



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: 14th February 2022

Appeal Ref: APP/V3310/W/21/3283313

Land west of The Firs, Walrow, Highbridge, TA9 4AB

- 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 Flower & Hayes Ltd against the decision of Sedgemoor District Council.
 - The application Ref 11/21/00037, dated 9 April 2021, was refused by notice dated 30 July 2021.
 - The development proposed is erection of 2no. dwellings, with parking provision, and formation of accesses.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effect on the character and appearance of the area and on the living conditions of occupiers of The Firs.

Reasons

Character and Appearance of the Area

3. The site's surroundings are generally residential and urban in character. It consists of buildings from a range of eras, including modern housing at Somerset Way opposite the appeal site, and older tightly developed houses along Walrow and Walrow Terrace.
4. The site itself consists of The Firs, one half of a semi-detached pair. The other half is Walrow House and it seems likely that together they originally formed one dwelling. The building as a whole is relatively large and its gable detailing and curve-headed windows give it an historic character and feel. This is particularly evident on its side elevation, which is perpendicular to the main road, Walrow. The Firs therefore contributes positively to the area's character and appearance.
5. Land adjacent to The Firs is part of a wider site on which permission was granted on appeal¹ in 2020 for 46 dwellings. This will inevitably urbanise the area's character further, though The Firs and its garden was not included in that permission. The appellant contends that had the current proposals formed part of the original site-wide scheme, the Council would not have raised an objection. However, I have considered the scheme before me on its own merits. I saw on my site visit that ground works in preparation for development

¹ APP/V3310/W/20/3252453

are currently underway. When developed, The Firs and its side elevation in particular will be prominent from the access road, providing a positive feature from this road as well as from Walrow.

6. It is proposed to erect two new dwellings, plots 47 and 48, on part of the garden to The Firs. Plot 48 would be on the corner at the entrance to the new development and would be in a prominent, sensitive location.
7. The design and orientation of Plot 48 is that its rear elevation would face Walrow, having its back to the highway, with its front elevation facing into the site and towards Plot 47. Therefore, although the rear elevation would contain a door and windows, its appearance and use would be passive and private. Furthermore, Plot 48's side elevation, facing the new access road, would have only narrow windows, giving a relatively blank appearance.
8. I accept that the approved high boundary wall, landscaping and ground levels would to some extent screen Plot 48's rear and side elevations from public view, but they would also reinforce the inactive nature of these frontages. This would contrast with the positive, active appearance generally found on public-facing elevations locally, including on older properties but also on the relatively recent houses at Somerset Way, which present their front to Walrow.
9. The appellant does not dispute the passive nature of these elevations but considers that the layout would provide a new active 'courtyard' space between the plots. The Firs would provide a third frontage, which it is argued would be more visible than in the approved layout, with the space created being an active and positive feature, visible from Walrow when travelling from Highbridge.
10. However, Plot 48's position would be more prominent from Walrow than the area created and would hide much of The Firs from the road. The courtyard space would consist only of private car parking and landscaping rather than being particularly attractive or innovative, and I consider that it would appear somewhat artificial and contrived.
11. In terms of the visual effect on The Firs, I accept that the approved scheme does not necessarily set a benchmark to be followed, but sufficient space is necessary to avoid it appearing cramped. As now proposed, Plots 47 and 48 and their parking and landscaping would be close to The Firs and its garden. They would in my view clutter and detract from its appearance, giving it a constrained and cramped feel. I recognise the close-knit character of the surroundings, but the overall effect would be harmful to the appearance of The Firs and the local area.
12. I have also considered whether Plots 47 and 48 would reflect the design of the rest of the new estate. The elevations of the apartments at Plots 12 to 16, on the other side of the access road, have been provided to me. The building's side elevation has some blank windows, but these are only a small proportion of the total, and it has active frontages on its public elevations. I am told that other plots within the estate have elevations side-on to the access road. I do not have the full details of these plots, though I note that they are deeper into the estate and therefore less prominent. The new estate's appearance does not therefore provide a justification for the appeal proposals.

13. I recognise that the dwellings would use a design and materials intended to reflect the character of the area and the new development. The National Planning Policy Framework ('the Framework') also identifies the importance of making the most efficient use of sites.
14. However, the Framework also makes clear the importance of securing well-designed and attractive places, which the proposal would not achieve. I therefore conclude that the proposal would fail to comply with policy D2 of the adopted Sedgemoor Local Plan 2011-2032, which requires proposals to reflect local characteristics, and to provide attractive street scenes.

Living Conditions of The Firs

15. The Firs has a significant number of its windows located on the elevation facing the appeal site. Plots 47 and 48 have been carefully spaced to avoid being directly in front of these windows and would have a ridge lower than The Firs. However, both new dwellings would be two-storey in height and would sit at a higher ground level. The dwellings and their proposed boundary walls would be close to and very visible from The Firs, appearing to 'hem in' the existing property. As a result, both Plots 47 and 48 would significantly harm the outlook of the property and would appear overbearing to the residents of this house.
16. Furthermore, the sun's diurnal trajectory and Plot 48's size and position would prevent sunlight reaching these windows in the afternoon and early evening, causing overshadowing. There are other windows on the front and rear elevations that would provide a degree of alternative light and outlook to some of the rooms affected, but they would also be restricted by the siting of Plot 48.
17. For these reasons, and notwithstanding the references made to the Building Research Establishment's guidance, I consider that the proposal would harmfully reduce the sunlight, daylight and outlook available to occupiers of The Firs.
18. The Council's second reason for refusal also refers to the limited amount of private garden that would be left for The Firs. This would be segregated into three components, a layout that is somewhat contrived, though each part would be linked. I recognise that the garden to the front would be exposed to traffic on Walrow, but occupiers would still have space to the side and rear. The Firs would have an amount of garden similar to Walrow House and greater than others. Therefore, I am satisfied that the property would have an amount of garden space sufficient to meet its needs.
19. While I am satisfied with the garden space for The Firs, and I recognise that no concerns have been raised in respect of privacy, I conclude that the proposal would have a harmful effect on the living conditions of occupiers of The Firs, 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.
20. The proposal would also be contrary to the Framework, which states that planning decisions should ensure that developments create places which have a high standard of amenity for existing users.

Conclusion

21. 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