



Appeal Decision

Site visit made on 11 July 2022

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022

Appeal Ref: APP/Q3305/W/22/3294179

9 Kennion Road, Wells BA5 2NP

- 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 D Newton against the decision of Mendip District Council.
 - The application Ref 2020/1381/FUL, dated 17 July 2020, was refused by notice dated 7 September 2021.
 - The development proposed is erection of a dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) the effect of the proposal on the character and appearance of the area; and
 - b) the effect on the integrity of the Somerset Levels and Moors Ramsar site, with particular reference to phosphate loading.

Reasons

Character and appearance

3. The appeal site is prominently positioned at the corner of Kennion Road and Somerville Road and comprises part of the garden to a semi-detached house. There are several detached properties, including bungalows, on Kennion Road to the south, but the locality is predominantly characterised by semi-detached houses, most of which are located in Somerville Road and Mary Road.
4. The proposed dwelling would be set back from the front wall of 9 Kennion Road and it would have an identical footprint to an extension which has already been granted permission on the site¹. When standing directly in front of the existing property, the development would have an appearance similar to that of the approved extension. However, it would look significantly different in views from the direction of Mary Road. The north elevation would be the principal façade, symmetrical with a central front door flanked by windows on either side. This contrasts markedly from the approved extension which presented what was obviously a secondary flank wall onto Somerville Road.

¹ Ref 2017/2356/FUL

5. In dismissing a previous appeal² for a new dwelling on the site, the Inspector commented that 'the proposed development would not be subordinate but would be a house in its own right, which would stand out as an uncharacteristic feature'. The current scheme has sought to address those criticisms by moving the main entrance to the north wall and introducing a set-back on the Kennion Road elevation. The development would respect the established building line on Somerville Road but it would still have the appearance of a dwelling attached to the end of the semi-detached pair of properties. This would be visually incongruous and out of character with the local pattern of development.
6. During my visit I noted various extensions to properties in the locality. I do not know the history to these, or the policies they may have been approved under. Nevertheless, none of the examples I saw were directly comparable to the proposal before me. They do not convince me that the appeal scheme would have an acceptable impact on the character and appearance of the area.
7. I conclude that the proposal would be materially harmful to the character and appearance of the area. It would conflict with Policies DP1 and DP7 of the Mendip District Local Plan: Part 1 Strategies and Policies 2006-2029 (MDLP). These promote high quality design which demonstrates an appreciation of the built context of the locality, including in relation to scale, mass, form and layout.

Ramsar site

8. The site falls within the catchment flowing into the Somerset Levels and Moors Ramsar site, an inland wetland which provides important habitat for rare aquatic invertebrates. There is a known issue with nutrients entering watercourses and adversely affecting environmental conditions for these species. Advice from Natural England is that any new housing development will result in an increase in phosphates contained within foul water discharge. As the designated site is in 'unfavourable' condition, any increase, including from single dwellings, is seen as significant either alone or in combination with other developments. Habitats Regulations Assessment (HRA) would therefore be required prior to any grant of planning permission.
9. The appellant contends that there would be no increase in phosphate impact, over and above that resulting from the construction of the approved extension at the property, which would form a 4 bedroom house. The appeal scheme would create a pair of 2 bedroom properties and my attention is drawn to the fact that there would be no net gain in bedrooms.
10. Whilst I can understand the rationale for the argument, it does not align with the approach agreed with Natural England. This methodology excludes extensions from consideration and works on the basis that new residential units (in other words additional households) within the Ramsar catchment are likely to add phosphate to the designated site via the wastewater treatment effluent, thereby contributing to the existing unfavourable condition and further preventing the site from achieving its conservation objectives.
11. The application does not include any supporting phosphate calculations or proposals for mitigation. Furthermore, I have seen no substantive evidence to support the assertion that phosphate loading is dictated solely by bedroom numbers. This may be a factor of course, but the information before me does

² APP/Q3305/W/16/3153877

not demonstrate, beyond reasonable scientific doubt, that the proposal would achieve nutrient neutrality. There remains a strong possibility that the proposal would adversely affect the integrity of the Ramsar site. I therefore find conflict with Policies DP5 and DP8 of the MDLP insofar as these seek to protect, conserve and, where possible, enhance internationally designated natural habitat areas. The proposal also fails to meet the requirements of Regulation 63 of The Conservation of Habitats and Species Regulations 2017.

Planning Balance and Conclusion

12. The proposal would contribute to the supply of new homes at a time when the Council is unable to demonstrate a 5 year supply of deliverable housing sites. Significant weight must be attached to this as a material consideration, albeit the benefits of a single dwelling are very modest. However, the scheme would harm the character and appearance of the area and it would fail to comply with the development plan and policy within Section 15 of the National Planning Policy Framework (the Framework) relating to habitats sites. The latter provides a clear reason for refusing the development and therefore the presumption in favour of sustainable development within paragraph 11 d) of the Framework does not apply. The adverse impacts would outweigh the benefits of housing delivery and I therefore consider that there are no material considerations to indicate a decision otherwise than in accordance with the development plan.
13. For the reasons given above and having taken account of all matters raised, including the location of the site within the settlement limits of Wells and the representations of support, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR