
Appeal Decision

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2021

Appeal Ref: APP/D0121/W/20/3259854

Land off Front Street, Churchill, Winscombe, Somerset, BS25 5NB.

- 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 and Mrs J Tout against the decision of North Somerset Council.
 - The application Ref. 20/P/0056/FUL, dated 10 January 2020, was refused by notice dated 16 April 2020.
 - The development proposed is the construction of a single dwelling house and garage with associated access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Numerous applications and appeals have previously been submitted in respect of the appeal site and some adjoining land. These include an appeal¹ that was dismissed in September 2020, for the construction of a larger house and garage on part of the appeal site. (The house would have been set back further from Front Street than the dwelling proposed in the appeal before me.)
3. Planning permission exists for a dwelling on another part of the appeal site². The main parties agree that this permission has been implemented. It could be completed and is a fallback position available to the appellants.
4. Planning permission also exists for an extension to a neighbouring dwelling at Kewstoke Lodge (ref. 20/P/0934/FUH). I also note that outline permission has recently been refused for five dwellings on land to the west of another neighbouring dwelling known as Barrowfield Cottage (ref. 20/P/2553/OUT).
5. The Council accepts that it is unable to demonstrate a five year supply of deliverable housing land. I understand from another recent case in North Somerset that the Council is only able to demonstrate 4.2 years supply. This could result in the 'tilted balance', set out within paragraph 11 of the National Planning Policy Framework (the Framework), being engaged.

Main Issue

6. The main issue is whether the proposal would preserve or enhance the character or appearance of the Churchill Conservation Area (CA).

¹ APP/D0121/W/19/3243180.

² Ref. 13/P/0129/F. The approved dwelling is sited close to the edge of the street.

Reasons

7. The development plan includes the North Somerset Core Strategy (CS) adopted in 2017 and the North Somerset Sites and Policies Plan Part 1 Development Management Policies (DMP) that was adopted in 2016. The most important policies to the determination of this appeal are: CS policies CS5 (landscape and the historic environment); CS12 (design); CS32 (service villages³); DMP policies DM3 (conservation areas); DM10 (landscape); DM32 (design) and; DM37 (new dwellings in residential areas). Policies CS5 and DM3 do not reflect the 'public benefits' balance set out within paragraph 196 of the Framework. This would limit the weight to be given to any conflict with CS5 and DM3.
8. The Council has informed me that the appeal site lies within the River Yeo Rolling Valley Farmland landscape character area (LCA), as defined within the North Somerset Landscape Character Assessment Supplementary Planning Guidance (SPG) 2018. It is unclear as to the extent of any public/stakeholder consultation regarding this document. I shall therefore afford it limited weight.
9. My attention has also been drawn to the Churchill Conservation Area Appraisal and Management Plan (CAA) that was adopted by the Council in 2020. I note that this document has been subject to a process of public/stakeholder consultation. The CAA can be given moderate weight in this appeal.
10. The CA includes the historic core of the village, sections of the surrounding streets/lanes and some fields and green spaces. As noted within the CAA:

"Front Street is characterised by the presence of numerous historical dwellings, ranging from 16th to mid-19th Centuries, many of which are listed, with small housing developments (post 1948) branching off, particularly at the eastern end. Many of the detached properties have rubble limestone-walled boundaries onto Front Street but notably, the late 19th century Sidney Hill Cottage Homes and Methodist Church were built predominantly in brick. These walls give Front Street its distinct character. There are no pavements except where the spur of the newer development (Orchard Walk) branches off, and there are no street lights, giving Front Street the classic character of the rural country lane. Development is mostly linear but there has been limited infill to the side or rear of older detached properties.

Many properties to the north side of Front Street have gardens/paddocks that sweep up onto Windmill Hill. There are 3 footpaths that connect Front Street to Windmill Hill and St John's Church, demonstrating the importance of Windmill Hill to the village. One footpath cuts diagonally across Barrowfield to St John's Church, lying to the north west of Front Street."

