



Appeal Decision

Site visit made on 18 January 2022

by Oliver Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2022

Appeal Ref: APP/V3310/W/21/3282784

35 Dunkery Road, Bridgwater, TA6 7LP

- 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 Lynham MR Services Ltd against the decision of Sedgemoor District Council.
 - The application Ref 08/21/00031, dated 27 February 2021, was refused by notice dated 14 May 2021.
 - The development proposed is construction of new house in place of existing garages to be demolished.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposal on the character and appearance of the area
 - The effect of the proposal on the living conditions of occupiers of neighbouring properties

Reasons

Character and Appearance of the Area

3. Dunkery Road consists mainly of semi-detached, two-storey brick dwellings with garages between each block. The houses are set back behind front gardens and within relatively large plots. These factors mean that the road has a spacious, low density and pleasant suburban appearance.
4. Some dwellings face the road, others are perpendicular to it with their side being the 'front' elevation. The street has some variety, so is not 'regimented' as suggested by the Council, but the predominant character is one of semi-detached pairs of houses, set back from the road.
5. The appeal site consists of two single storey garages and driveways, part of a row of three. The third garage lies outside of the appeal site. The garages have no particular architectural value but are low-key and similar in height and form to others in the area.
6. The proposed dwelling would replace the garages and would face the road. However, with only a part of it being attached to the remaining garage, the dwelling would be detached in appearance, which would not reflect the

character of the street as one of primarily semi-detached properties. Furthermore, the plot is narrower than others in the road and the dwelling would fill the width of the site, resulting in a more densely developed appearance than is typical for the area.

7. The proposed dwelling would appear to be lower in height than its neighbours and its proportions would give it a vertical appearance that is uncharacteristic of the area, conflicting with the horizontal, more squat form of the existing semi-detached pairs. Its size may well meet the Nationally Described Space Standard, but this only considers the minimum quantum of internal accommodation. Neither the Standard or the Party Wall Act are directly relevant to assessing the effect on the character or appearance of the area.
8. I recognise that gardens and parking would provide some space within the site. The rear garden would not be seen from the road, but it would be much smaller than others locally. While occupiers may not want a large garden, its small size further indicates to me that the site would appear overdeveloped and out of character with an area characterised by reasonably generous plots.
9. The dwelling has been positioned in line with the front of number 35 and has been designed with a front gable projection, intended to reflect the feature found on houses nearby, including those either side of the site. However, the projection on the appeal dwelling would be much narrower in width and smaller in height than its neighbours. Therefore, although materials reflecting surrounding properties would be used, the dwelling's design would appear contrived and overdeveloped, harming the character and appearance of the street.
10. I am told that the two garages on the appeal site are currently used for the storage and repair of vehicles, some of which I saw on my visit. The appellant makes the point that this looks harmful and could be intensified to have greater impact. Even so, I do not consider that any current or potential uses would justify the much greater harm caused by the appeal proposal.
11. I recognise that the National Planning Policy Framework ('the Framework') encourages the efficient use of land, and that the site has good access to services and facilities. The Framework also makes clear however the importance of securing well-designed and attractive places, which this proposal would not achieve.
12. The appellant has drawn my attention to other dwellings approved by the Council which they say demonstrate that the proposal would not be cramped in comparison. Only limited details were made available to me, but I visited each of these sites.
13. The site nearby on Danesboro Road has a wider frontage. Its design is more like others in the area and it appears to be further from its neighbour. The dwellings at 9 and 11 Wordsworth Road and 14 Wilkins Road are all attached dwellings and in streets with a different character and pattern of development to Dunkery Road. None is sufficiently comparable to convince me that the harm I identify above would be justified and I have considered the appeal proposal on its own merits.
14. Overall, I conclude that the proposal would harm the character and appearance of the area and would therefore fail to comply with policy D2 of the adopted

Sedgemoor Local Plan 2011-2032 which requires that proposals reflect local distinctiveness.

Living Conditions

15. Number 35 Dunkery Road has windows facing the road and others facing the appeal site. Occupiers of the property would therefore have an outlook onto the flank wall of the appeal dwelling.
16. The appellant says that the side windows only serve stairs and a utility room, and that no principal windows would be affected. This may be so, and the new dwelling would be lower than its neighbours, but the proposal would nevertheless result in a large, two-storey wall being built close to number 35's windows on this side. The use of climbing plants would do little to mitigate against the tall featureless mass that occupiers of number 35 would look onto.
17. In terms of light to number 35's windows, the sun's diurnal trajectory means that the available sunlight is likely to be limited. I recognise too that there are other windows serving some of these rooms. However, the proposal's position directly in front of the windows, together with its close proximity and height would inevitably result in a harmful loss of daylight, particularly at ground floor level.
18. The appellant notes that the separation distance involved is not unusual, though I did not see a similar relationship locally. In any case, I have assessed the proposal before me, and I consider that it would have an overbearing and oppressive effect on the light and outlook available to the rooms served by the windows.
19. The Council and local residents have also raised concerns about the effect on 37 Dunkery Road and 28 Danesboro Road. I saw the distances involved, and the existing boundary treatments.
20. These properties are further from the site than number 35, but the proposed dwelling would be hard on the boundary shared with these properties and both have windows facing towards the appeal site. Compared to the existing garages, the proposed dwelling would be taller and have a greater mass.
21. The appellant argues that number 35 already overshadows these properties, but the proposed dwelling would be much closer to them and have a greater impact. Given this relationship, and their orientation, I consider that the proposal would have a harmful effect on the sunlight, daylight and outlook from these properties' rear windows and gardens.
22. I have considered the other examples cited by the appellant in respect of living conditions too but for the reasons I give above, I do not consider these to be comparable. Even were I to accept the points made about these other sites, this would not justify the harm caused by the proposal.
23. I therefore conclude that the proposal would harm the living conditions of occupiers of neighbouring properties, contrary to Policy D25 of the Sedgemoor Local Plan 2011-2032, which requires that proposals protect residential amenity including in respect of light and visual dominance.

Conclusion

24. I have had regard to the development plan as a whole, and all other material considerations, including those raised by local residents. For the reasons given above, I conclude that the appeal should be dismissed.

Oliver Marigold

INSPECTOR