
Appeal Decision

Site visit made on 10 August 2021

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2021

Appeal Ref: APP/W3330/W/21/3268170

Land to the west of Brook View, Tudor Park, Taunton, Somerset

- 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 Glenmill Homes against the decision of Somerset West and Taunton Council.
 - The application Ref 08/20/0006, dated 20 February 2020, was refused by notice dated 17 August 2020.
 - The development proposed is erection of single storey dwelling and garage thereto.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 1 April 2019 Taunton Deane Borough Council merged with West Somerset Council to become Somerset West and Taunton Council. The development plans for the merged local planning authority remain in place for the former area of Taunton Deane Borough Council until such a time as they are revoked or replaced. It is therefore necessary to determine this appeal with reference to policies set out in the plans produced by the now dissolved Taunton Deane Borough Council.
3. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021, after the Council had determined the application. I am required to consider this appeal based on the current Framework. From reading all the information before me from the Appellant and the Council, I am satisfied that the revised Framework carries forward the main policy areas from the earlier Framework, as relevant to this appeal. As such, it is not necessary to revert to the parties further.

Main Issues

4. The main issues are the effects of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of future occupiers of the development and on the occupiers of Brook View; and,
 - Ecology and biodiversity.

Reasons

Character and Appearance

5. The proposed dwelling would be located on a wedge-shaped area of land that is bounded by the curving A3259 to the north and west, the rear garden of the dwelling at Brook View to the east, and a mature tree belt to the south that separates the site from the rear gardens of dwellings on Barbers Mead. Access to the dwelling would be achieved by extending the existing drive to the north of Brook View.
6. The site is currently an area of tree planting (orchard) that is clearly visible in public views taken from the A3259, both to motorists and pedestrians. The boundary with the A3259 comprises a raised bank that has recently been planted with trees and hedgerow vegetation. At the time of my site visit, the planting of the raised bank and the orchard were both in the early stages of establishment.
7. There are a variety of nearby dwelling types, including both new build dwellings such as Brook View, and local vernacular rural buildings, such as Maidenbrook Farmhouse and The Stables. The character of the surrounding area is, however, spacious and verdant, owing to the substantial areas of landscaping and mature boundary vegetation adjacent to the A3259. As the existing landscaping on the site matures, it will be highly visible within the street scene and will make a positive contribution to the visual amenities and verdant character of the appeal site and the wider surrounding area.
8. Whilst the proposed dwelling would be single storey, it would be in close proximity to the A3259 and would result in the loss of a substantial area of landscaping adjacent to the A3259. The road facing elevation lacks interest and the shallow hipped roof would not integrate with the gable roof forms of surrounding dwellings. The lack of space to the front and rear of the dwelling would result in the dwelling appearing cramped on its plot.
9. I acknowledge that the visual impact of the dwelling would decrease as the highway boundary planting matures. Nevertheless, the proposal would result in the loss of an intrinsically valuable green buffer between the highway and the adjacent residential development. The dwelling would be an incongruous and cramped form of development that would detract from the quality of the street scene and fail to integrate with the prevailing verdant character of the area.
10. As such, the proposal would be harmful to the character and appearance of the area contrary to Policies DM1 and CP8 of the Taunton Deane Core Strategy (2012) (CS), and Policy ENV1 of Taunton Deane adopted Site Allocations and Development Management Plan (2016). These policies, taken together, amongst other things, seek to conserve and enhance the natural environment, minimise the impact on trees and prevent unacceptable harm to the character of affected areas. The proposal would also conflict with Framework paragraphs 130 and 131 which require development to be sympathetic to local character and to retain trees where possible.

Living Conditions

11. The proposed dwelling and its garage would be adjacent to the rear garden of Brook View. The Council is concerned that the proposal would result in an unacceptable impact on the living conditions of the occupants of Brook View by virtue of it appearing visually obtrusive; through the loss of garden space; and due to noise generated by future occupants of the proposed dwelling using the access. I am not persuaded by the Council in these regards. The proposal is single storey and accommodates 2-bedrooms. As such, it will not appear overbearing given its separation distance from the facing windows in Brook View and the existing high closed boarded boundary fence. Furthermore, it would generate only a limited number of vehicular movements that would not materially affect noise levels given the proximity of the A3259. The fenced rear garden to Brook View is of sufficient scale for the range of activities usually associated with a family dwelling.
12. The appellant advises that the nearest first floor window of Brook View to the proposed dwelling's rear garden is 18.8m away. This is a sufficient distance to avoid unacceptable overlooking or loss of privacy.
13. It is not clear from the Council's statement or refusal reasons what requirements of the listed policies it finds the proposal's impact on living conditions to conflict with. I have not found conflict with the policies listed in the refusal reasons with regards to the specific issue of living conditions.

Ecology and Biodiversity

14. The Council's reason for refusal also raises concerns regarding the impact of the proposal on wildlife and their habitats. The appellant has submitted a Preliminary Ecological Appraisal Update (PEA) and the Council's Ecologist has not objected to the proposals subject to conditions. The proposal would, however, result in the loss of the orchard trees and their contribution to wildlife habitat. The PEA does not address the impact of the loss of the orchard and I therefore find that insufficient information has been provided to demonstrate that there would be no unacceptable harm to the biodiversity interests of the site. The proposal is therefore contrary to CS Policy CP 8 which requires development to conserve and enhance the natural environment, mitigating, and where necessary compensating for, adverse impact on important habitats and natural networks.

Other Matters

15. The site is linked to the Somerset Levels and Moors Ramsar Site and Special Protection Area (SPA) hydrological catchment. There is potential for significant effects on these protected sites due to increases in nutrients as a result of foul and surface water discharges from the proposed dwelling. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 (as amended) indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to approve planning permission. Thus, given my overall conclusion on the main issues it has not been necessary for me to pursue this matter any further.

16. I have also had regard to other matters raised by interested parties. As I am dismissing the appeal on the main issues, I have not addressed those matters further.
17. Although the Framework supports development that makes efficient use of land, this needs to take into account the desirability of maintaining an area's prevailing character and setting. This is not the case here, based on the harm I have identified with regard to the character and appearance of the area. There is no substantive evidence to indicate that there is a significant probability that the orchard trees will be removed at a future date.
18. The proposal would result in some economic and social benefits, including through the dwellings' construction and as a result of a slight increase in spending and patronage of services in the local area. The proposal would also make a limited contribution to the Government's objective of significantly boosting the supply of homes in a location with good access to services. I am aware of the importance of windfall housing and that housing targets should not be considered as a cap on the delivery of housing. However, as the proposal is for only a single dwelling, the benefits identified attract limited weight.

Conclusion

19. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations (including the Framework) indicate otherwise. There are no material considerations, either individually or in combination, of sufficient weight to outweigh the identified conflict with the development plan.
20. For the reasons above, the appeal is dismissed.

S D Castle

INSPECTOR