

Appeal Decision

Site visit made on 27 April 2022

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2022

Appeal Ref: APP/W3330/W/21/3289008

Land adjacent to Chilcombe House, 30 Trendle Lane, Bicknoller TA4 4EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr & Mrs J Bridgland against the decision of Somerset West and Taunton Council.
 - The application Ref 3/01/21/005, dated 2 July 2021, sought approval of details pursuant to condition No 1 of a planning permission Ref 3/01/20/016, granted on 13 April 2021.
 - The application was refused by notice dated 16 November 2021.
 - The development proposed is erection of one dwelling and garage with access off Trendle Lane.
 - The details for which approval is sought are: appearance, landscaping, layout and scale.
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Decision

1. The appeal is allowed and the reserved matters are approved, namely appearance, landscaping, layout and scale details submitted in pursuance of condition No 1 attached to planning permission Ref 3/01/20/016, granted on 13 April 2021, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr & Mrs J Bridgland against Somerset West and Taunton Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area, including the Quantock Hills Area of Outstanding Natural Beauty (AONB); and
 - Whether the proposal would represent a sustainable form of development, with particular regard to design aspects to minimise carbon emissions and reduce the impact on climate change.

Reasons

Character and appearance

4. The appeal site currently forms part of the garden area of Chilcombe House and lies within an area of rural character, within the Quantock Hills AONB. The

locality is predominantly characterised by individually designed dwellings, set within spacious and verdant plots. The appeal proposal seeks approval of reserved matters, following the grant of outline planning permission for the construction of a dwellinghouse as part of a previous appeal.

5. The appeal site is considered spacious enough to accommodate a large dwelling such as the proposal. The new house would sit comfortably within its plot, and would not appear as a disproportionate addition within the wider street scene. The design approach of the proposed dwelling draws on the architectural style of Chilcombe House and is also characterised by its Georgian influence. Whilst this architectural style does not appear to prevail in the locality, I am satisfied that the development would not harmfully detract from its surroundings, given that the area includes a range of varying architectural styles, as well as a wide palette of colours and materials.
6. For the foregoing reasons, the proposal would not cause unacceptable harm to the character and appearance of the surrounding area. There would consequently be no conflict with Policy NH13 of the adopted West Somerset Local Plan to 2032 (LP), section 12 of the National Planning Policy Framework (the Framework) and the aims of the Council's emerging Design Guide. These notably seek to ensure that development proposals meet the highest standards of design and make a positive contribution to the local environment.
7. Furthermore, the proposed dwelling would be situated within the built envelope of the village, and would not therefore unduly stand out within the landscape. As a result, I am satisfied that the development would conserve the landscape and scenic beauty of the Quantock Hills AONB.

Whether sustainable development

8. As noted above, the principle of development on the site has been established as part of an earlier outline planning permission. Concerns have however been raised by the Council regarding the lack of information to demonstrate how the appeal development would minimise carbon emissions and reduce the impact on climate change.
9. The appellants' submissions confirm that the appeal scheme would incorporate a number of measures as part of the construction of the dwelling, such as a timber frame, underfloor heating and insulation to reduce heat loss through the walls. The orientation of the dwelling and large size of the windows would maximise solar gain and reduce the need for artificial lighting, but also cut heating and energy consumption. The appeal scheme would also have to comply with the requirements of latest Building Regulations, including in respect of water efficiency of new dwellings.
10. Having regard to the available information, and in the absence of substantive evidence to the contrary, I am satisfied that the appeal scheme would represent sustainable development, having particular regard to its environmental credentials. Accordingly, the proposal would accord with Saved Policy BD/9 of the West Somerset District Local Plan 2006 and LP Policy NH13 which, amongst other things, require development proposals to incorporate measures to minimise carbon emissions and reduce the impact on climate change. Furthermore, the proposal would largely accord with the aims of the Council's Climate Positive (Interim Guidance) and emerging Design Guide, but also paragraphs 154 and 157 of the Framework.

