
Appeal Decision

Site visit made on 28 February 2022

by John CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 29 March 2022

Appeal Ref: APP/V3310/W/21/3285248

Brue House, 84 Berrow Road, Burnham-on-Sea, Somerset TA8 2HJ

- 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 I Stradling against the decision of Sedgemoor District Council.
 - The application Ref 11/19/00109 STP, dated 25 October 2019, was refused by notice dated 28 April 2021.
 - The development proposed is two ground floor flats in association with existing flats and revised parking for the existing and proposed flats.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr I Stradling against Sedgemoor District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposed development on the living conditions of the occupiers of:-
 - a) The proposed flats with particular respect to outlook,
 - b) The existing southernmost ground floor flat with respect to outlook and light, and
 - c) Whether or not the proposed parking arrangements would be satisfactory.

Reasons

4. The host property is a three storey apartment block that lies between Berrow Road and Players Lane, the latter being a privately maintained lane. Vehicular access is gained from the latter lane, which lies to the east of the property. The area associated with the property to the east currently contains two garage blocks, one to the north of the area and one to the south. These garage blocks would be demolished and a single storey building containing two one-bed flats would be positioned along the southern boundary of the site.

Living conditions

5. The entrance to the flats would be via a narrow (1m) corridor between the southern elevation of the flats and the boundary with the property to the south.

This elevation would also contain the only window serving the bedrooms of the flats. The outlook from these windows would therefore be a boundary wall/fence only 1m away. I accept that a bedroom may not be defined as a habitable room, but to my mind having such a deficient outlook is evidence of poor design. I also note that occupiers of the eastern flat would walk directly by the bedroom window of the western flat whenever they went to or from their own flat.

6. The proposed layout would also result in the western elevation of the proposed building being only about 1m from the bedroom window of the southernmost existing ground floor flat. To overcome this a new high level window is proposed in the southern elevation of the bedroom in question. However, being at high level, this would do little if anything to add to the outlook from the bedroom or indeed increase the amount of light received, which I consider would lead to unacceptable living conditions for the occupiers of this flat. The proximity of the existing and proposed development once again indicates a poor design resulting in a cramped development.
7. There would therefore be conflict with policies D2 and D25 of the Sedgemoor District Council Local Plan 2011-2032. The former of these seeks to ensure, amongst other things, that development respects the amenity value of the occupiers of nearby buildings. The latter makes clear that development that unacceptably impacts upon the residential amenity of occupants of nearby dwellings and any potential future occupants of proposed dwellings will not be supported.
8. In arriving at this conclusion I am aware that the proposed building has been changed from a previous iteration, particularly in terms of its height and roof pitch, in response to a previous planning refusal by the Council. Notwithstanding this however, it is incumbent upon me to assess what is before me in relation to the issues put forward and the development plan.

Parking arrangement

9. In transport terms, according to the Somerset Parking Strategy (SPS), the site lies within Zone B, where the parking standards stipulate 1.5 spaces for a one bed dwelling and 2 spaces for a two bed dwelling. There are already six two bed flats on the site which require 12 spaces, and the addition of a further two one bed flats would give a total requirement of 15 spaces. The proposed development includes a total of 10 spaces, eight of which are shown as being for residents and two for visitors. There would therefore be a shortfall of 5 spaces.
10. However, the appellant points to Note A within the SPS that makes clear that the specified parking standards are optimum and that lower levels could be justified depending on specific local circumstances, including the availability of public transport and walking and cycling links.
11. Manual for Streets (MfS) indicates that walkable neighbourhoods are typically characterised by having a range of facilities within a 10 minute walk (up to 800m). However, Berrow Road and other roads in the vicinity of the appeal site such as Stoddens Road and Trinity Rise are all primarily residential streets with few if any facilities. There is not therefore a range of facilities within a ten minute walk of the site. Nor have I been made aware of attractive cycle routes.

12. I acknowledge that there are bus stops about 120m away from the appeal site where services run every 30 minutes to either Burnham-on-Sea town centre (about 1.2km away) or Weston-Super-Mare. Notwithstanding this however, I am not persuaded that the appeal site is located in such an accessible location that future residents would forgo the ownership of a car. It follows that the case for a lower level of parking spaces than those deemed to be the optimum number has not been made. Conflict therefore exists with the SPS.

Conclusion

13. I have found that the proposed development would be of poor design resulting in an unacceptable standard of living for existing and future occupiers and conflict with the LP. I have also found that the parking provision would be less than that required by the SPS, which whilst not fatal to the scheme on its own, in terms of conflict with the LP, also reinforces the cramped nature of the proposed development. Therefore, having taken into account all other matters raised, I conclude that the appeal should be dismissed.

John Wilde

INSPECTOR