



Appeal Decision

Site visit made on 16 August 2022

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd September 2022

Appeal Ref: APP/V3310/W/22/3299623
7A Trevor Road, Bridgwater TA6 4PU

- 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 Simon Baker against the decision of Sedgemoor District Council.
 - The application Ref 08/22/00006, dated 11 January 2022, was refused by notice dated 8 March 2022.
 - The development proposed is the demolition of existing buildings and construction of new house.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The site location plan (entitled Promap Plotted scale 1:1250) shows the site area as including the adjoining driveway of a neighbouring property. The appellant has confirmed in writing that the driveway belongs to a neighbour and does not form part of the appeal site. I have considered the appeal on that basis.
3. At my site inspection I saw that the garage door on the existing building had been removed and replaced with a window, and that the parking area was being used for storage of miscellaneous building materials and items. Notwithstanding this, I have determined the appeal on the basis of the submitted drawings, rather than what has occurred on site.

Main Issues

4. The main issues in this case are, firstly, the effect of the dwelling upon the character and appearance of the area; secondly, the effect upon the living conditions of nearby residents, having particular regard to daylight, sunlight, outlook and loss of internal and external space; and thirdly, whether the proposal would provide acceptable living conditions for future occupiers, having particular regard to internal living space and private outdoor space.

Reasons

Character and Appearance

5. The appeal site comprises a single storey detached outbuilding positioned to the rear of 7 and 7A Trevor Road (No 7 and 7A). The site lies within a

residential area that is mostly terraced and semi-detached two storey houses. The long rows of terraced houses with their repeated house styles and sizes is a distinct feature of the area. As the terraces are set back from the public highway behind similar sized front gardens, the rhythmical unity they create forms long, uninterrupted delineation of the roads. This dominance is enhanced with the planned separation of garages and parking courtyards.

6. Although the proposal would have a similar sized footprint to the existing building, the height of the dwelling with its tall, steeply pitched roof would be conspicuously different to other nearby houses, and these differences would make the house appear harmfully incongruous within the area. The dominance of the roof would give the house a top-heavy emphasis, and this, combined with the dwelling stretching the width of the plot would give it an unbalanced and constricted appearance. In addition, the dwelling would be positioned close to the road. Even with a front garden, the proximity of the house to the road behind a short drive would serve to exaggerate the cramped appearance of the development.
7. The eaves would be at a similar height to those on the existing building, but neither this nor the provision of low brick walls to define the front garden would mitigate the harmful impact of the dwelling. A distinctive element of the character and appearance of the area is that there are no other detached houses nearby, and as such the dwelling would be conspicuously incongruous amongst the surrounding terraces and semi-detached houses. Given its size and form, it would be an alien addition within an area that is defined by its residential homogeneity.
8. The dwelling would unacceptably harm the character and appearance of the area, and the nature of the scheme is such that the suggested conditions would not ameliorate this substantial harm. As such the proposal would fail to accord with Policy D2 of the Sedgemoor Local Plan (2019) (LP). This seeks amongst other things, high quality design that responds positively to and reflects local characteristics, and that of the identity of the site and surrounding area, thereby reflecting objectives of the National Planning Policy Framework (the Framework).

Living Conditions

9. The combination of the position of the house and the height of its roof would reduce the daylight and sunlight experienced by neighbouring residents, particularly so with regard to their gardens. There is a degree of shading already experienced by neighbouring residents resulting from the existing building, but the height of the proposed dwelling would increase the duration experienced, as well as impact upon daylight levels. This would be particularly so for Nos 5 and 7 as the rear of these properties are north-east facing and the further loss of sunlight and daylight would be noticeable given their orientation.
10. In addition, the height of the dwelling and its proximity to the rear windows and gardens of particularly Nos 7 and 7A would create an unacceptably enclosed outlook for the occupiers of these houses. Although the footprint of the proposed dwelling would be similar to that of the existing building, the dwelling would be much taller. It would also form the garden boundary to Nos 7 and 7A, and it would thereby form an oppressively high and enclosing outlook for nearby residents.

11. The existing building provides both ancillary office accommodation and parking for Nos 7 and 7A. No 7 has parking within its front garden, and there are no on-street parking restrictions within the area. The redevelopment of the site would require existing residents to park on the public highway. Severing the appeal site from Nos 7 and 7A would also reduce the flexibility for home-working space for both properties. Existing and future residents may experience inconvenience with regard to the loss of both facilities, but this would be a neutral impact of the proposal given the size of the dwellings and the presence of unrestricted on-street parking.
12. The harmful impact of the scheme upon the living conditions of nearby residents is such that the suggested conditions would not ameliorate the harm. The Framework requires a high standard of amenity for existing and future users, and LP Policy D25 states amongst other things, that development would not be supported where it would have an unacceptable impact upon the occupiers of nearby dwellings. Having regard to my findings above the proposal would fail to accord with this policy nor with objectives of the Framework.

