off the Lane, its width would be similar to many of them and several of the surrounding properties extend across much of their plots. The lesser depth of the site would not be particularly noticeable given the proposed dwelling would essentially limit public views to the rear. Its depth would also be the same as No 7 and, given the position of No 9 Bucklands End, similar to No 3 Bucklands Lane. Furthermore, although the proposed dwelling would take up a reasonable proportion of the site, it would not take up the majority of it and there would be sufficient space around the dwelling for an acceptable area of open garden space. Accordingly, the development and its plot would be sufficiently in-keeping with the locality and it would not appear unacceptably cramped. The figures relating to plot density ratios do not lead me to a different conclusion.
6. The proposed dwelling would be higher than the adjoining bungalows on the same side of the Lane and, due to its design and the local topography, it would read as a two-storey property from the rear. However, with the presence of larger two-storey properties in the surrounding area, its height, scale and form would not appear out of character and it would provide a suitable transition between the lower height of No 5 and the larger two-storey dwelling at No 7. With its appearance and external materials reflecting surrounding built form, including natural stone and render which are both present in the locality, it would also not appear as an incongruous feature unrelated to its context.
7. A number of appeal decisions have been drawn to my attention relating to proposals elsewhere. Although all of these cases are noted, they are all in different parts of the district, one was found to appear uncharacteristically small when compared to surrounding built form, which is not the case here, and the others involved triangular, essentially corner, plots. Accordingly, the circumstances are sufficiently at variance that I have judged this appeal proposal on its own merits.
8. For the above reasons, I conclude that the proposed development would not harm the character and appearance of the surrounding area. I therefore find that it accords with Policies CS12 and CS31 of the North Somerset Council Core Strategy and Policies DM32 and DM37 of the North Somerset Council Development Management Policies Sites and Policies Plan Part 1. Amongst other aspects, these require development of an appropriate scale and high quality design that respect and demonstrate sensitivity to existing local character and do not harm the street scene and local area.

Other matters

9. Neighbours have raised concerns that their living conditions could be harmed by the proposed development, which would be surrounded by existing dwellings. However, the modest height of the new dwelling and the separation distances between its ground- and first-floors and Nos 9 and 10 Bucklands Lane and No 6 Bucklands End indicate that the appeal proposal would not result in significant effects in relation to, amongst other aspects, privacy,

overshadowing, daylight and outlook. In coming to this view, I have taken account of the guidance contained in the Council's Supplementary Planning Document, Residential Design Guide – section 1 (SPD) and the differing land levels of those plots and the appeal site. It seems to me that the degree of separation between the proposed dwelling and those properties, and the respective front-to-front (with the intervening Lane) and back-to-back relationships that would ensue, would also not be unusual for a relatively built-up residential area such as this.

10. Although the proposed development would be situated relatively close to the front of No 7 and closer than that advised in the SPD, the sloping roof form and limited height of the new dwelling would avoid levels of light and outlook at the front of that property being reduced significantly. I observed on my site visit that No 7 also benefits from good outlook and light at the rear, across its large garden to the west. The limited size of the proposed development and its position relative to No 5 means that the living conditions of the occupiers of that property would also not be unacceptably harmed, including in relation to privacy, outlook and overshadowing.
11. Concern has been raised that there has been insufficient time for third parties to comment due to the late availability of the appeal documents. However, I have little substantive evidence that indicates that local residents who wished to comment on the proposed development have been unable to do so and I note the submission of several detailed representations at appeal stage.
12. A number of other matters have been raised by interested parties and I have taken them all into account. This includes matters such as: noise disturbance; highway safety, parking provision and restricted access on the narrow Lane; landscaping; the accuracy of measurements shown on the submitted plans; separation distances between existing dwellings; flooding, drainage and the effects of climate change on flood risk; bin storage; previous proposals on the site and other developments in the locality; and the position of the Town Council on the planning application. However, whilst I take these representations seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters. Some of the issues raised can also be covered by conditions. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed.
13. As the Council cannot demonstrate a sufficient supply of housing land, my attention has been drawn to the presumption in favour of sustainable development set out in paragraph 11 of the National Planning Policy Framework (Framework). However, as I have found that the proposed development would cause no adverse impacts and would comply with the development plan, it is not necessary to consider the appeal proposal in the context of the approach set out in paragraph 11d of the Framework as doing so would not lead me to a different conclusion.

Conditions

14. I have had regard to the various planning conditions that have been suggested by the main parties. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents, to ensure that

details are submitted to and considered by the Council where relevant and for clarity and consistency.

