



Appeal Decision

Site visit made on 26 August 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 26 September 2022

Appeal Ref: APP/W3330/W/22/3294120

Channon House, Wild Oak Lane, Trull, Taunton, TA3 7JS

- 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 A Stephenson of Queens College (on behalf of the Methodist Schools Property Company) against the decision of Somerset West and Taunton Council.
 - The application Ref 42/21/0040, dated 19 May 2021, was refused by notice dated 22 September 2021.
 - The development proposed is demolition of boarding house, reconfiguration of vehicular access and erection of four dwelling houses with associated amenity space and garaging.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A third party has raised concerns regarding the validity of the appeal, due to alleged inconsistencies between the appellant and landowner details, and the associated service of ownership certificates. For clarity, Queens College is the applicant, which is a Trust school of the Methodist Schools Property Company, the ultimate owner of the appeal site. Mr Stevenson is a named representative of the College. In this instance, service of the ownership certificate ensured proper notice of the application was given to all requisite owners. In turn, no prejudice has been caused to the parties, irrespective of any confusion with regard to these details. I am therefore satisfied that the appeal is valid.
3. One of the Council's reasons for refusal concerned the effect of the proposed development on the integrity of the Somerset Levels and Moors Ramsar Site, owing to the potential increase in phosphate levels within the area. Following submission of evidence which demonstrates the phosphate load of the existing building would be higher than for the proposed development, the Council has confirmed that this reason for refusal has been overcome. In any event, as I am dismissing the appeal on other grounds, further consideration of this factor, including an appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) to determine any impact of the proposal on the integrity of the Somerset Levels and Moors Ramsar Site, is not required. I have therefore not considered this matter further.
4. Planning Practice Guidance is explicit that local planning authorities may identify non-designated heritage assets (NDHAs) as part of the decision-making process. In this instance, during consideration of the appeal application, the Council's Conservation Officer concluded that Channon House

should be considered as a NDHA. Whilst in its early stages, this status is now supported by the Council's recent Conservation Area Review¹ (CA Review), in which the appeal property is identified as a "*notable positive building*".

5. Whilst the appellant argues that demolition of Channon House does not require justification (even if classified as an NDHA), it has presented no substantive assessment of the building's significance, nor of its contribution to the character of the wider area. Without any evidence to the contrary, I therefore have no reason to disagree with the Council's classification of the property. I have therefore determined this appeal on the basis that Channon House is a NDHA.

Main Issues

6. In this context, the main issues are:

- the effect of the proposal on Channon House as a non-designated heritage asset;
- the effect of the development on the character and appearance of the area; and
- the effect of the development on highway safety, with particular regard to access provision.

Reasons

Channon House

7. Channon House is a boarding house dating back to the 1870s, located on the western side of Wild Oak Lane. Historically, it comprised a pair of symmetrical Tudorbethan villas, in buff brick with steep pitched slate roofs. The pair of villas is understood to have been unified around 1980. The buildings have historical interest, as they are a surviving example of properties which were occupied by the rising 19th century merchant and professional classes, who sought living accommodation away from the town, which was considered congested and unhealthy.
8. Architecturally, and as set out in the Council's CA Review, the building is "*unusual for the mid-Victorian villas and terraces between Taunton and Trull, in being the only one to be in the domestic revival influence of the Tudor manor house with its prominent forward-facing gables and half dormer gables, with stone verges and finials, to an otherwise austere façade*".
9. The property's significance is therefore derived from its architectural, as well as its historical interest, both of which were evident on my site visit. The property is also set within spacious grounds, and includes an extensive lawn to its frontage. This amplifies the prominence of the building, further elevating its overarching significance. On account of these factors, the building's classification as a NDHA appears justified.
10. Channon House would be demolished as part of the development. I cannot accept the appellant's argument that its demolition need not be justified. To properly consider the impact of the proposal (whether positive or negative), an assessment of the appeal site's existing significance (as an NDHA), and the

¹ Taunton Conservation Area Review, Haines Hill and Trull Road Area Appraisal (July 2022)

contribution that it makes to the character of the area, is required. Without this, the balancing exercise under paragraph 203 of the National Planning Policy Framework (2021) (Framework) cannot properly be carried out. This is because there would be no base level against which any benefits of the scheme can be measured.

11. In this instance, given the local significance of the appeal site in terms of both its historical and architectural interest, I consider that its complete loss would cause significant and identifiable harm to the appeal site. Set against this harm, the development would contribute four new dwellings to the Council's housing stock. However, given that conversion or refurbishment of the existing building would conceivably lead to a similar, or even greater number of dwellings, this benefit only attracts limited weight. In turn, the benefits of the scheme are only minor in this instance, and would not outweigh the significant harm to Channon House identified above.
12. For these reasons, the development would conflict with Policies CP8 and DM1 of the Council's Core Strategy (2011-2028) (Core Strategy). Together, these policies require new development to preserve the character and appearance of the area, including the historic environment, ensuring any affected landscape, settlement, building or street scene are not unduly harmed. The proposal would also conflict with Policy H2 of the Trull Neighbourhood Plan (Neighbourhood Plan), which again highlights the need for new development to preserve or enhance the character and appearance of the area. Finally, the development would contravene paragraphs 130, 134, 197 and 203 of the Framework, which together seek to safeguard the historic environment, including NDHAs, whilst ensuring development is sympathetic to local character and the surrounding built environment.