Future Occupiers

13. The submitted drawings depict the proposed dwelling as being one-bedroomed, with a garage and external rear garden. Although the bedroom would have a large footprint, the steeply pitched roof would limit the available headroom within the upper floor. Headspace in both the bedroom and bathroom would be severely restricted by the roof slope and also by the presence of the stairwell. Furthermore, the upper floor would be served by rooflights, and as they would be low down on the roof-slope, future occupiers would have a very limited outlook, and the positioning of the windows would restrict available light levels to the rooms.
14. The dwelling would include an integral garage, but it would be too narrow to accommodate a car. The appellant considers garages are mostly used for storage space, and the proposed one would afford future occupiers with this opportunity. The short length of the drive in-front of the garage would not be of a sufficient size to park a car. Future occupiers would have no off-street parking provision, and although there is on-street parking, the size of the parking and garage are indicative of the cramped and restricted nature of the proposed dwelling. Although the Council have no LP policy referencing nationally described space standards, the circumstances in this case are such that the internal accommodation would provide future occupiers with an unacceptably constrained and compromised standard of living.
15. The scheme would provide front and rear gardens for future occupiers, albeit the latter would be a narrow, enclosed space with a north-west aspect bound by tall fences. For much of the day the rear garden would be in shadow, and its enclosed nature would restrict light levels. There are other houses nearby with small rear gardens, and it may be that some future occupiers would wish to have a small garden. Nevertheless in this case, the enclosed, shaded, and narrow nature of the rear garden would not be an attractive space for day-to-day living requirements.
16. The appellant considers there to be a fall-back position whereby the existing dwelling could be used for residential uses. However, from the evidence before me, there is no extant planning permission for the use of the existing building

as a dwelling, and whether any such future use could occur is not for me to address.

17. The proximity of future occupiers to nearby services and facilities would be a benefit of the scheme, but this would not outweigh that the dwelling would fail to provide future occupiers with an acceptable standard of living. The nature of the scheme is such that the suggested conditions would not ameliorate this substantial harm. As the Framework seeks sustainable development with a high standard of amenity for future users, the proposed dwelling would fail to accord with these objectives.

Other Matters

18. The site falls within the catchment flowing into the Somerset Levels and Moors Ramsar, and this internationally important catchment is protected for its rare aquatic invertebrates. The Conservation of Habitats and Species Regulations (2017) require the decision maker to undertake an Appropriate Assessment where there are likely to be significant effects from the proposal, either alone or in combination with other schemes. This responsibility falls to me in the context of this appeal with regard to the impact of the proposal on the Somerset Levels and Moors. However, as I am dismissing the appeal for other reasons, this assessment has not been necessary.
19. The main parties and local residents have raised a number of other matters, including flooding, protected species, anti-social behaviour on the site, and property damage. Some of these concerns are not directly connected with the planning considerations of the proposal before me, and of those that are, following my findings on the main issues I have no need to consider them further.

Planning Balance and Conclusion

20. The appellant considers the new dwelling would be the sustainable development sought by the Framework. There would be limited social benefits arising from the proposal, including the provision of an additional home within the town on a brownfield site. The redevelopment of the site would also generate short-term local employment and future occupiers would make a small contribution to the local economy. There would also be environmental benefits arising from the re-use of the site and the construction of a dwelling that would reduce carbon emissions.
21. However, the benefits arising from the proposal would be limited, and weighing against them would be the significant environmental and social harms arising from the development. The delivery of an additional home would cause significant harm to the character and appearance of the area, and the adverse impact of the scheme on nearby residents and upon future occupiers would also be significant. Whilst a key aim of the Framework is to significantly boost the supply of housing, when read as a whole the Framework does not suggest this should happen at the expense of other considerations. The adverse environmental and social impacts in this case amount to cumulative harm which carries substantial weight, and this thereby significantly and demonstrably outweighs the limited benefits arising from the scheme, when assessed against the policies in the Framework as a whole.

22. Thus, the proposed dwelling would cause significant harm to the character and appearance of the area. The dwelling would also unacceptably impact upon the living conditions of nearby residents, and it would fail to provide suitable accommodation for future occupiers. The proposal would conflict with the development plan taken as a whole, and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. For the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR