



Appeal Decision

Site visit made on 21 December 2021

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 07 January 2022

Appeal Ref: APP/W3330/D/21/3282891

3 Killams Avenue, Taunton TA1 3YE

- 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 & Mrs Anthony Flitton against the decision of Somerset West and Taunton Council.
 - The application Ref 38/21/0256, dated 16 June 2021, was refused by notice dated 2 August 2021.
 - The development proposed is a first floor extension over existing garage.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor extension over existing garage at 3 Killams Avenue, Taunton TA1 3YE in accordance with the terms of the application, Ref 38/21/0256, dated 16 June 2021, subject to the conditions in the attached schedule.

Main Issues

2. Although the Council has given three reasons for refusal on the decision notice, having reviewed the evidence and submissions I have considered it appropriate to identify two main issues.
3. Accordingly, the main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the surrounding area; and,
 - The effect of the proposed development on the living conditions of occupants of 5 Killams Avenue and 9 Killams Avenue with regards to loss of outlook and loss of privacy.

Reasons

Character and Appearance

4. The appeal site is located within a residential area. Dwellings within the surrounding residential area exhibit variety in terms of design and scale, with substantial two storey detached dwellings and bungalows being located adjacent to the appeal site. The appeal building is a sizable two storey detached dwelling which incorporates a substantially sized double garage. The appeal scheme seeks to erect a first floor extension over the existing substantially sized garage.
5. Policy DM1 of the Taunton Deane Borough Council Adopted Core Strategy 2011-2028 (the Core Strategy) sets out general requirements for all

development and, amongst other matters, requires the appearance and character of any affected street scene not to be unacceptably harmed. Policy D5 of the Site Allocations and Development Management Plan 2016 (the SADMP) concerns extensions to dwellings and requires that extensions to integrate appropriately with local character and amenity. Policy D7 of the SADMP relates to design quality.

6. The proposed first floor extension would extend over the existing garage creating a large addition with a pitched half hip end roof over, and with a ridge height just below that of the host dwelling. By reason of the substantial scale of the existing building and garage and given that the proposed extension would not extend the width of the dwelling and would be at a lower height than the roof of the host dwelling, I am satisfied that the extension would satisfactorily respect the proportions and massing of the host building, and would appear subservient to the host dwelling in visual terms. Whilst the additional mass would reduce the openness of the street scene, I find that the change in openness would not be unacceptable or harmful to the street scene.
7. In my view, the proposed materials, scale and positioning of the appeal scheme would not result in a visually discordant or incongruous feature within the street scene. For these reasons, the proposed changes to the massing at first floor level above the existing garage would not be harmful to the character and appearance of the surrounding area, nor would be harmful to the character and appearance of the appeal building itself. Furthermore, the proposed dormer is modestly sized and in proportion with the scale of the proposed extension.
8. I therefore conclude that the scheme would integrate appropriately with local character and appearance in accordance with the relevant provisions of Policy DM1 of the Core Strategy and would accord with the provisions of Policies D5 and D7 of the SADMP. Furthermore, I find no conflict with those paragraphs of the National Planning Policy Framework (the Framework) which concern achieving well designed places.

Living Conditions

9. The Council have raised concerns regarding the impact of the proposed extension on the living conditions of occupants of neighbouring properties at 5 and 9 Killams Avenue. Amongst other matters described above, Policy D5 of the SADMP also requires that development does not harm the residential amenity of other dwellings.
10. 9 Killams Avenue is located southwest of the appeal site and on the opposite side of the cul-de-sac which forms this part of Killams Avenue. In this respect, as noted above the proposed dormer would be modestly sized and, by reason of the significant separation distance between the host building and the dwelling at 9 Killams Avenue, I conclude that the proposal would not have an adverse effect on occupants of that neighbouring dwelling by reason of overlooking or loss of privacy.
11. The proposed extension would be positioned close to the shared boundary with 5 Killams Avenue. 5 Killams Avenue is set back from this shared boundary and comprises a single storey dwelling which, from observations made on my site visit, appeared to have its front elevation facing southwest. Whilst I accept that there would be some impact from the development given the increase in mass and bulk at first floor level, by reason of the separation distance between the

properties, the proposed pitched slope of the roof of the proposed extension and given that a significant open aspect would remain to the front of this neighbouring dwelling, I consider that the extension would not significantly dominate the views to cause an overbearing effect nor an unacceptable sense of enclosure.

12. Taking these factors into consideration, I am not persuaded that a compelling case has been made that there is insufficient separation between buildings and that the development would result in an overbearing impact or unacceptable loss of privacy for residents of the two neighbouring properties described above. Therefore, the appeal scheme would comply with Policy D5 of the SADMP and the provisions of the Framework with regards to the amenity of residents.

Other Matters

13. I note from the Officer's report that the appeal site is located within Band C of the Bat Consultation Zone for the Hestercombe House Special Area of Conservation (the SAC). However, I would agree with the Council in that the evidence demonstrates that the proposed development is highly unlikely to have an effect on lesser horseshoe bats associated with this SAC.

Conditions

14. The Council have suggested conditions in the event that the appeal is allowed. Where necessary, and in the interests of clarity and precision, I have altered the wording of the conditions suggested by the Council. In addition to the standard three year period implementation condition, which is a statutory requirement, it is necessary, in the interest of certainty and precision, to define the plans with which the appeal scheme should accord. In order to protect the character and appearance of the surrounding area and the host dwelling, I am attaching a condition requiring materials used in the construction of the external surfaces of the development to match those used in the existing building.
15. Further to the above, I have also noted that additional conditions and informative details are discussed within the Officer's report. In these respects, having regard to ecological matters, bird boxes and an insect tower should be introduced. Whilst I note the inclusion of informative details within the Officer's report, and acknowledge their importance, these informatives cannot be used in lieu of planning conditions. These items are included within the Officer's report for information only and do not constitute planning conditions.
16. I also note that within the questionnaire, the Council have suggested that a condition be applied which prevents the introduction of any new windows on first floor elevations. I have considered this matter in light of the provisions of paragraph 54 of the Framework, and conclude that in order to prevent unacceptable levels of overlooking and loss of privacy at 5 and 7 Killams Avenue, a condition should be attached which prevents additional windows being incorporated within the southern and eastern elevations of the proposed development.

Conclusion

17. For the reasons given above, the appeal succeeds and planning permission is granted subject to the conditions identified.

Mr A Spencer-Peet

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby approved shall in all respects accord strictly with drawing numbers: 01 Location Plan, 02 Block Plan and 04 Existing Plans & Elevations dated December 2020 and drawing numbers: 11 Proposed Plans Elevations & Section Scheme VI and 12 Proposed Block Plan Scheme VI dated February 2021 .
3. The external materials to be used in the construction of the development hereby permitted shall match those used in the existing dwelling.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be inserted or constructed at any time at first floor level in the eastern and southern facing elevations of the development hereby permitted.
5. Before the first use of the development hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority of the position of a 1B Schwegler bird box or similar, a 2H Schwegler bird box or similar and an Elba insect tower or similar with a timetable for their installation, and the insect tower and bird boxes shall then be installed in accordance with the approved details and timetable and thereafter retained.