Character and Appearance

13. The appeal property sits on the western side of Wild Oak Lane, and looks out over an expanse of open space within the Vale of Taunton Deane. In itself, this gives the area a distinct sense of space and openness, which contributes positively to its character. The houses along Wild Oak Lane are typically set back from the road within spacious gardens, which further amplify these characteristics.
14. The proposed development would introduce four five-bedroom detached dwellings to the site. Relative to the large size of the dwellings, their gardens would be relatively modest. This is particularly true of the garden for plot two, where the principal useable outdoor space would run alongside its driveway and garage. Irrespective of the garden's adequacy in itself, in the surrounding context, it would appear overly cramped and constrained, which in turn, would undermine the sense of space and openness which characterises the area. This impact would be further exacerbated by the siting of plot 2 so close to the road, which would again appear incongruous with the prevailing pattern of houses in the area.
15. For these reasons, the development would harm the character of the area. It would conflict with Policy DM1 of the Core Strategy, which requires new development to preserve the character and appearance of an area, ensuring any affected street scene is not unduly harmed. It would also conflict with Policies D7 and D12 of the Taunton Deane Adopted Site Allocations and Development Management Plan (2016) (DMP), which require new development

to reflect the character of the site and its surrounding context, and to achieve a level of private outdoor amenity space which is relative in terms of proportion to the size of the dwelling it serves. Finally, the development would conflict with Policy H2 of the Neighbourhood Plan, which seeks to ensure development demonstrates a sensitive treatment of spaces around buildings, to achieve a successful and sympathetic scheme.

Highway Safety

16. Whilst the appellant has indicated in its written evidence that visibility splays at the main access measuring 2.4m x 43m can be achieved, the brick retaining walls and proposed hedgerow along the front boundary to the site would restrict visibility splays to 22.52m to the north, and 22m to the south (as shown on drawing 2738-DR-A-080-25 Rev A). The Council has highlighted that these distances would be substandard when measured against the requirements set out in the Manual for Streets (which the appellant does not appear to dispute).
17. Nonetheless, the appellant contends that any shortcomings in terms of the visibility splays could be overcome by condition. However, to achieve the required standards, it is possible that the site layout would need to be reconfigured. In turn, this could result in conflict between any revised access arrangements and the approved plans. As a result, I do not consider that this point can be left to condition. It is also possible that the 20mph speed limit would need to be extended along the road to achieve the necessary safety standards. A Traffic Regulation Order would be required to facilitate such an amendment (secured through planning obligation), yet nothing to this effect has been submitted as part of this appeal.
18. For these reasons, the proposed access would currently fall short of the required standards due to the substandard visibility at the main access. In turn, the proposal would risk conflict between drivers, cyclists and pedestrians, which would be to the detriment of highway safety. The development would therefore conflict with Policy DM1 of the Core Strategy, which seeks to ensure new development does not compromise road safety. Similarly, the development would conflict with the overarching highway safety objectives of the Framework.
19. Notwithstanding the above, I am satisfied that arrangements for bin storage, cycle parking and drainage could be adequately addressed by condition. In this regard, the development would be consistent with Policy A1 of the DMP which sets out cycle parking requirements for residential development and Policy D12 of the DMP which requires new development to incorporate adequate space for refuse and recycling storage. However, these would be neutral factors, and would not overcome the shortcomings of the scheme in terms of access visibility as set out above.

Other Matters

20. Whilst the appeal site is located near to both the Trull Conservation Area and the Haines Hill Conservation Area, I am satisfied that it is situated far enough from each, that the development would not impact on either of their settings. Nonetheless, the development would harm the character of the location in which is located (even though it is not within a conservation area itself), and would therefore conflict with the development plan.

21. As set out in the CA Review, there are also proposals to extend the boundaries of the Trull Conservation Area and the Haines Hill Conservation. If these proposals are adopted, the appeal site would be included within the conservation area. Whilst these proposals are at an early stage, they do serve to heighten the importance of preserving the character and appearance of the area and any positive contributors to the area, and are therefore pertinent to the appeal.
22. In terms of pre-application discussions, these are not binding on the parties, nor are they always exhaustive in terms of highlighting potential issues of a proposed development scheme. Irrespective of whether the demolition of Channon House was raised as a potential issue by the Council during such discussions, its loss would be harmful to the character of the area, and therefore merits weight in the appeal.

Conclusion

23. The development would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, that would outweigh this finding. The appeal should therefore be dismissed.

James Blackwell

INSPECTOR