



Appeal Decision

Site visit made on 29 June 2022

by Andrew Dawe BSc (Hons), MSc, MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2022

Appeal Ref: APP/V3310/W/22/3292768

Commercial Buildings & Adjoining Land, Clarks Road, Bridgwater TA6 5QA

- 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 Roy & Mrs Christine Snook against the decision of Sedgemoor District Council.
 - The application Ref 08/21/00052 DT, dated 28 March 2021, was refused by notice dated 19 August 2021.
 - The development proposed is demolition of the existing buildings/structures comprising a commercial/industrial, storage/warehouse facility with offices and toilet block (currently B1 & B8 Use Classes); construction of 4 No. semi-detached residential dwellings, each with designated side/rear amenity space; retention/formation of 4 No. car parking spaces with electric charging points (i.e. 1 No. car parking space and electric charging point per dwelling), 2 No. bicycle spaces per dwelling and dedicated waste storage facilities for each dwelling; and hard and soft landscaping provisions, including the erection of new boundary fences/treatments as and where required.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) The effect of the proposed development on the character and appearance of the surrounding area;
 - ii) The effect of the proposed development on the living conditions of neighbouring residents and whether or not the proposed development would provide acceptable living conditions for prospective future residents, in both cases with particular regard to outlook.

Reasons

Character and appearance

3. The proposed development would replace an existing commercial building located at the end of a cul-de-sac opposite houses forming part of a largely residential estate. The estate, relating to Clarks Road and its associated branch roads, has a generally consistent and distinctive design with houses in the closer vicinity of the site either fronting onto the particular section of road or access drive, with front doors and windows, or backing onto the road with intervening rear gardens screened by roadside boundary walls. Where there are houses fronting onto branch roads close to the site, those on the end closest to the main through section of Clarks Road present largely blank flank

walls onto that road, albeit set off the pavement by varying small degrees. However, that design and layout is clearly read as a function of those houses fronting onto the associated branch roads. Those houses directly opposite the site all face onto the road or access drive, presenting a clear frontage to those buildings containing front doors and windows, set behind front garden areas. Many other houses on the estate just have small front gardens but are nevertheless generally set away from the pavement to varying degrees.

4. The proposed houses, in contrast to the above context, would present their road/access drive facing front elevations with relatively small obscure glazed windows serving only kitchens, bathrooms, WCs and landing areas, and with no front doors. Those front elevations would also be very close to the proposed pavement with little or no space for any degree of intervening front garden. Furthermore, the front doors would be isolated features of otherwise blank flank elevations to each of the semi-pairs of dwellings, notwithstanding the proposed recessed 'blind' windows which would in any case be filled with brick.
5. The proportion of built footprint on each of the proposed plots would be similar to, if not less than other properties in the estate. However, the maximisation of private garden space would be achieved in part through the front elevations being so close to the pavement, uncharacteristic of the general streetscene in the vicinity of the site and estate, and resulting in a cramped appearance within that context.
6. The design of the proposed houses in the above key respects would therefore be clearly at odds with other houses of the estate in the vicinity. The proposed development would utilise materials and brickwork design to complement existing nearby houses and would be of a similar two storey pitched roof nature, also with scope for some degree of soft landscaping. However, for those other above key reasons, the proposed development would nevertheless appear as an alien and discordant feature within the context of the existing streetscene.
7. The existing building, comprising largely corrugated green metal cladding and corrugated roof, despite being in a worn state with some rusting, nevertheless has the appearance of being in a fairly sound condition, albeit that this is based on my observations in the absence of any substantive survey information to demonstrate to the contrary. Its single storey form with pitched roof also gives it a fairly low-key appearance at the end of the street. I saw that the yard area to the north of the building was not in a particularly well managed condition, occupied by a variety of scattered items. However, that area is significantly screened from view on the approaches to the site along Clarks Road by the existing building. Furthermore, the tarmac car parking area at the southern end of the site is still largely intact.
8. The existing building and site generally, particularly as seen from public vantage points, is not reflective of the relatively modern housing estate within which it is located. However, for the above reasons, it's existing appearance and condition is not such as to be a factor that overrides or outweighs the harm that I have found would be caused in relation to the design of the proposed dwellings.
9. I have had regard to those other new housing developments elsewhere in Bridgwater referred to by the Appellants by way of comparison with that proposed. However, none of those relate to the Clarks Road estate and are not

close enough to be seen in the context of the site, its immediate vicinity and the estate generally. Furthermore, in terms of this main issue, based on the submissions and my observations, the circumstances of those other developments in terms of location, surrounding context and design are not clearly comparable to those relating to this appeal. I have in any case determined this appeal on its own merits.

10. I acknowledge the Appellants' aim to address site constraints in the proposed design and layout. However, for the above reasons, I conclude on this issue that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area. As such, in respect of this issue, the proposed development would be contrary to policy D2 of the Sedgemoor Local Plan (the Local Plan) which states that development will need to demonstrate how it maximises its contribution to, amongst other things, the principle of high quality sustainable and inclusive design that responds positively to and reflects the particular local characteristics of the site and the identity of the surrounding area. In respect of this issue, it would also be contrary to the National Planning Policy Framework (the Framework) which in section 12 relates to achieving well-designed places.

