



Appeal Decision

Site visit made on 18 July 2022

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21ST July 2022

Appeal Ref: APP/V3310/W/21/3279367

Land to the rear of Main Road, Westonzoyland

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Helen Twist against the decision of Sedgemoor District Council.
 - The application Ref 53/21/00005 EC, dated 9 March 2021, was refused by notice dated 21 May 2021.
 - The development proposed is the erection of two semi-detached, one and a half storey, self-build houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters reserved for future determination. I have had regard to the indicative layout of the proposed development as shown in the submitted drawing, but have regarded all elements of these drawings as indicative. Notwithstanding this, access is shown as being derived from an existing access track to the east of 46 Main Road. I have therefore had regard to this in my determination of this appeal.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of neighbouring occupants to the proposed access, with particular regard to noise, disturbance and overshadowing.

Reasons

Character and appearance

4. The appeal site is located at the rear of a building known as the Church Hall and two residential properties, Numbers 28 and 30 Main Road (Nos 28 and 30). It is a parcel of land forming part of an agricultural field and includes an agricultural building. At the time of my site visit, I observed that both this building and parts of the field were being used for informal storage, including of motor vehicles.
5. Development along Main Road is characterised by frontage development and has a strong linear pattern. Behind the linear development on the south side of

the road, views of open fields and countryside are visible in the gaps between properties. This contributes to the semi-rural character of the area. To the west of the appeal site, there is a cemetery; to its south-west, a mixed development around Weston Court Farm. This includes a dwelling, which is set back from development on Main Road.

6. The proposed houses would be in a backland position, accessed by a driveway of some 165m long that would extend along the rear boundaries of houses on the south side of Main Road. The houses would be visible through the wide gap between Nos 28 and 30 as well as from the surrounding fields and beyond the wall to the adjacent cemetery.
7. Whilst the proposed houses would be viewed against the backdrop of existing development, this would only be in longer distance views from the south and east and not in closer proximity or when viewing the houses from Main Road. They would appear anomalous in the context of the linear pattern of development along Main Road. They would also appear incongruous occupying the corner of an agricultural field.
8. The proposed houses would have no shared street frontage with any other property and, due to their out-of-the-way position on the edge of the village, they would fail to function as part of the village, providing few opportunities for social interactions. Moreover, the excessive length of the driveway would not encourage pedestrian and cycle access to the village and its services, particularly during the evening when the access would be unlit and less easy to navigate. In this regard, the proposal would not contribute to a sense of place or the quality of the local environment.
9. There is a short stretch of high timber fencing to the rear of Nos 28 and 30 and to a group of houses at the far end of the proposed driveway. The remaining properties fronting Main Road are either enclosed by much lower wire or timber fencing or not enclosed at all. This contributes to the open character and a gentle transition between the domestic gardens and the agricultural landscape beyond. The indicative drawings include a proposal to erect high fencing along the length of the driveway, to provide separation between it and the rear gardens of properties on Main Road.
10. The proposed fence would be visually intrusive, resulting in a harder and more urbanising edge to the village. To overcome this, as well as to provide mitigation in relation to noise and disturbance, which I address later in my decision, it is proposed to plant a native hedge adjacent to the fence. Once established, the proposed hedge would provide a softer appearance when looking towards the driveway from the fields. The fence would nevertheless be visible from Main Road, reducing views of the open countryside beyond and the sense of transition between the housing and countryside. This would erode the semi-rural character of the village.
11. I recognise that the planting of a hedge in front of existing fences along this driveway would soften the appearance of these. However, this would not overcome the harm that would arise from the extensive enclosure of the entire length of the proposed driveway.
12. Such fencing could be erected as permitted development under the General Permitted Development Order 2015 (as amended) for individual properties. However, that would be a matter of choice for those occupants. The appeal

scheme proposes the construction of a length of fencing to the rear of multiple properties and would not benefit from those permitted development rights. In any event, in my experience, permitted development does not always result in development that is beneficial in terms of its character and appearance as that is dependent upon its context.

