



Appeal Decision

Site visit made on 17 January 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2023

Appeal Ref: APP/D0121/D/22/3305586

55 Spring Hill, Weston-Super-Mare, North Somerset BS22 9BA

- 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 Lewis against the decision of North Somerset Council.
 - The application Ref 22/P/0903/FUH, dated 6 April 2022, was refused by notice dated 6 June 2022.
 - The development proposed is detached garage.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development proposed on:
 - The character and appearance of the host dwelling and the surrounding area.
 - The living conditions of the occupants of 2 Church Road (No 2), with particular regard to outlook and daylight.

Reasons

Character and appearance

3. The appeal site is a detached bungalow with a simple form that lies in a row of bungalows, which are set back from Spring Hill behind modest gardens with low boundary walls. The property occupies a corner position adjacent to the road junction between Spring Hill and Church Road. The general slope of the public highway across the junction and Church Road together with the low boundary walls along this side of the junction contribute positively to the open, spacious character of the area. As a consequence, the open character of the site increases its prominence and wider visibility.
4. Although there is variety in the form of this group of bungalows, due to their materials, scale and relationship with the street, they have a generally consistent character and appearance. There is a greater variety of housing styles within the wider area. Notably, however, outbuildings are invariably set back in relation to front elevations of dwellings.
5. The proposed garage would sit forward of the line of the front elevation of the bungalow. Furthermore, given its scale and its position forward of the bungalow, and as a result of the local topography, the garage would be highly visible from the street scene, drawing the eye and appearing at odds with the

established built form. The position of the garage would make it a dominant and incongruous feature in this row of bungalows, which would erode the generally open, spacious character of the area.

6. Looking at the design of the proposed structure, the roof over the garage would have a shallow pitch to address concerns raised previously by the Council. However, this would introduce a structure with a starkly contrasting roof form to the host dwelling and the surrounding built vernacular. As a result, the garage would appear discordant, despite the use of render on its side elevations to match the bungalow.
7. The appellant has advised that additional planting and landscaping would be carried out. However, given the open character of the site and the space that would remain around the building, from the evidence available I am not persuaded that this would be sufficient to obscure or fully mitigate the harmful effect the garage would have on the character and appearance of the host dwelling and the surrounding area.
8. As such, I conclude that the proposal would materially harm the character and appearance of the host dwelling and the surrounding area. Accordingly, the scheme would be contrary to Policy CS12 of the North Somerset Core Strategy, Policies DM32 and DM38 of the North Somerset Sites and Policies Plan (SPP) as well as the North Somerset Residential Design Guide (RDG), which together seek to ensure high quality design.

Living conditions

9. The side garden of No 2 abuts the boundary of the appeal site and has two ground floor windows within its side elevation. It occupies a lower ground level reflecting the change in levels along Church Street. A block wall and timber panel fence form the boundary between the appeal site and No 2.
10. The proposed garage would be positioned to the south east of No 2 and further from it than the bungalow within the appeal site. Although the garage would lie close to the boundary, it would be angled away from it. It would also be set well back from the property and would be of relatively low height. Therefore, whilst the garage would alter the outlook for the occupants of No. 2, in my view it would be set back sufficiently such that it would not prejudice their living conditions through over-bearing impact, loss of light or harm to outlook, despite the change in ground levels. As such, I find no reason that the proposal would cause adverse detriment to the living conditions of this neighbouring dwelling, with particular regard to outlook and daylight.
11. I conclude, therefore, that the proposal would not have an unacceptable effect on the living conditions of the occupants of No 2 with particular regard to outlook and daylight. In this regard, the proposal would comply with Policies DM32 and DM38 of the SPP and the RDG, which collectively, amongst other things, seek to ensure development does not prejudice the living conditions of adjoining occupiers.

Other Matters

12. The appellant raises a number of points which are not concerns of the Council. The proposed development would not cause harm to highway safety or obstruct visibility along the road. I am also satisfied that the use of the garage, due to its scale and nature, would not cause unacceptable levels of noise and

disturbance. However, these are neutral matters, weighing neither for or against the proposal.

Conclusion

13. The proposal would have an unacceptable effect on the character and appearance of the host dwelling and the surrounding area. Whilst it would not cause harm to the living conditions of the occupants of No 2, it would not accord with the provisions of the development plan. No other material considerations outweigh this finding.
14. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

J White

INSPECTOR