Living conditions of neighbouring and prospective residents, with particular regard to outlook

11. The proposed dwellings would be higher and slightly closer to the existing dwellings opposite than the existing building on the site. Furthermore, the combined total length of the proposed front elevations would be greater than that of the existing building. However, those existing dwellings opposite are set back from the line of the Clarks Road pavement behind front garden areas which, together with the intervening road/access drive, provides them with a good degree of separation from the site. It would also represent a similar front to front separation to that seen in some other existing cases elsewhere on the estate in the vicinity of the site. As such, together with the proposed development only being of two storey height with roofs sloping away from the frontages, the outlook from those existing dwellings would be likely to still be of a fairly open nature.
12. That degree of openness would also be helped by the break in the total frontage of the proposed development due to the gap, and potential for soft landscaping, in between the two pairs of dwellings. Furthermore, in terms of the quality of outlook, the proposed front elevations facing those existing properties opposite, despite not including front doors and comprising relatively small obscure glazed windows, would nevertheless have that degree of visual relief provided by the fenestration. Therefore, for the above reasons, despite the additional massing of the proposed dwellings when compared with the existing building, it would be unlikely that the proposed development would be unacceptably overbearing or visually dominating as seen from the dwellings opposite.
13. In terms of the amenities of prospective residents of the proposed development, the only windows that would offer outlook from the houses would be to the rear. The concept of individual rooms only having a single aspect would not in itself be an unusual situation. The nature of the proposed development would be such that the rear elevations would be fairly close to the rear boundary with the railway beyond that. Although the existing railway

station platform is at a higher level than the general ground level of the site, it is not to such an extent that it would represent an imposing or overbearing structure as seen from the proposed dwellings. The proposals would include a 1.8 metre high timber fence along the rear boundary. However, that again would not be so high as to be a likely overbearing feature given the degree of separation, albeit fairly limited for plots 3 and 4 in particular, from the rear of the proposed houses. As such, it would be likely that the outlook from the proposed houses would be sufficiently open so as to avoid any unacceptable sense of confinement.

14. The outlook from the proposed houses, more so from the first floor rooms, would be across a railway line and the wider railway junction beyond, and therefore of a utilitarian nature. However, the open nature of that outlook, together with the proposed intervening albeit short rear gardens and railway verge, would be likely to prevent those utilitarian features from having an unacceptable visually dominating effect. Passing trains would also be intermittent and therefore not permanent features within that outlook.
15. For the above reasons, I conclude on this issue that the proposed development would not have an unacceptable effect on the living conditions of neighbouring residents, and would provide acceptable living conditions for prospective future residents, in both cases with particular regard to outlook. As such, in respect of this issue, it would accord with policies D2 and D25 of the Local Plan which together state that development will need to demonstrate how it maximises its contribution to, amongst other things, the principle that it respects the amenity value of the occupiers of nearby buildings or the wider area; and that development proposals will not, amongst other things, unacceptably impact upon the residential amenity of occupants of nearby dwellings and any potential future occupants of nearby or proposed dwellings, including in respect of overbearing and visual dominance, and the living conditions of future occupants. In respect of this issue, it would also accord with paragraph 130 of the Framework which states, amongst other things, that decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Planning balance

16. I have found that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area. I have also found that the proposed development would not have an unacceptable effect on the living conditions of neighbouring residents, and would provide acceptable living conditions for prospective future residents, in both cases with particular regard to outlook. However, my conclusions on that second main issue do not deflect from the harm I have found would be caused in respect of the first main issue. Furthermore, although I have found that there would not be unacceptable harm to the neighbouring residents in terms of outlook, neither would the proposed development represent a clear benefit in that respect, particularly given the additional massing and height compared with the existing building.
17. The proposed development would have the benefit of contributing to the local supply of housing, built to modern standards, and the Government's objective of significantly boosting the supply of homes. It would also relate to a brownfield site in a location with good accessibility to the town centre and local services and facilities to serve the day to day needs of prospective residents, as

well as to buses and trains. However, the extent of those benefits would be small relating only to four additional dwellings. The prospective residents would also be likely to support local amenities, facilities and services, including the town centre. However, in this respect, it is likely that any benefit would be limited, again given the small number of houses proposed.

18. There would be scope for additional soft landscaping on the site compared with that existing, resulting in the potential to aid the biodiversity and ecology in the area. However, the extent of such additional landscaping would be limited by the proposed site layout and I have received no substantive documentary information as to the likely degree to which biodiversity and ecology would be improved. I have therefore afforded little weight to this factor.
19. I have had regard to the nature of the potential commercial/industrial use of the site as existing in terms of factors such as noise, disturbance, vibration, fumes, odours, the comings and goings of associated vehicles, risks to highway safety and detriment to existing transport networks, within a residential area. Furthermore, the Appellants claim that the proposed development would lessen the potential for crime in the locality, citing that the existing building has attracted attempts of break-ins and arson. However, I have received no substantive evidence to clearly demonstrate the extent to which such factors have been problematic to date. As such, I have afforded them limited weight in terms of the benefits of redeveloping the site as proposed.
20. The Appellants also raise points relating to the unlikely reuse of the existing building, having gone through unsuccessful marketing of the site and with claimed hindrances in terms of poor accessibility by larger commercial vehicles through the residential estate and limited space for turning. The Appellants also state that the existing building cannot meet the required energy efficiency standards. However, in respect of those points, I have received no substantive evidence, such as marketing, survey or viability information to clearly demonstrate that the existing building could not be re-used for commercial purposes. I have therefore again only afforded limited weight to those points in terms of the benefits of redeveloping the site as proposed.
21. There is reference in the Appellants' original planning application submissions to the proposed provision of affordable housing. However, I have received no details as to how that would be achieved or any mechanism to secure such provision. I have therefore not afforded any weight to this factor.
22. I have received no information in respect of whether or not the Council is able to demonstrate a five-year supply of deliverable housing sites (5 year HLS). However, having regard to paragraph 11(d)(ii) of the Framework, even if there is a shortfall in the 5 year HLS, for the above reasons the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

23. For the above reasons, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR