
Appeal Decision

Site visit made on 10 May 2022

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 July 2022

Appeal Ref: APP/W3330/W/22/3291511

The Queens Head Inn, Holloway Street, Minehead TA24 5NR

- 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 Barry Richards against the decision of Somerset West and Taunton Council.
 - The application Ref 3/21/21/051, dated 21 May 2021, was refused by notice dated 29 July 2021.
 - The development proposed is demolition of outbuildings to construct 5 no. apartments with associated refuse facilities and infrastructure.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, the appellant has provided amended plans, including an additional window in the living room of Flat 4; clarification regarding its proposed rooflights and a change to the cycle parking arrangements. The Council has confirmed that it has no objection to the amended plans being considered at this stage.
3. Given the minor nature of the changes, I do not consider that the interests of any party would be prejudiced if I take these amended plans into account. I shall therefore determine the appeal based on the amended plans.
4. The Council's first reason for refusal refers to the effect of the proposal in terms of the amount of accommodation, the access to daylight for future occupiers of the proposal, and privacy in respect of future occupiers of the adjacent Julian's Laundry. The Council's Planning Officer's Report also refers to the effect on the character and appearance of the area. Its subsequent evidence refers additionally to the effect of the proposal on outlook for future occupiers of the proposal, the size of the accommodation with regard to the Nationally Described Space Standard (NDSS) and the limited nature of the external amenity area.

Main Issues

5. The main issues are therefore:
 - Whether future occupiers of the proposed development would be provided with satisfactory living conditions, in respect of daylight, outlook, internal living space and external amenity space;

- The effect of the proposal on the living conditions of future occupiers of residential development at Julian's Laundry in respect of privacy;
- The effect of the proposal on the character and appearance of the area, including the Wellington Square Conservation Area (CA) and nearby listed buildings; and
- The effect of the proposed car-free development on on-street parking in the locality.

Reasons

Living Conditions

6. Flat 4 would have rooflights serving its bedroom and a window in its gable end within its living room. In terms of daylight, the evidence before me is that the proposed rooflights would provide a greater amount of daylight than vertical windows of the same size. Their high-level position is intended to prevent overlooking to Julian's Laundry which has permission¹ to be replaced with apartments and other uses. However, this elevated position means they would provide very little outlook to the occupiers of the bedroom.
7. The gable end window would provide some daylight and outlook to Flat 4's living room, but this would be restricted to some extent by the proposed roof above Flat 1. Other than the bedroom rooflights, Flat 4 would have no alternative source of daylight or outlook, including for its other rooms. Although adequate for the rest of the proposal, the limited number and type of windows serving Flat 4 would result in a poor living environment in terms of daylight and outlook for its occupiers.
8. Planning permission² has been granted for the erection of three residential units on the site. I see no reason to doubt that this could be implemented and that it represents a realistic fallback. Compared to this previous permission, the proposal would result in a greater built floor area, mass and bulk, with more people using a smaller courtyard area for recreational open space within the site.
9. However, I have considered the proposal on its own merits. The site is close to public outdoor spaces such as parks and the seafront. It is not uncommon for flatted development to have little or no external amenity space and I have been provided with no Planning Policy stating a minimum requirement for such space. I therefore consider the proposal to be acceptable in this respect.
10. The Council's Appeal Statement says that some of the flats would be cramped internally and would fall below the NDSS. However, this differs from the Council's findings within its Planning Officer's Report and the Council has not stated which flats it considers to be sub-standard and in what way. On the basis of the plans and the evidence before me, I am satisfied that the flats would have sufficient internal living space, and would appear to comply with the NDSS, so would not be cramped.
11. I have considered whether the proposal's upper floor windows, in particular the rooflights serving Flat 4, would harm the privacy of future occupiers of the

¹ LPA reference 3/21/19/034

² LPA reference 3/21/20/072

residential development at Julian's Laundry. However, I am satisfied that the sloping form of the rooflights, and their position above head height, would significantly restrict the views available from Flat 4 into the adjacent development, preventing any harmful loss of privacy.

12. The proposal also includes other first floor windows. The window serving the communal landing and staircase could, if necessary, be obscurely glazed and fixed shut to prevent any overlooking. Meanwhile, Flat 5's window positions, perpendicular to the Julian's Laundry development, would be similar to those previously approved and so would cause no greater harm. The existing boundary wall means that none of the proposed ground floor flats would be harmfully overlooked or cause any loss of privacy. As such, the proposal would ensure adequate living conditions for future occupiers of the residential development at Julian's Laundry in respect of privacy.
13. Nevertheless, the proposal would not provide satisfactory living conditions for the future occupiers of Flat 4, because of its lack of outlook and daylight. As such, this element of its design would fail to respond positively to its context and so would be contrary to Policy NH13 of the West Somerset Local Plan to 2032 (WSP) adopted 2016.

