



Appeal Decision

Site visit made on 23 November 2021

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2022

Appeal Ref: APP/F0114/W/20/3263180

Fairways, Middle Street, East Harptree, Bristol BS40 6AZ

- 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 P Robins against the decision of Bath & North East Somerset Council.
 - The application Ref 20/01219/FUL, dated 27 March 2020, was refused by notice dated 15 May 2020.
 - The development proposed is one and a half storey dwelling to land of existing dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed development on:
 - the character and appearance of the area; and,
 - the living conditions of the occupiers of Lamorna;

Reasons

Character and Appearance

3. Fairways is located on a raised corner plot to the east of Middle Street and to the south of Orchard End. Middle Street is orientated broadly north to south through the village and includes a diverse mix of dwelling types, including traditional local vernacular dwellings located to the north of the site and more recent post war semi-detached dwellings located to the west. Fairways itself is a post war chalet style dormer bungalow that faces onto Middle Street, forming a pair with the similar style dwelling, Lamorna, adjoining the site to the south. Orchard End is a short and narrow dead-end access that serves the rear of several properties facing onto Middle Street, as well as a limited number of loosely arranged detached dwellings. The development of dwellings off Orchard End has resulted in an established depth of built form to the rear of the dwellings on Middle Street. The predominantly bungalow style dwellings off Orchard End are, however, on loose-knit plots with significant areas of soft landscaping, giving the area surrounding the site a spacious rural character.
4. Although the proposed dwelling has been designed to be in-keeping with the existing dwelling at Fairways, its prominence on a raised plot of restricted scale would result in a cramped and incongruous visual effect. This would be at odds

with the established character of the area where, despite the variation in plot size and shape, neighbouring detached dwellings are set in plots more generous than that proposed, providing sufficient space to avoid dwellings appearing cramped. The proposal would, therefore, harmfully erode the spacious rural character of the area.

5. The proposal involves the demolition of the existing garage serving Fairways and provides no details of storage space for the new dwelling for the kind of paraphernalia which are usually kept in sheds and garages. This would be likely to lead to outside clutter in the garden and pressure for new outbuildings, which would exacerbate the cramped appearance of the site. Whilst landscaping could provide some mitigation, it would not ameliorate the adverse impact of the development on the character of the area.
6. I have had regard to the recent construction of a dwelling on land to the rear of Sumac House¹. Whilst that dwelling is also located on a smaller plot than is characteristic for dwellings off Orchard End, it is not prominent in the street scene due to its set back and lower ground level. As such, the recently constructed dwelling has not significantly eroded the established spacious rural character of Orchard End. It does not, therefore, set a precedent in support of the current proposal whose impact I have, in any case, determined on its own specific merits.
7. The proposal would, therefore, result in harm to the character and appearance of the area and would conflict with Policies D2, D3, and D7 of the Core Strategy and Placemaking Plan District-wide Strategy and Policies (Core Strategy) which require, amongst other things, development to not harm local character whilst responding positively to the site context and existing urban fabric. Furthermore, the proposal would not accord with paragraph 124(d) of the National Planning Policy Framework (the Framework) which supports maintaining an area's prevailing character and setting.
8. The Council's refusal reason refers to Core Strategy Policy D5 which relates to specific matters of building design. The Council's submissions, however, do not raise concerns with regards to the design details of the dwelling and I find no material conflict with Policy D5.

Living Conditions

9. The southern gable end of the proposed dwelling would be located in close proximity to the boundary of the rear garden of Lamorna. Although there is an existing closed boarded fence along this common boundary, the new dwelling's southern elevation would rise far above it. The proposal would consequently create a dominant and oppressive feature which would have an overbearing effect upon outlook from the back garden of Lamorna. Whilst there would be some loss of sunlight to the garden of Lamorna, the effect would be limited by the proposed dwelling's position to the north. Furthermore, acceptable levels of privacy would be maintained for surrounding occupiers given any overlooking of private garden spaces from first floor windows would require oblique views and minimum cill heights for rooflights could be secured by condition.
10. Nevertheless, the proposal would have a significantly harmful effect upon the living conditions of the occupiers of the neighbouring property at Lamorna with

¹ LPA ref: 18/04552/FUL

particular regard to outlook. The proposal is, therefore, contrary to Core Strategy Policies D6 and D7 which, amongst other things, require that development must provide for appropriate levels of amenity. It would also conflict with similar guidance contained within chapter 12 of the Framework that guides development should secure a high standard of amenity.

Other Matters

11. The settlement of East Harptree, including the appeal site, is set within the Mendip Hills Area of Outstanding Natural Beauty (AONB). Great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. The appeal site is situated within an existing residential area, is surrounded by existing development, and is small scale in proposing a single dwelling. As such, I find that the proposed dwelling would have a neutral impact on the AONB and it would conserve the AONB's natural beauty.
12. I acknowledge that the proposal would contribute to the supply of housing within the housing development boundary of the settlement. The identified conflicts with development plan policies, however, carry significant weight and I find the proposal contrary to the development plan when taken as a whole.

Conclusion

13. Overall, there are no material considerations, either individually or in combination, of sufficient weight to outweigh the identified conflict with the development plan, nor do they indicate that the proposal should be determined other than in accordance with the development plan.
14. For the above reasons, the appeal is dismissed.

S D Castle

INSPECTOR