



Appeal Decision

Site visit made on 16 August 2022

by J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/W3330/D/22/3301552
50 Dowell Close, Taunton TA2 6BA

- 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 I Moore against the decision of Somerset West and Taunton Council.
 - The application Ref 38/22/0015, dated 13 January 2022, was refused by notice dated 11 May 2022.
 - The development proposed is the erection of a double garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The Council refused the original application with regard to the impact of the garage upon the character and appearance of the area. However, within the officer report concerns have been raised as regard the impact of the garage upon the occupiers of the neighbouring property 2 The Orchard (No 2). As the appellant's appeal case includes an assessment of the garage upon the living conditions of the occupiers of No 2, I have considered this matter as a main issue.
3. Thus, the main issues in this case, are firstly the effect of the garage upon the character and appearance of the area; and secondly, the effect upon the living conditions of nearby residents, having particular regard to daylight, sunlight, and outlook.

Reasons

Character and Appearance

4. Positioned within a residential estate that comprises similar ages and styles of dwellings, 50 Dowell Close (No 50) is a two storey house constructed of brick under a tiled roof. The house is within a residential cul-de-sac around which there are mostly similar styled, sizes and forms of dwellings that are set back from the road behind front gardens, thereby creating a distinct visual cohesion. The presence of paired driveways leading to the integral garages of the houses and the open nature of the front gardens gives a harmoniously spacious appearance.

5. The proposed garage would be positioned close to the shared boundary of No 50 with No 2, near to two silver birch trees. Although the garage would be set back from the drive, it would occupy much of the breadth of the front garden of No 50. Even with a pitched roof and the use of materials to match the house, the size and height of the garage along with its position close to the public highway, would combine to make the building unduly prominent within an area that is characterised by the open nature of the front gardens.
6. Moreover, the garage would appear as an incongruously isolated building within the cul-de-sac that would be at harmful odds with the spacious, open nature of the surrounding gardens. There is a detached double garage at 46 Dowell Close, but the separation that exists between this house and the garage is much deeper than that which is proposed at the appeal property. Furthermore, this garage has been positioned close to the neighbouring house and it continues the building line that exists with 44 and 42 Dowell Close. Because of this relationship it does not appear as an isolated building, but one that respects the context of the neighbouring houses. Given these differences, the presence of this garage does not form a binding precedent for approving the appeal scheme.
7. It is not the appellant's intention to harm the silver birch trees, considering that they would conceal the garage. Notwithstanding this, the trees could not be relied upon to screen the development in perpetuity. This concern is particularly relevant as the trees would be very close to the garage and in addition the driveway would be extended. The development would not only necessitate works within the root protection areas of the trees but the crowns themselves would also have to be reduced. Having regard to the combination of these works, it cannot be assumed, nor has it been demonstrated with regard to those trees affected, that their long-term health and vitality would be ensured following the construction of the garage, even with the use of such measures as piling and raft foundations.
8. For these reasons, the garage would unacceptably harm the character and appearance of the area, and the nature of the proposal is such that the suggested conditions would not ameliorate this substantial harm. As such the proposal would fail to accord with Policy DM1 of the Taunton Deane Core Strategy (2012) (CS), which seeks amongst other things, that development would not unacceptably harm the appearance and character of an area, thereby reflecting objectives of the National Planning Policy Framework (the Framework).

Living Conditions

9. The garage would be positioned close to the tall fence that delineates the front garden of the appeal property from that of No 2. The garage would be close to the front elevation of No 2, and although it would be to one side of this property, and have a pitched roof, it would

nevertheless have an overbearing impact upon the outlook of the occupiers of No 2. The occupiers of this property already look out onto the flank wall of 48 Dowell Close, and as the garage would be much closer it would unacceptably enclose the available outlook.

10. Furthermore, the height and position of the garage would be such that there would also be a loss of light experienced by the occupiers of No 2. Despite the pitched roof, the height and size of the garage and its position in relation to No 2 would be such that it would impact upon light levels, particularly as it would shade the property in the afternoons and evenings when the sun was low in the sky.
11. The current occupiers of No 2 have not objected to the proposal. Notwithstanding this, the Framework requires a high standard of amenity for existing and future users, and the nature of the proposal is such that the suggested conditions would not ameliorate this harm. Having regard to my findings, the garage would fail to accord with the Framework and CS Policy DM1, which seeks amongst other things, that development would not unacceptably harm the amenity of individual dwellings.

Other Matters

12. The garage and associated drive extension would be within the front garden of No 50, and the appellant considers any manoeuvring would be contained within the appeal property. However, it has not been demonstrated that this would be the case, but as I am dismissing the appeal for other reasons I have no need to consider this matter further.
13. Finally, concerns regarding the Council's handling of the application, including inconsistency of decision making, relate to procedural matters and have no bearing on my consideration of the planning merits of the case.

Conclusion

14. The proposed garage would cause significant harm to the character and appearance of the area, and would also unacceptably impact upon the living conditions of nearby residents. 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. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR