



Appeal Decision

Site visit made on 31 August 2022

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2022

Appeal Ref: APP/V3310/W/22/3294709

Heal House Farm, Brent Road, Burnham-on-Sea TA8 2JT

- 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 & Mrs Boscherini against the decision of Sedgemoor District Council.
 - The application Ref 11/21/00091, dated 2 September 2021, was refused by notice dated 3 February 2022.
 - The development is described on the application form as, "Planning application to regularise changes made to new dwelling at rear of Heal House Farm previously approved 11/16/00063".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Differing to the description of development in the banner header above, the Council's decision notice accurately describes the development as shown on the supporting plans as, "Erection of dwelling with the formation of parking and access". I have used this description in my consideration of the appeal since it best describes the development in precise and concise terms.
3. Planning permission was granted for the erection of a dwelling, with the formation of parking and access, at the site¹. The dwelling on site has however not been constructed in complete accordance with the approved plans. A planning application was submitted to regularise these changes, which was refused planning permission by the Council². That application is the subject of this appeal.
4. At the site visit I observed the dwelling related to this appeal. I note that local residents have mentioned that the development that has been carried out does not reflect the plans and application form submitted for this appeal in all respects, including in relation to (amongst other aspects) the orientation and position of the dwelling, and the style and colour of the installed roof tiles. In this respect, on the basis of the evidence before me I cannot be absolutely certain whether the development on site is exactly the same in its entirety as that which has been applied for. Notwithstanding this, the appellants have made clear that this appeal relates to the dwelling now on site and therefore I have considered the appeal on this basis.

¹ 11/16/00063

² 11/21/00091

5. An amended plan was submitted at the appeal stage³. As this plan purports to reflect the as-built dwelling in terms of the use of render on the gables of the dwelling, it does not substantially alter the nature of the development. Therefore, I am satisfied that the parties' interests, including that of local residents, would not be prejudiced by this plan being considered in this appeal. Hence, I have considered the amended plan as part of this appeal.
6. It is clear from the Council's decision notice that its objections to the development relate to the colour and profile of the roofing materials and the colour of the cladding to the dormer windows only. I have no evidence before me to reach a contrary view to the Council in this regard and this is reflected in the consideration of the main issue, below.

Main Issue

7. The main issue is the effect of the development on the character and appearance of the area.

Reasons

8. The appeal site is situated near the junction between Martin's Close and Brent Road, in a residential area within Burnham-on-Sea. The site comprises an infill plot sat between Heal House Farm and 19 Martin's Close.
9. Roof tiles are commonly found on properties near the site. The colour of roof tiles on properties is somewhat varied in the local area but generally consists of shades of reds and browns on weathered tiles. As such, the roofscape surrounding the site is rather subdued, in keeping with the attractive but commonly traditionally-designed properties nearby, which serves to complement the semi-rural feel of the area as a whole.
10. In contrast to this, the development incorporates Redland 'Saxon' style concrete black tiles. The style and colour of these flat tiles appears from a distance as being an almost solid expanse of black colour across much of the roof of the front of the property. This over-dominant effect in its context is exacerbated by the fairly prominent position of the property, near the junction with Brent Road.
11. Moreover, the dormer windows, although being subservient in scale to the property as a whole, are clad in a distinct blue / grey tone, which is quite striking in appearance when viewed near the property, and which (in relation to the dormers on the front of the property) from a distance appears to bear little relation with the colour palette found on properties which surround the site, including those nearby on Brent Road.
12. In light of the above, and taking account of the fact that the property is of a more modern design than those on Martin's Close and generally reflects its surroundings in terms of its setback, scale and pitched roof, as a result of the above mentioned factors the development appears as an anomaly in this particularly sensitive transitional space between the generally larger-scale dwellings on Brent Road and the bungalows on Martin's Close.
13. I therefore find that the development has had an unacceptable and harmful effect on the character and appearance of the area. The development conflicts

³ Drawing no: GA-03 (Rev B)

with Policy D2 of the Sedgemoor Local Plan 2011-2032 (adopted 2019) which provides that, amongst other things, development will need to demonstrate how it maximises its contribution to high quality sustainable and inclusive design that responds positively to and reflects the particular local characteristics of the site and the identity of the surrounding area.

14. The development also conflicts with paragraph 130 c) of the National Planning Policy Framework (the Framework) which provides that, amongst other things, planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Other Matters

15. No concerns have been raised by the Council in their decision notice with respect to matters relating to the principle of residential development on site, the living conditions of neighbouring occupiers, flood risk, energy efficiency, or highway safety. However, as these matters are not in dispute between the main parties they are neutral factors rather than ones which weigh positively in favour of the development.
16. I have had regard to the fall-back position referred to, which relates to the approved scheme for a dwelling on site⁴, referred to above. The fall-back position indicates that the principle of a dwelling on site has been established.
17. The appellants have mentioned that, with respect to the approved scheme, the Council's decision notice did not specify roof materials on either the approved plans or seek details through a planning condition. In relation to this, it is not my role to adjudicate on the correct interpretation of the requirements of the planning permission, including whether a certain type of roof tiles has been specifically mandated. This is a matter for discussion between the appellants and the Council in the first instance.
18. Few details have been provided to illustrate how the fall-back position could be realistically implemented (either in full or in part) in practice, given that a dwelling already exists on site. In this respect, the appellants have stated that it would be unviable to re-roof the property. There has not been any suggestion that works of a more extensive nature than this would be viable, either. Consequently, it has not been demonstrated that the fall-back position could be realistically reverted to. As such, I consider that there is not a greater than a theoretical possibility that the fall-back position would be implemented, in the event that this appeal is dismissed.
19. Nevertheless, even if I were to consider that the fall-back position could realistically be implemented, the lower position in the roof and the hipped profile of the dormers for the approved scheme would mean that they would appear less dominant in the street scene and would better blend into the surrounding roof of the property, even taking account of the smaller size of the dormers on the as-built dwelling and that pitched roofs are common in the locality. Thus, I consider that it is likely that the fall-back position if implemented would be more visually attractive in the street scene than the

⁴ 11/16/00063

appeal development. Taking into account all of the above, limited weight is therefore given to the fall-back position in support of the appeal development.

20. As a separate consideration, I have carefully considered the points made by the appellants that the requirement to re-roof the property would have a significant economic impact on the appellants which would not be justified, reasonable, or viable. The Planning Practice Guidance⁵ mentions that planning is concerned with land use in the public interest, and the viability or otherwise of the suggested works mainly relates to private financial considerations rather than the planning merits of the as-built development or the fall-back position.
21. In any event, whether or not re-roofing of the property or any other works would be required in the event that this appeal is dismissed is a matter for discussion between the appellants and the Council, subsequent to the planning appeal process, rather than being a matter which directly relates to the planning merits of the development which is the subject of this appeal. As such, I consider that these matters can only be given limited weight in favour of the appeal development.
22. In light of the above, and taking account of the unacceptable and harmful effect on the character and appearance of the area caused by the development, as a matter of planning judgement I find that the matters advanced in support of the development, do not, either individually or collectively, outweigh the harm identified, nor the conflict with the development plan identified.

Conclusion

23. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR

⁵ Paragraph 21b-008-20140306