Character and Appearance

14. The site is within the Wellington Square CA. Part of the area's significance is its tight, closely built-up appearance, reflecting the development of the commercial character of the surrounding town centre. When viewed from the road, the proposed front elevation would be very similar to the previous approval and reflects the CA's urban nature.
15. The proposed design uses blocked-in windows at first floor. Although somewhat contrived in design, they would be within the site and largely hidden from public view by the frontage development. On this basis, these windows would not harm the area's character or appearance. Reference has been made to the proposal representing an overdevelopment of the site. However, given the closely built-up nature of the area, I am satisfied that the scale, mass and bulk of the proposal would not appear out of place or harmful to the character and appearance of the area.
16. It is common ground between the parties that there would be no adverse effect on the CA and I concur that the character and appearance of the CA as a whole would be preserved. The site is close to a number of listed buildings. These include The Haven, Southways, The Market House and Market House Cottage, as well as the National Westminster Bank and Offices to the corner of Parade and Bancks Street. All are Grade II listed.
17. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest. In determining the application, the Council did not identify any harm to the listed buildings or their settings. Given the nature of the appeal site and proposal, and their relationship to the listed buildings, I have no reason to disagree.

18. I conclude that the proposal would not harm the character and appearance of the area including the Wellington Square Conservation Area and nearby listed buildings. As such, in these respects it would comply with Policy NH13 of the WSLP which requires development to respond positively to its context.

Parking

19. Market House Lane is a narrow, one-way street, with car parking restricted by means of single and double yellow lines. During my morning site visit, I found a few parking spaces available in nearby streets, but this represents only a snapshot in time, and parking restrictions are in force on many streets locally. This suggests that there is existing pressure on on-street parking in the area.
20. The proposal would result in an intensification of the number of occupiers but makes no provision for car parking. The Highway Authority suggests an amendment to the existing Traffic Regulation Order (TRO) on Market House Lane, to prevent vehicle parking at all times near to the site access.
21. The provision of no car parking would be below the maximum number of spaces sought by Saved Policy T/8 and Table 4 of the West Somerset District Local Plan 2006 (DLP). However, as the policy states a maximum number of spaces, rather than a minimum requirement, I see no conflict with this policy. Whilst the provision of no parking is also below the optimum number of spaces sought by Somerset County Council's Parking Strategy 2013 (SPS), both Policy T/8 and the SPS allow deviations below the standard, where the site is well-located to public transport or cycling or walking links.
22. In this case, the site is in the centre of Minehead, the main service and employment centre in West Somerset. As a result, future occupiers of the proposal would be well-located for access to services and facilities. Cycle parking is proposed within the site, which also has a reasonably regular public transport provision within easy walking distance.
23. Sustainable travel opportunities would not therefore be limited, and occupiers of the flats would have a range of transport options for day-to-day activities. Therefore, despite the increase in the number of flats above the previous approval, in the context of the site and given the alternative transport options available, it seems to me unlikely that the proposal would generate additional informal parking on the local highway network to cause undue pressure on existing on-street parking.
24. Regardless of any change to the TRO, I note that the Council has not raised any objections to the proposed site access and for the above reasons the proposal would not result in undue pressure on existing on-street parking. As such, there would be no conflict with Policy T/8 of the DLP, or the SPS.

Planning Balance and Conclusion

25. The appellant states that the Council cannot currently demonstrate a five-year housing land supply, and this has not been disputed by the Council. Even if I were to accept the appellant's position with regard to the scale of the Council's deficit, it is necessary for me to determine whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits inherent in providing additional dwellings to assist the Council in addressing its undersupply, as set out in paragraph 11 of the Framework.

26. The proposal would make a modest contribution to the supply of housing in the area, on a site within the town centre and close to a range of services and facilities. There would also be modest economic benefits resulting from both the construction phase and from future occupiers contributing to the local economy. Some limited ecological enhancement is also proposed.
27. However, although the proposal would contribute five additional dwellings to the Council's housing supply, the site already has planning permission for three dwellings. The net increase is therefore for two additional dwellings, and as such the benefits of the proposal would be reduced.
28. Weighed against these modest benefits is the harm that I have identified to future occupiers of Flat 4 in respect of living conditions. I therefore consider that, in this case, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
29. Although I have found that there would be no harm to the character and appearance of the area and no undue pressure on on-street parking, there would be harm to the living conditions of future occupiers. The proposal is therefore contrary to the Development Plan, read as a whole. No material considerations have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. I therefore conclude that the appeal should be dismissed.

O Marigold

INSPECTOR