



Appeal Decision

Site visit made on 21 June 2021 by Ben Phillips BSc MSc MRTPI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

An appointed by the Secretary of State

Decision date: 9 September 2021

Appeal Ref: APP/D0121/W/21/3271016

Hi Field, Hi Field Lodge, School Road, Wrington BS40 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 Alan and Christopher Watts against the decision of North Somerset Council.
 - The application Ref 20/P/2367/FUL dated 1 October 2020, was refused by notice dated 15 February 2021.
 - The development proposed is described as the conversion of existing annex into separate self-contained dwelling with associated alterations to existing access and parking.
-

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.

Preliminary Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Accordingly, the parties have been provided with a further opportunity to make submissions in respect of the publication. Any comments which have been received have been addressed within the appeal decision.

Main Issues

4. The main issues in this case are the effect of the development on the character and appearance of the area, the effect of the development on the living conditions of the occupants of Hi Field and the future occupants of the proposed dwelling, with particular regard to noise, disturbance and privacy, and the impact of the development on highway safety.

Reasons for the Recommendation

Character and appearance

5. School Road is a residential road within the village of Wrington, characterised by a mixture of detached bungalows and detached or semi-detached two storey cottages which, with a varying setback, front onto the road.

6. The proposed dwelling would be set back from the highway behind the existing host dwelling, Hi Field, with its access running directly past the northern side elevation of this property. There is a variation in plot sizes in the surroundings, particularly on this side of School Lane and along the private road off South Meadows immediately to the south. Most properties along this part of School Lane (to the north) have lengthy gardens extending to the rear however, whilst the garden arrangements are not clear, there does seem to be examples of dwellings with compact gardens. In this varied context the proposed dwelling and host dwelling would not appear cramped.
7. It is noted that the delegated report suggests that insufficient amenity space would be provided to both properties, however, no figures are discussed, and this is not part of a refusal reason other than with regards to character. The plans show that the garden areas to both properties would be sufficient to neither be cramped nor an unpleasant area to spend time in and would be suitable for family use.
8. However, an independent dwelling located directly behind Hi Field, visible from the highway and to a number of neighbouring properties, with its access running along the side of the property would represent a form of development at odds with the generally linear pattern of highway fronting dwellings along School Road and the surroundings. It would not reflect the form or grain of existing development. It is acknowledged that there is another dwelling set to the rear of existing development, however this faces on to a private lane and is regarded in this context, rather than appearing as a conspicuously backland development, as is proposed.
9. The proposal would include the loss of some of the front boundary wall and some laurel hedging, in addition to a small metal gate to a pedestrian access, to provide a separate exit area. However, the existing frontage, made up of a small hedgerow and untidy hardstanding, is of limited landscape value. There would also remain sufficient wall and vegetation to ensure that the development would not look out of keeping with the varied frontages along School Road.
10. Notwithstanding this, an independent dwelling in this location would not reflect the form or grain of existing development and would result in an incongruous form of development within the locality.
11. I conclude that the proposal would be harmful to the character and appearance of the surrounding area. The development conflicts with Policies DM32 and DM39 of the North Somerset Council Development Management Policies Sites and Policies Plan Part 1 (DM) which collectively require development to be of a high standard of design that does not adversely affect the character of the area. These policies are consistent with the National Planning Policy Framework (the Framework) which requires at paragraph 127 that developments, amongst other matters, are sympathetic to local character and establish or maintain a strong sense of place.

Living Conditions

12. The host dwelling, Hi Field would be separated from the proposed new dwelling by a 1.8m close boarded fence, which runs diagonally between the properties.

