
Appeal Decision

Site Visit made on 28 September 2021

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2021

Appeal Ref: APP/W3330/W/21/3274756

**Land adjacent to the Post Office, Swain Street, Watchet, Somerset
TA23 0AD**

- 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 Graham Kennedy against the decision of Somerset West and Taunton Council.
 - The application Ref 3/37/21/001, dated 4 January 2021, was refused by notice dated 1 March 2021.
 - The development proposed is for the erection of an attached two storey building with 1 no. dwelling on first floor with arched access at ground floor.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on (1) the character and appearance of the area, including the significance of the Watchet Conservation Area (CA), and (2) the living conditions of both existing and future occupants.

Reasons

Conservation Area

3. The site is within the Watchet CA. In my view, the significance of this heritage asset is derived from the historic layout of the town centre and the many examples of well-preserved older historic buildings. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in the exercise of planning functions. The National Planning Policy Framework (the Framework) also advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
4. The proposal would span much of the gap in a wide alley opening which leads from Swain Street to a public car park. The current opening is a positive feature of Swain Street. This street is characterised with buildings built up to the public highway providing a continuous line of buildings, other than when interrupted by narrow openings leading to alleys or other similar type routes.

These openings add to the intimate character of Swain Street and is part of the historic layout of this core area of Watchet.

5. Closing off some of this gap would result in the loss of much of this characteristic feature of Swain Street. It would significantly erode the positive visual contribution this alleyway entrance makes to the street scene character of Swain Street. There would remain an opening for vehicles to travel through, but it would be much smaller and less of a feature than the existing opening between the Post Office (PO) building (No 26) and No 19.
6. The proposed dwelling would be subservient in scale to No 26 Swain Street and would be of suitable materials. However, these aspects do not outweigh the harm identified with the issue of the enclosing of the alleyway entrance. There is an example raised of a similar type development nearby on Swain Street, but this appeal proposal would be particularly prominent within the street scene. Furthermore, a similar example elsewhere does not mean that the proposal would be less harmful in these circumstances, as the existing open gap is a positive feature within the CA which would be largely lost with the proposed dwelling.
7. Whilst I note the comments about the proposal being a form of over-development, this is an area of high density buildings. However, it is the adverse impact to the character of the CA which is more harmful.
8. The proposed dwelling would be harmful to the character and appearance of the Conservation Area. Nevertheless, the harm would be less than substantial and in accordance with paragraph 202 of the Framework, that harm should be weighed against any public benefits of the proposal. The main public benefit would be the provision of a single dwelling towards housing land supply, but the benefit of one dwelling would be limited, whereas the identified harm attracts considerable importance and weight. The public benefits therefore do not outweigh the harm.
9. The proposal is therefore contrary to Local Plan Policies NH1 and NH13, which require development to sustain the historic environment in line with its interests and significance, and to be of a high quality design, amongst other things.

Living Conditions

10. The proposed dwelling would be between a residential dwelling (No. 19) and a building containing a ground floor Post office (No. 26) and a first floor flat (No. 10 Peel Court).
11. For No 19, there is a small ground floor window which would be affected by the proposal, although the appellant has provided plans to show this to be a cupboard window. However, comments received from the owner of No 19 suggests this window brings daylight into a recess off the kitchen, currently used for laundry. Whilst this may not be a particularly habitable area of the house at No 19 currently, the proposal would result in a substantial loss of light to the extent that the window would serve little purpose other than ventilation. As such, I would regard such an impact as being unduly harmful to neighbour living conditions.
12. For No 26 (the PO) there is a single ground floor window adjacent to what appears to be the service area. As this is not a residential property it would not

harm living conditions. The proposal would result in some loss of light to the PO, but from the evidence before me this would not have an impact which would warrant dismissal of the appeal.

13. The proposal also would seem to require the blocking up of a window on the first floor of the southern elevation of the first floor flat (No 10 Peel Court). There are no detailed plans before me to show what that window serves, other than the appellant stating that it is a secondary window for a bedroom that already has an outlook to the west. I have no reason to believe otherwise and so there would be no significant loss of amenity as a result.
14. The proposal is contrary to the Framework on this matter due to the impact to the occupants living conditions at No 19, particularly paragraph 130 which requires a high standard of amenity for existing and future users.
15. There would be no amenity space for future occupants of the proposed dwelling. However, this would be a small dwelling in a central area where there is access to some external public amenity areas. The entrance to the dwelling would not be clear when viewed from the street, but it would be visible. These issues would not have any significant living condition or design impacts. The living conditions of future occupants would be sufficient, in accordance with policy NH13 of the West Somerset Local Plan on this matter, which has regard to the requirement for high quality design.

Planning Balance

16. The proposal would provide an additional dwelling towards local housing land supply in an accessible location within the town centre. However, it would fail to preserve the CA significance and also result in harm to neighbour living conditions. On balance, the harm to the CA and the general character and appearance of the street would significantly and demonstrably outweigh the benefits.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

Mr S Rennie

INSPECTOR