15. In addition to the standard time limit, I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. Given the narrow width of the Lane, the relatively constrained nature of the site and the proximity of adjoining properties and their driveways, a condition requiring the submission of a construction method statement prior to the commencement of development is necessary and reasonable in this instance in the interests of highway safety and the living conditions of adjoining occupiers.
16. In the interests of the character, appearance and biodiversity value of the locality, a condition covering landscaping is necessary. However, I have amended the Council's suggested condition because the details submitted with the appeal include only limited detail on landscaping. Sufficient details therefore need to be provided prior to the commencement of development to ensure the adequate protection of existing soft landscaping and the provision of satisfactory hard and soft landscaping on the site.
17. A condition requiring the submission of drainage details is necessary to ensure adequate surface water drainage is provided to avoid and reduce the risk of flooding of the site and surrounding plots. However, for clarity and to ensure the works are completed, retained and maintained, I have added additional timing, retention and maintenance clauses.
18. A condition relating to external materials is necessary in the interest of the character and appearance of the surrounding area. However, for certainty, I have also included reference in the condition to section 6 of the application form as not all external materials are listed on the approved plans. The fourth of the Council's suggested conditions – covering ground, floor and ridge heights – is not necessary because the approved plans provide sufficient detail in relation to those matters. I have therefore declined to impose it.
19. Conditions covering on-site parking and secure cycling storage are necessary in the interests of highway safety and sustainable transport choices respectively. However, for clarity and to avoid repetition, I have incorporated the separate condition by the Council relating to the garage parking being retained into one parking-related condition.
20. The condition requiring the installation and retention of the solar panels is necessary in the interests of reducing carbon emissions generated by the use of the development. A condition requiring the windows in the eastern elevation floors to be obscured glazed and their non-opening except above 1.7 metres from floor level is necessary to protect the privacy of adjoining occupiers.
21. The PPG indicates that conditions removing permitted development rights should only be used in exceptional circumstances. Although the Council have suggested a condition removing permitted development rights in relation to enclosures and the erection of garages, sheds and other structures on the site, I have little substantive evidence that such elements would result in any significant harm were they to be provided under permitted development rights in the future. I have therefore declined to impose this condition. However, the relatively constrained nature of the site and its proximity to surrounding residential uses indicates that in this instance preventing extensions to the

building and restricting the provision of additional windows, rooflights and dormers under permitted development rights is necessary and reasonable in order to protect the living conditions of adjoining occupiers. For clarity and to avoid unnecessary repetition, I have combined the Council's two suggested conditions covering these matters.

Conclusion

22. For the above reasons, the appeal is allowed.

T Gethin

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Drawing No LP-C); Block Plan Existing (Drawing No 1000E); Block Plan Proposed (Drawing No 3000H); Distances between houses in the area Proposed (Drawing No 3002B); Drainage Plan Proposed (Drawing No 3001E); Site Section A-A Proposed (Drawing No 3301F); Ground & First Floor Plans Proposed (Drawing No 3100D); West & North Elevations Proposed (Drawing No 3002F); East & South Elevations Proposed (Drawing No 3201G); Street Scene Proposed (Drawing No 3202C); and Context Elevation and 25 degree test (Drawing No 3300H).
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (a) the parking of vehicles of site operatives and visitors; (b) times of site operation; (c) volume of daily HGV movements; (d) loading and unloading of plant and materials; (e) storage of plant and materials used in constructing the development; (f) wheel washing facilities; (g) a scheme for recycling/disposing of waste resulting from demolition and construction works; (h) measures to keep access roads clear of vehicles; (i) HGV routing restrictions; (j) location and specification of fencing and other measures for the protection of retained trees.
- 4) No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. In addition to details of proposed soft and hard landscaping on the site, the scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme of implementation that has first been submitted to and approved in writing by the Local Planning Authority. Trees,

hedges and plants shown in the landscaping scheme to be retained or planted on the site which, during the development works or a period of ten years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may specify. All hard landscape works shall be permanently retained in accordance with the approved details.

- 5) No works above ground shall take place until details of appropriate surface water drainage measures, together with a programme of implementation and a programme of maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, such works shall be carried out in accordance with the approved details and programmes, completed prior to occupation of the development hereby permitted, and thereafter retained and maintained in accordance with the approved details.
- 6) The materials to be used in the development hereby permitted shall be in complete accordance with the approved plans and specifications and details in section 6 of the application form unless details of any alternative material have first been submitted to and approved, in writing, by the Local Planning Authority.
- 7) The development hereby permitted shall not be occupied until a properly consolidated and surfaced parking area for 2 vehicles and the garage have been constructed in accordance with the approved plans and specifications. The approved parking area and garage shall thereafter be permanently retained and kept available for the parking of vehicles at all times.
- 8) The development hereby permitted shall not be occupied until secure parking facilities for bicycles have been provided in accordance with plans and specifications that have first been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be retained and kept available for the parking of bicycles at all times.
- 9) The development hereby permitted shall not be occupied until the solar panels shown on Drawing Nos 3000H and 3201G and described in the Energy Statement dated 25 January 2019 have been installed in accordance with the details hereby approved and are fully operational. Thereafter, the solar panels shall be permanently retained in accordance with the approved details.
- 10) Prior to first occupation of the development hereby permitted, the windows on the ground floor on the east elevation serving the WC and kitchen shall be fitted with obscure glazing. The obscure glazing used shall provide a degree of obscuration no less obscure than that which is provided by privacy level 3 of the Pilkington Group Limited textured glass range as defined in publication "Pilkington Decorative Glass Range" (published November 2017). The windows shall be non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), neither the obscure glazing nor the method of

opening shall be subsequently altered without the prior written permission of the Local Planning Authority.

- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), no windows, rooflights or dormers (other than any expressly authorised by this permission) shall be inserted in the east, south and west elevations of the dwelling and no extensions to the dwelling shall be carried out without the prior written permission of the Local Planning Authority.

END OF SCHEDULE