11. The significance (heritage interest) of the CA is derived from its special architectural and historic qualities. These include the contribution made by the various listed buildings, the layout of the lanes and many of the spaces around the buildings (both listed and non-listed). Some of these spaces afford views of Windmill Hill and other parts of the countryside that surround the village. The above qualities create a very pleasing semi-rural character.

³ The southern strip of the appeal site lies within the defined settlement boundary but the remainder of this 0.4 ha site lies outside the settlement boundary. Policy CS32 permits development within or adjoining settlement boundaries where, amongst other things, it respects and enhances the local character.

12. If completed, the permitted dwelling on the appeal site would have its southern gable end facing onto Front Street with a generous amount of space retained between the western elevation and the flank wall of Barrowfeld Cottage. This space and the rest of the fields that comprise this plot of land would retain the largely unspoilt open qualities of the appeal site and ensure that it continued to make a pleasing and positive contribution to the character and appearance of the CA. The open space at the side of this approved dwelling also retains a glimpsed view from the street of Windmill Hill.
13. The proposed two storey dwelling would be set back from Front Street near the narrowest part of the plot. The front (south) elevation of the house would be approximately in line with the front wall of Kewstoke Lodge. It would be immediately to the rear (north) of the permitted house with part of the new access driveway within the 'footprint' of this approved dwelling. The proposal would have a steep pitched pantile roof, brick chimneys, natural stone walls with brick quoins and a pitched roof entrance porch. A roadside hedge and stone boundary wall would be provided with tree planting elsewhere within the plot. The proposed house would be designed to a high standard and the building itself would respect distinctive qualities in the built environment.
14. In comparison with the permitted dwelling, the proposal, including the new detached garage, would occupy much of the width of this part of the plot. It would be built on slightly higher ground and would appear much taller than Barrowfeld Cottage and Kewstoke Lodge. This sizeable new dwelling would be prominent within the street scene of Front Street and would markedly erode the sense of spaciousness when seen from the street. It would interrupt or possibly even block⁴ the glimpsed view of Windmill Hill and erode the semi-rural character of Front Street. The proposed development would detract from the character and appearance of the CA and conflict with the provisions of development plan policies CS5, CS12, CS32, DM3 and DM32.
15. In the context of the Framework, the proposed development would amount to less than substantial harm to the significance of the CA. However, this does not amount to a less than substantial planning objection. Great weight must be given to an asset's conservation. This harm must be weighed with any public benefits. In this regard, the proposed dwelling would offer very similar benefits to the permitted house. These include increasing the stock of housing within the district and helping to address the shortfall in supply. The totality of the benefits would be very limited and would be insufficient to outweigh the less than substantial harm to the significance of the CA that I have identified. The 'tilted balance' is not therefore engaged.
16. I note that if the appeal was allowed it is not the appellants intention to complete the approved dwelling. I have also noted above that part of the proposed driveway bisects the site of the approved house. However, it would be unsound to attach a planning condition preventing the completion of this approved development and circumstances could change whereby the proposed dwelling could, in future, be served by an alternative access/driveway. The potential exists for two dwellings to be built on the plot in close proximity to one another. If this was to arise it would exacerbate the harm to the character and appearance of the CA that I have identified above. Whilst my decision

⁴ Either on its own or in combination with the permitted extension to Kewstoke Lodge if built.

does not turn on this matter there is no adequate mechanism in place to revoke the extant permission.

Other Matters

17. This proposed dwelling would encroach into the River Yeo Rolling Valley Farmland LCA and a large part of the plot would change in character from open field to a garden. The proposed dwelling and inevitable domestic paraphernalia would detract from the unspoilt natural qualities of this part of the site and be at odds with the key characteristics of this part of the local landscape. The proposal would conflict with the provisions of DMP policy DM10 and the landscape strategy of the above noted SPG. This adds further weight to the arguments for withholding permission.
18. The eastern flank wall of the proposed dwelling would be in close proximity to the permitted extension to Kewstoke Lodge. However, there is no cogent evidence to demonstrate that the proposed house would result in any overbearing or harmful outlook for the occupiers of Kewstoke Lodge.

Overall Conclusion

19. Given all of the above, I conclude that the appeal should not succeed.

Neil Pope

Inspector