



Appeal Decision

Site visit made on 15 January 2021

by S A Hanson BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2021

Appeal Ref: APP/D0121/C/20/3258371

Rosedene, 21 Grove Park Road, Weston-super-Mare BS23 2LW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Steven Rowbotham against an enforcement notice issued by North Somerset Council.
 - The enforcement notice, numbered 19/00551/UAW, was issued on 21 July 2020.
 - The breach of planning control as alleged in the notice is: *Without planning permission, the erection of a garage.*
 - The requirements of the notice are: *1. Remove the garage and all resultant materials from the land.*
 - The period for compliance with the requirements is 4 (four) months.
 - The appeal is proceeding on the ground set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended (the 1990 Act). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
-

Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Application for costs

2. An application for costs was made by Mr Steven Rowbotham against North Somerset Council. This application is the subject of a separate Decision.

Ground (a) and the deemed planning application

Main Issue

3. This is whether the development would preserve or enhance the character or appearance of the Great Weston Conservation Area in terms of its size, design and location.

Reasons

4. The appeal site is located within a residential area of Weston-super-Mare on the west side of Grove Park Road. The host dwelling is a detached two-storey large villa, constructed using natural Weston stone, which has been subdivided into a ground-floor and first-floor flat. The property, like its neighbours, is set back from the road with a stone boundary wall to the front. Adjoining the site to the north, south and western boundaries are residential properties. The site is within the Hillside Character Area of the Great Weston Conservation Area

(the CA). The Great Weston Conservation Area Management and Appraisal Plan note Great Weston's aesthetic value to be reflected in the overall quality of construction, alignment of buildings on plots and consistent character of its Victorian villas.

5. Grove Park Road is characterised by large detached properties of similar design with space in between which, in some circumstances, allows for channelled and extended views beyond the frontages. There are examples of single storey attachments or outbuildings which have utilised this space, and the appellant has provided a series of photographs showing a variety of garages and outbuildings which exist in the locality. I am not aware of the planning status or circumstances that may have led to those cases, but nevertheless, I consider that the siting and design of these garages are not directly comparable to the appeal property.
6. The partially constructed garage is situated within the rear garden area where the space has been divided to provide a garden area for each flat. It is accessed via a driveway which runs to the south side of the house. The garage is positioned along the boundary with neighbour No 19, which is at a lower level, and borders the garden belonging to the first floor flat. The building is overly large for a domestic garage and considering the reduced size of the plot due to it being divided into flats, the footprint of the building in this context does occupy a significant proportion of the rear garden.
7. Whilst views into the site are limited, there are uninterrupted and direct public views of the garage from the road at the front of the property and partial views from South Road which is in an elevated position. Although set back from the property frontage, the building dominates the view between the Victorian properties, visually detracting from and compromising the integrity of the historic residential properties and their setting. Furthermore, due to its size and the topography of the area, the building is likely to be visible from several neighbouring properties, where it will be viewed against a verdant backdrop, altering the character of the spaces to the rear of these properties. Overall, it is considered that the building is unduly conspicuous and introduces a degree of encroachment of the built environment which neither preserves or enhances the character or appearance of the area within the CA.
8. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Paragraph 193 of the National Planning Policy Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 196 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal. In this case, and based on the evidence before me, there are no public benefits or other considerations sufficient to outweigh the harm.
9. For the collective reasons above, the development fails to preserve or enhance the character or appearance of the CA. I find that the development conflicts with Policies DM3, DM32 and DM38 of the North Somerset Sites and Policies Plan (Part 1) and Policies CS5 and CS12 of the North Somerset Core Strategy which require new development to be sensitive to its setting and not harm the

street scene and local area, whilst conserving and respecting the architectural significance of the heritage assets of the town.

10. As part of the appeal under ground (a) the appellant advanced alternative plans which show a substantial reduction in the roof height and alternative facing materials for some surfaces. These plans were previously put to the Council as part of the planning application to regularise the development. The application was subsequently refused. Notwithstanding its refusal, the alternative scheme could be considered as part of the garage being enforced against. As such, it is appropriate to consider and to assess whether the alternative plans would overcome the planning difficulties at less cost and disruption than the total removal of the building.
11. The plans show a reduced ridge height and this would lessen the visual impact of the development to an extent from public viewpoints and from neighbouring properties. However, it would still be a building of considerable bulk and a dominant and somewhat incongruous presence that would neither preserve or enhance the character of the CA. Overall, the alternative scheme would not satisfactorily overcome the harm to the CA. As such the development, even if altered as proposed, would remain in conflict with the development plan, read as a whole. Since there are not material considerations to outweigh this conflict, the appeal on ground (a) must fail and planning permission must be refused.

Conclusion

12. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

SA Hanson

INSPECTOR