



Appeal Decision

Site visit made on 30 August 2022

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2022

Appeal Ref: APP/F0114/W/22/3296403

The Vicarage, 13 St Peter's Road, Westfield BA3 4BJ

- 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 Alex Morgan against the decision of Bath and North East Somerset Council.
 - The application Ref 21/05150/FUL, dated 16 November 2021, was refused by notice dated 13 January 2022.
 - The development proposed is described as '1 and 1/2 storey dwelling'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant was not present at the prearranged time for my site visit. However I was able to see all that I needed to from the public highway.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on highway safety.

Reasons

Character and Appearance

4. The appeal site is located in a residential area consisting of predominately bungalows with some two storey dwellings. The appeal site is located between the two storey host dwelling and a neighbouring bungalow. With a ridge height which is higher than the bungalow but lower than the host dwelling, the appeal proposal would result a reasonable transition between the two, which would not appear out of character in the street scene.
5. Dormer windows, although not common place, can be seen on a number of the surrounding properties and for this reason, I do not find that the provision of a dormer window on the front of the appeal dwelling would be incongruous. The dormer window is also relatively modest in size, not dissimilar to others which can be seen in the surrounding area and as a result, would not appear as an unduly bulky addition.

6. However, the surrounding properties are generally located in generous plots, set well back from the road giving an open and spacious feel to the area. Whilst the distance between the appeal dwelling and the adjacent dwellings is similar to those on the surrounding plots, the proposed dwelling would sit well forward of both the adjacent bungalow and the host dwelling. There are other forward projections on properties in the surrounding area but these tend to be half the width of the principal elevation and single storey. By contrast, the gable projection on the appeal proposal is in excess of half the width of the principal elevation and would sit well forward of its nearest neighbouring bungalow. This positioning, together with the width and height of the gable would present as a dominant feature in the street scene. As such, I find that the proposal would be harmful to the character and appearance of the area.
7. The proposal would be contrary to Policies D1, D2, D3 and D5 of the Bath and North East Somerset Local Plan 2011-2029 Core Strategy and Placemaking Plan adopted July 2017 (LP) insofar as they require high quality design which reflects local character and relates positively to the street scene. The proposal is also contrary to Policy 1 of the Westfield Neighbourhood Development Plan 2016-2036 made 12 November 2018 (NP) insofar as it requires that residential infill proposals reflect the character of the surrounding area and reinforce uniformity in the street.

Highway Safety

8. The submitted plans indicate the provision of two metre high close boarded fencing along the length of the boundary between the appeal site and the host dwelling. This is adjacent to the area shown on the proposed landscape plan (drawing number SPRDB007 dated 23 October 2021) as vehicular parking for the proposed dwelling.
9. The height and solid nature of the proposed fence would impede visibility in a south easterly direction for drivers exiting the appeal site. Whilst vehicle speeds passing the site are very low, this is a residential area and the pavement would be in regular use by pedestrians. A lack of visibility of pedestrians approaching from the south east along St Peter's Road would prejudice highway safety and conflict with Policy ST7 of the LP.
10. However, the appellant acknowledges the need for suitable visibility at the access and suggests that this can be overcome by a post and rail fence measuring 450mm high for the first two metres back from the pavement. This would provide the necessary visibility from the seated position of a car driver of both approaching vehicles and pedestrians.
11. I note that the Council have not proposed a condition, in their suggested conditions, relating to a reduced height fence. However, with reference to the advice in paragraph 55 of the National Planning Policy Framework (the Framework) and the Planning Practice Guidance, I am satisfied that, in the event that the appeal is allowed, these amendments could be achieved by a condition requiring a reduced height for the fence. I have also had regard to the Highway Authorities consultation response which suggests that, along with another condition requiring that the visibility splay is kept free of obstructions, this would overcome their concerns.
12. As such, with the imposition of conditions, the proposal would not be contrary to policy ST7 of the LP insofar as it seeks to protect highway safety.

Other Matters and Planning Balance

13. The appellant has referred to three examples of planning permission being granted by the Council which they say have similar characteristics to the appeal proposal. However, insufficient details are before me to make such an assessment and therefore I give this very limited weight.
14. Emails between the appellant and the Council seem to imply that the Council were concerned that the proposal would result in unduly limited private garden space for both the host dwelling and the appeal dwelling and that as such, the proposal would appear cramped and not provide adequate living conditions. I would need to see further evidence before I was satisfied on this matter, but as it does not feature as a reason for refusal and the appeal has failed for other reasons, I have not considered this point further.
15. I note that representations from an interested party raise concern about overlooking and loss of privacy. The Council dealt with this issue in its determination of the planning application and given that I have found harm in terms of the main issue, there is no need for me to consider this matter afresh as it would not alter the conclusion I have come to on the main issue.
16. Both parties agree that the appeal site is in a suitable location for residential development in principle and I see no reason to disagree. The Framework applies a presumption in favour of sustainable development, but paragraph 12 is clear that this does not change the status of the development plan as the starting point for decision-making and that proposals which conflict with the development plan should not usually be granted.
17. Whilst I have found that the proposal would not have a harmful effect on highway safety through the imposition of appropriate conditions, I have found that the proposal would be harmful to the character and appearance of the area and therefore contrary to the development plan.

Conclusion

18. Taken together, the proposal is contrary to the development plan as a whole and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal is dismissed.

Alison Fish

INSPECTOR