
Appeal Decision

Site Visit made on 27 September 2021

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

an Inspector appointed by the Secretary of State

Decision date: 20 December 2021

Appeal Ref: APP/W3330/W/21/3276277

Land adjacent to 1a - St Decumans Road, Watchet, Somerset, TA23 0AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by KMS Associates Europe Ltd against the decision of Somerset West and Taunton Council.
 - The application Ref 3/37/21/007, dated 16 February 2021, was refused by notice dated 14 May 2021.
 - The application sought planning permission for the erection of a house without complying with a condition attached to planning permission Ref 3/37/20/021, dated 21 January 2021.
 - The condition in dispute is No 2 which states that:
The development hereby permitted shall be carried out in accordance with the following approved plans: (A1) Dr No 2409 100C Elevations and Sections (A1) DrNo 2409 101 C site layout (A1) Dr No 2409 102C Plans.
 - The reason given for the condition is:
For the avoidance of doubt and in the interests of proper planning.
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Decision

1. The appeal is allowed and planning permission is granted for 'Variation of Condition No. 02 (approved plans) of application 3/37/20/021' for the erection of a house at land adjacent to 1a St Decumans Road, Watchet, Somerset, TA23 0AT in accordance with the terms of the application, Ref 3/37/21/007, dated 16 February 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
2409 302 Proposed Plot & Dwelling & Existing Woollam Place
Development Location Plan (A1)
2409 301 + C Plans Elevations & Sections
2409 300 B Street Scene for Illustrative Purposes Only
 - 2) The details regarding the works for the disposal of surface water drainage shall be installed prior to the buildings occupation and thereafter retained and maintained in that form.

Preliminary Matters

2. This site has a long planning history. Planning application 3/37/19/014 was approved for a two storey dwelling, following an earlier refusal for a three

storey dwelling. There have since been two approved applications to vary conditions, including the plans condition, to amend the position and design of the dwelling as approved under permission reference 3/37/19/014. The latest approval was reference 3/37/20/021, which has been partially implemented on site.

3. This appeal follows a refusal to vary the plans condition of this most recent consent, which was essentially for an alteration to the approved design and size of the dwelling, adding a third storey (loft accommodation) and an internal reconfiguration.

Main Issue

4. The main issue is the effect of the proposed dwelling to the character and appearance of the area.

Reasons

5. The current consent is for a two storey house with traditional pitched roof. The proposal would be to amend the design which would result in a three storey house with mono-pitched roof. The proximity, design approach and the materials proposed would mean that the dwelling would appear as part of the more modern residential development of Woollams Place. The mono-pitch roof is replicated on the existing Woollams Place and so this aspect of the design would not appear out of character.
6. A benefit of the two storey dwelling design previously approved was that it stepped down in height from the three storeys of Woollams Place to the single storey bungalow of 1a St Decumams Road. The proposal, by reason of a third storey, does not have such a significant step down from the height of the existing buildings at Woollams Place, but there still is a drop in height with the use of the mono-pitched roof. The dwelling would be lower in height than the nearest section of Woollams Place with its pitched roof, whilst the slope of the proposed mono-pitched roof would mean that its lowest edge would be closest to the neighbouring bungalow at No 1a. The edge of the side of the proposed roof nearest No 1a would not be significantly higher than the ridge of the bungalow roof (particularly due to the raised ground level of the bungalow), thereby maintaining the transitional visual stepped approach between Woollams Place and the adjacent bungalow. It may be more of a subtle and gradual step down in height, but it would be visually effective.
7. Overall, whilst I note the Council has previously refused a three storey dwelling at this plot, it is my view that the proposed dwelling would fit well with the appearance of Woollams Place and would be of an appropriate height and form, considering its transitional position between more modern and traditional dwelling types and heights. It would not be out of keeping or dominate the bungalow, with there also being a gap to the side of No 1a which would help in this regard. As such, the proposal overall would have no harm to the character and appearance of the area.
8. The proposal would therefore be in accordance with policies NH13 (Securing high standards of design) of the West Somerset Local Plan to 2032, which seeks to require development to be of a high standard of design and make a positive contribution to the local environment, among other things.

Other Matters

9. The proposal would result in a tall new dwelling in a residential area. The orientation and distance of the proposed dwelling to other existing dwellings means that there would not be any significant overshadowing of any neighbouring properties over and above existing levels or from that already approved.
10. The arrangement of the proposed fenestration coupled with the distances to neighbouring properties leads me to conclude that there would be no significant loss of privacy.
11. The proposed dwelling would not result in unacceptable impacts to neighbour living conditions for those at any of the surrounding dwellings.

Conditions

12. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect.
13. It does seem apparent that development has commenced on site and so there is no necessity for the time limit condition. The Council in their suggested conditions has not included conditions requiring details of fences or restrictions on the external steps. I do not have full details as to why these are not suggested to be retained. On site I noted that there is a fence on the boundary with the bungalow property at 1a St Decumams Road. With regards the external steps as shown on the plans these did not appear to be in a position that would allow access to the garage roof. Considering the above, I have not reimposed these conditions.
14. The condition requiring the undertaking of works for the disposal of surface water drainage shall remain, as it is a reasonably necessary.
15. The Council have suggested an additional condition to restrict permitted development rights, but there is not sufficient justification before me for such restrictions. I am not convinced this is necessary to make the development acceptable.

Conclusion

16. For the reasons given I conclude that the appeal should succeed, subject to conditions, including an altered 'plans condition' to reflect the amended plans that illustrate the revised design of dwelling from that previously approved.

Mr S Rennie

INSPECTOR