Conditions

11. I have considered the conditions suggested by the Council, making minor amendments where necessary, to ensure compliance with the relevant tests as set out in paragraph 56 of the Framework and the national Planning Practice Guidance¹. A condition specifying the relevant drawings which the development must accord with is considered necessary, in order to provide certainty and clarity. The appellants have confirmed their agreement in respect of pre-commencement conditions.
12. As the site is sensitively located, it is necessary to request further details of the external materials, to preserve the character and appearance of the area. This is consistent with the condition that had been imposed as part of the outline permission, and is considered to be more precise than the condition suggested by the Council. Furthermore, conditions are needed to protect biodiversity, including in respect of details of a lighting scheme.
13. Conditions regarding the provision of parking and turning areas are required to preserve highway safety, and the installation of electric car charging points, in the interests of sustainability. I have however not imposed the condition seeking to restrict the use of the garage to the parking of vehicles, as it would not meet the test of reasonableness.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed.

S Edwards

INSPECTOR

¹ Paragraph: 003 Reference ID: 21a-003-20190723.

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - (A3) DrNo 21-063/LP1 Location Plan
 - (A1) DrNo 21-063/2 A Proposed Elevations
 - (A2) DrNo 21-063/G1 Proposed Garage
 - (A2) DrNo 21-063/1 Proposed Plans
 - (A2) DrNo 21-063/SP1 Proposed Site Plan
 - (A2) DrNo 21-063/TPP1 Tree Protection Plan
- 2) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 3) To avoid hazel dormice and nesting birds getting harmed, the removal of hedgerow shall proceed in accordance with the following prescriptions. Prior to any works, including groundworks, commencing on site, vegetation clearance shall be carried in strict accordance with the following procedure, either:
 - a) Between April and August, a licensed dormouse ecologist will check the site for nests immediately before clearance. If there are no nests, then the hedgerow can be removed. If nests are present, then their removal shall proceed as per b) or c) below. The results shall be communicated in writing to the Local Planning Authority by the licensed dormouse ecologist within 1 week of the inspection.
 - b) In September or October, when dormice are still active but avoiding the breeding and hibernation seasons. A licensed dormouse ecologist shall supervise the work checking the site for nests immediately before clearance and, if needed, during clearance. All work shall be carried out using handheld tools only. If an above-ground nest is found it shall be left in situ and no vegetation between it and the adjacent undisturbed habitat shall be removed until dormice have gone into hibernation (December) as per method b). The results will be communicated in writing to the Local Planning Authority by the licensed dormouse ecologist within 1 week; or
 - c) Between December and March only, when dormice are hibernating at ground level, and under the supervision of a licensed dormouse ecologist: The hedgerow, scrub and/or trees will be cut down to a height of 30cm above ground level using hand tools. The remaining stumps and roots will be left until the following mid-April / May before final clearance to allow any dormouse coming out of hibernation to disperse to suitable adjacent habitat.

No vegetation clearance will be permitted between June and September inclusive, when females have dependent young. Written confirmation of the operations will be submitted to the Local Planning Authority by a licensed dormouse ecologist within one week of the works.
- 4) Prior to construction above damp-proof course level, a lighting scheme for bats, in accordance with the Guidance Note 08/18 and artificial lighting in

the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not be disturbed or prevent bats using their territory. The scheme shall accord with Step 5 of Guidance 08/18, including submission of contour plans illustrating Lux levels, which should remain below 0.5 Lux. All external lighting shall be installed in accordance with the specifications and locations set out in the lighting scheme, and these shall thereafter be maintained in accordance with the approved details. Under no circumstances should any other external lighting be installed without the prior written consent of the Local Planning Authority.

- 5) Prior to construction above damp-proof course level, details of the specification for the parking and turning areas, including details showing how they would be drained and surfaced, shall be submitted to and approved in writing by the Local Planning Authority. These areas shall be constructed and surfaced in accordance with the approved details prior to occupation of the development, and thereafter retained permanently and kept available for the occupiers of the dwelling at all times.
- 6) Prior to first occupation of the development hereby permitted, facilities for the charging of electric vehicles shall be provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- 7) Details of the proposed hedge to the western boundary shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the location of the planting and details of the mix of species shown in a scaled plan. The planting shall be carried out in accordance with the approved details, prior to the first occupation of the dwelling hereby permitted.

END OF SCHEDULE