13. Weston Court Farm to the south-west of the appeal site occupies a position set back from the Main Road, accessed via a long driveway. In this regard, there are some similarities with the appeal proposal. I have not been provided with any planning history of this site, but from my observations, the collection of buildings resembles a farmyard which does not appear out of place in a position away from the main development within the village. Moreover, its driveway does not run along the rear of residential gardens nor does it require an intrusive form of enclosure as proposed in this appeal, which I have found to be harmful. For this reason, this development does not justify the appeal proposal.
14. I conclude that the proposed development would significantly harm the character and appearance of the area. It would therefore conflict with Policies D2 and D9 of the Sedgemoor Local Plan 2019 (the SLP) which together seek a high quality and inclusive design for all new developments that reflects the local characteristics of the site and the identity of the surrounding area and, in respect of self-build housing, the proposal complements the existing built form of the settlement and provides opportunities for walking and cycling.

Living conditions

15. The proposed driveway would extend along the rear garden boundaries to a number of properties fronting Main Road. The access already exists, however, it is not a formal driveway serving residential properties but appears to be used to provide access to the agricultural buildings and fields. The introduction of two dwellings would result in an intensification of the access, with daily comings and goings associated with residents, visitors and deliveries. This would cause disturbance to the occupiers of the properties backing onto the driveway, through increased vehicle movements, giving rise to noise and vibrations.
16. In terms of headlights, these would not be directed into the properties themselves and would be set below the proposed hedge and fencing separating the driveway from the houses. However, when cars are travelling along the driveway during hours of darkness, the light spill from the headlights would be visible beyond the boundary. This would cause some harm.
17. I appreciate that properties along Main Road currently experience noise from traffic due to their position on a main road through the village. However, to the rear, the environment is significantly quieter and more tranquil. The appeal proposal would alter this. Whilst the passing of vehicles would be intermittent, it seems to me that during the course of a day there could be a number of trips associated with the dwelling, particularly given the long access to the village which would encourage or necessitate a greater use of motorised travel.
18. I agree that electric vehicles make less noise, however, there is nothing to suggest that future occupants or visitors to the proposed dwellings would be using these.

19. The proposed mitigation between the access and the rear gardens of properties fronting Main Road would be in the form of a 1.8m high fence. The properties along Main Road have relatively shallow gardens and are set at a lower level than the field. Consequently, the proposed fence would appear higher than the proposed height of 1.8m when viewed from these gardens. The combination of these factors would give rise to considerable overshadowing of these gardens.
20. No calculations have been provided to demonstrate that this would not be the case. In the absence of this, I find that the proposed fence would adversely affect the living conditions of these occupants, detracting from the quality of their outdoor private garden space.
21. I conclude the proposal would significantly harm the living conditions of the occupants of the residential properties adjacent to the proposed access, in terms of noise, disturbance and overshadowing. It would therefore conflict with Policy D25 of the SLP which does not support development that would unacceptably impact upon the residential amenity of nearby dwellings, which includes impacts arising from noise and disturbance and loss of light.

Other Matters

22. The proposal would provide two self-build dwellings in a settlement where there is an identified need for such properties. In addition, the proposed houses would be in close proximity to the village and its services although the practicality of this would be reduced by the long access to the proposal. Nevertheless, future occupants would be able to access and therefore provide support for local services. The economic benefits both during construction and occupation of the proposed development would contribute to the vitality of the village. There would also be some benefit derived in tidying up the appearance of the site. However, for a small scheme of just two houses, these are modest social, economic and environmental benefits and only carry moderate weight in favour of the scheme. They do not outweigh the harms I have identified.
23. During the course of both a previous application for the same site and the application which led to this appeal, the appellant has requested feedback on issues of concern from the Council. This has not been provided. However, whilst I recognise this must be frustrating for the appellant, this is a procedural matter and does not alter my findings in respect of the merits of the appeal scheme.

Conclusion

24. For the reasons set out above, I conclude that the appeal should be dismissed.

Rachael Pipkin

INSPECTOR