13. Hi Field is a single storey dwelling. Whilst its rear elevation fenestration would directly face the appeal site, given their single storey nature, they would not result in overlooking of Hi Feld Lodge. Similarly, given their limited height, the ground floor side elevation windows of Hi Feld Lodge facing Hi Field would also not lead to overlooking.
14. Hi Field Lodge has two dormers at second floor level in the front elevation which would serve bedrooms, however, given the orientation of the buildings, these face the southern boundary, on a 90 degree angle to the rear elevation of Hi Field. As such, there would be no direct overlooking of the rear rooms of Hi Field. However, given the angle of the boundary, a part of the garden area of Hi Field would be directly overlooked.
15. There is some dispute as to the measurements with regards to the distance between the nearest dormer window and the boundary. However, this element of the rear garden is already separated from the main house by a fence and so it would not appear to be used as frequently. The majority of the garden at the back and front, which is separated from the front parking spaces by extensive hedging, would remain sufficiently private to provide adequate garden space to serve the residents of Hi Lodge.
16. As set out above, the access to Hi Field Lodge would run along the side elevation of Hi Field. The designated parking space serving the new property would also sit directly next to Hi Field. Whilst not sited directly outside the two side elevation windows of Hi Field, the use of the parking space would be likely to cause disturbance to the occupiers of this property especially late at night or early in the morning from both the noise of vehicles and glare from headlights.
17. Furthermore, the use of the access by pedestrians would lead to a marked loss of privacy to the occupiers of Hi Field through possible overlooking of these windows. This would reduce the level of privacy and adversely effect the quality of living conditions available to users of the rooms served by these windows as a result.
18. I conclude that the proposal would have a harmful effect on the living conditions of Hi Field due to noise, disturbance and loss of privacy. The proposal would therefore conflict with the protection of living conditions aims of DM Policies DM32 and DM39 and Policy CS3 of the North Somerset Core strategy, in addition to the advice set out in the Supplementary Planning Document 'Residential Design Guide'.

Highway Safety

19. There is no pedestrian footpath along this part of School Road, and as such, pedestrians would be extremely careful when passing in front of the existing and proposed access, as they would be passing the numerous other access points to dwellings nearby. The proposed access would not therefore be detrimental to pedestrian safety.
20. However, the proposed additional access would be located at the southern corner of the site. This would mean that it would sit in close proximity to the junction of School Road and South Meadows.
21. Given this proximity and the hedgerow on the corner which limits visibility, cars exiting South Meadows would have an extremely limited time to react to a vehicle exiting the appeal site if travelling in that direction.

22. The same is true of vehicles exiting the appeal site turning left. Moreover, in this instance the submitted visibility splay shown on drawing 2646/P/01 Rev B show visibility of cars exiting South Meadows would not be possible. This would likely lead to conflict between vehicles at a greater level than the existing, given the proximity to the junction and intensification of the use resulting from a second independent unit on site. The curve of the road at this point further limits visibility of the appeal site and access points, particularly when travelling from the west and particularly given the 30 miles an hour speed limit in this direction.
23. It is also unclear as to how the users of the parking space for Hi Feld Lodge would navigate the exit, and the submitted plans do not illustrate that there is sufficient space for turning in order to utilise the new exit in a forward gear, nor set out in detail the gradient and land levels of the site, which is set above the level of the highway.
24. Consequently, the proposal would not provide suitable, safe access for all users and would have an unacceptable impact on highway safety. Therefore, it would conflict with the highway safety and quality design objectives of DM24 and with Paragraphs 109 and 110 of the National Planning Policy Framework (the Framework).

Planning Balance, Conclusion and Recommendation

25. The Council accepts that it is not able to demonstrate a 5-year supply of deliverable housing sites, with a 4.2 year provision highlighted in the evidence. This represents a housing shortfall. In such circumstances, paragraph 11 d) of the Framework indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
26. The benefits of the scheme include the provision of an additional dwelling which would make a limited contribution to the Council's supply of housing, which would be located within the settlement boundary of a designated service village, close to shops and services. Economic and social benefits are also likely to arise from the occupation of the new dwelling. However, given the quantum of development in this case, such benefits would be modest.
27. The appellant's reference to issues such as protected species and the setting of listed buildings are noted, however lack of harm on these issues are to be expected and are not a matter in favour of the development. The compliance with Policies CS13 and CS14 regarding scale and distribution of housing is noted, but these matters are not in dispute and are separate from character and appearance. The current lawful use of the site does not impact the proposal before me for a separate independent dwelling.
28. The harm that would be caused to the character and appearance of the area would conflict with the development plan and the Framework and are matters to which I attach significant weight. In addition, the harm found to living conditions and highway safety also conflict with the development plan and the Framework. Given the importance attached to highway safety and living conditions in national and local policy, I give this conflict substantial weight. Whilst the proposal would deliver benefits, I find that they would be

significantly and demonstrably outweighed by the adverse impacts of the harm identified.

29. Therefore, in the circumstances of this appeal the totality of the other material considerations does not justify making a decision other than in accordance with the development plan. For the reasons given, I conclude that the appeal should not succeed.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

30. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR