
Appeal Decision

Site visit made on 1 June 2021 by A J Sutton BA (Hons) DipTP MRTPI

by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 July 2021

Appeal Ref: APP/D0121/W/21/3267958

Precinct, Flat 1, Brinsea Road, Congresbury, BS49 5JG

- 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 Dillan Vaghela against the decision of North Somerset Council.
 - The application Ref 20/P/2271/FUH, dated 21 September 2020, was refused by notice dated 17 November 2020.
 - The development proposed is described as 'conversion of single storey maisonette to 2 storeys.'
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

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

Reasons for Recommendations

4. The appeal property is the end flat of a row above a small precinct of shops which serve the large village of Congresbury. The two blocks that comprise the precinct are relatively modern in form. Although the rear of the shopping centre would benefit from improvement, the front appeared neat and well maintained. Moreover, whilst not particularly notable in terms of architectural style, the mass and height of the built form, with pitched roofs, fits well in the central part of the village and reflects the character of surrounding properties.
5. The National Planning Policy Framework (Framework) states that good design is a key aspect of sustainable development. This is reflected in Policy CS12 of the North Somerset Core Strategy 2017 (Core Strategy) which requires well design buildings and places and states that proposals of all scales will be required to demonstrate sensitivity to the existing local character already established in the area.
6. The proposal would form an additional floor which would cover the entire footprint of the existing flat. Whilst it would not be higher than the existing ridge, the development would result in a three-storey property that would

relate poorly to the attached two-storey built form. Moreover, it would introduce a flat roof which would be distinctly at odds with the existing roof shape of the block. In these respects, it would also appear an incongruous structure that would be out of character with surrounding two-storey residential properties and the single-storey commercial premises on the other side of the car park which, although they vary considerably in design, all have pitched roofs.

7. Views of the side of the development would be limited by trees, however it would be visible from properties at the rear and parts of the car park. The character of the rear of the precinct differs substantially from the front, with plain structures and external plant and equipment. The wider street scene and the appeal property's relationship to it is largely screened from this perspective. Moreover, the neat mass of the block, of which it forms part, is not clearly evident from this aspect due to extensions at ground floor level. There are also examples of dormer extensions to roofs at the rear of the block. As such the substantial change in roof form and height would appear less incongruous when viewed from the rear.
8. Nevertheless, when viewed from the front, the proposal would fail to harmonise with the neighbouring properties and the surrounding area, in terms of the mass, height and style of roof. The discordant feature, in a prominent part of the village, would only in part be screened by trees to the front and would be more visible during the winter months when they were not in leaf. The identified harmful features at the front would not be addressed by the proposed landscaping scheme to the rear of the property or the appellant's willingness to use alternative materials. Moreover, the improvements to the rear balcony, fencing and planting could be achieved without the proposed additional storey.
9. Therefore, the proposed development would significantly harm the character and appearance of the area. It would be contrary to Policy CS12 of the Core Strategy and Policies DM32 and DM38 of the North Somerset Development Management Policies Sites and Policies Plan 2016, which collectively require a high quality of design.
10. It would also be inconsistent with guidance in the North Somerset Residential Design Guide Supplementary Planning Document which advises in respect to extensions and alterations, changes should be in keeping with the original building and character of the area and that roofs should reflect the style of the existing building.

Other Matters

11. Although the appellant suggests other properties in the precinct could be developed to match the proposed scheme, I have not been made aware of any other applications for permission and no means have been identified which would ensure that all properties in the precinct would follow suit. Therefore I attach limited weight to this matter.
12. I have had regard to the contribution that the appellant's business makes to the viability and vitality of the village and the significant local support for the appellant and the proposal. I am also mindful of the importance of living close to the store to ease the demands of providing this valued service. I attach moderate weight to these matter in reaching this recommendation. However, there is no compelling evidence before me that the shop would cease to

operate if this appeal was dismissed. Therefore, I can give the economic impact of the proposal only limited weight.

13. A recommendation to dismiss the appeal would prevent this development addressing the needs of the appellant's expanding family by expanding their living accommodation. However, it would not preclude alternative schemes, which could provide improved family accommodation, including an additional bedroom or living space, in a less harmful manner than this proposal, and that could ensure the appellant and his family could continue to comfortably live above the shop. As such, it has not been demonstrated that the harm identified is necessary to achieve the benefits of improved accommodation, and the social benefits therefore carry limited weight in this case.
14. Achieving modern standards with regards energy efficiency would be of benefit however the benefits of this in relation to one dwelling carry limited weight.
15. Although the appellant has expressed dissatisfaction with engagement during the application process, the Council has substantiated its reasons for refusal, and I see nothing to indicate that they have behaved unreasonably. My attention has also been drawn to permitted development rights for additional storeys. However, this has not been presented as a fall-back position by the appellant and there is insufficient information before me to demonstrate that the appeal building would benefit from these rights. Therefore, both matters have not been determinative in this case for the reasons stated.

Conclusion and Recommendation

16. For the reasons set out above the benefits of improving the rear of the property, expanding living accommodation and energy efficiency measures and any economic impact of the proposal would not outweigh the significant harm to the character and appearance of the area and the conflict with local plan policies in this case. Therefore, there are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal should be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and agree with the recommendation. The appeal is therefore dismissed.

L McKay

INSPECTOR