



Appeal Decision

Site visit made on 25 January 2023

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2023.

Appeal Ref: APP/Q3305/W/22/3304616

Homestead Park, Wells Road, Wookey Hole, Wells BA5 1BW

- 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 Wookey Hole Ltd against the decision of Mendip District Council.
 - The application Ref 2020/0668/FUL, dated 25 March 2020, was refused by notice dated 16 May 2022.
 - The development proposed is described as 'Demolition of a 4/5 bedroom house with attached garage, demolition of three number park homes, relocation of one number park home and removal of one number park home plot. Construction of 9 number 3 bed dwellings, provision of car parking associated with the new dwellings. Upgrade to the existing access road and extension of the road to form a new cul-de-sac'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on the living conditions of the occupants of neighbouring dwellings at Coombe Brook, with regard to outlook and privacy; and
 - Whether the proposed development would provide acceptable living conditions for future occupants, with regard to amenity space.

Reasons

Character and appearance

3. The site is within the village of Wookey Hole and accessed off High Street which is the main village road. It contains a relatively modern dwelling near the access, a number of modest, single storey chalet/park homes and a parking area. The site is bounded by other park homes within the wider Homestead Park site, and dwellings including a terrace known as Coombe Brook which is located between the site and High Street. The site level falls away steadily by a few meters moving away from High Street.
4. The area around the site has a distinctive character with most of the buildings being constructed in stone, with some roughcast render, and featuring multiple gables and attractive detailing such as bay windows and ornate windows surrounds.

5. Stone boundary walls adjacent to the road add to the traditional appearance of the area. This streetscene makes a strong contribution to the local identity and distinctiveness of the village.
6. The park homes within the site are very different in their scale and design to the traditional character of the village. Despite this, they are modest single storey structures, set within plots of a good size, and largely screened from view from High Street. As a result, their visual impact on the area is neutral.
7. The existing dwelling within the site is relatively modern, has an attached garage, and is finished in reconstituted stone and timber cladding. The design and materials are not in keeping with the predominant appearance of nearby buildings. Between the dwelling and High Street is a walled off storage area with a functional appearance. The dwelling and storage area are highly visible from High Street and do not make a positive contribution to the character and appearance of the area. Despite this, any replacement development would still need to comply with policy.
8. The proposed dwellings would be modest in scale and simple in design, incorporating gables, mini gables and porches to add interest. As such, the scale, form and general detailing would not appear out of keeping with the village.
9. The dwellings would be finished in a mixture of stone outer leaf and red facing brick. The change in levels across the site and the presence of Coombe Brook, would limit visibility of the development from High Street. Despite this, some of the dwellings, particularly plots 1 to 3 would be clearly visible through the access, with other plots also visible from outside of the site, including from the public right of way along the River. While stone is proposed for plots 1 and 2, the use of red brick, particularly in upper sections of the other dwellings and in boundary walls, would be incongruous and visually jarring in a village characterised by stone.
10. The proposal seeks to optimise the potential of the site, but the layout also needs to be appropriate to the local context. Council guidance on meeting the requirements of design and amenity policy is set out in a supplementary planning document (SPD)¹. The SPD gives guidelines for the net density of new housing development, stating that in rural areas this should be between 25 and 30 dwellings per hectare. It goes on to say that densities could be higher in appropriate locations, where the local context allows and any impacts can be satisfactorily mitigated.
11. It is common ground that the proposal would have a density of 39 dwellings per hectare. The area around the site contains buildings and dwellings of a mix of sizes and layouts but they are generally set within good sized plots. Most of the proposed plot sizes would be modest. As such the context does not support the introduction of a density which is considerably above the guidelines and the proposal has not mitigated the impact of this. The higher than recommended density would result in a development that appeared cramped, as well as limiting opportunities to incorporate soft landscaping.

¹ Design and Amenity of New Development: Guidance for interpretation of Local Plan Policy DP7 - Supplementary Planning Document (Adopted March 2022).

12. The size and shape of the site, combined with the proposed density, has resulted in parking being provided in blocks, often set away from the dwellings. This layout has an unattractive and urban appearance, out of keeping with the rural character of the area.
13. Taken together, the above factors mean that, the proposal would cause significant harm to the character and appearance of the area. Consequently, the development would not comply with Policies DP1 and DP7 of the Mendip District Local Plan 2006-2029 Part 1: Strategy and Policies (adopted 15 December 2014) (LP). Together, amongst other things, these policies seek to ensure that development is of high quality design, formulated with an appreciation of the surrounding built and natural context, and contributes positively to the maintenance and enhancement of local identity and distinctiveness.

Living conditions of neighbouring occupants – Outlook and privacy

14. At the end of the terrace, the side elevation of 8 Coombe Brook faces directly towards the existing dwelling at the appeal site. At first floor this side elevation contains 2 windows, of which I am informed, 1 is the only window serving a bedroom. Currently, this window overlooks a single storey garage with a roof sloping away from the boundary. The proposal, though no closer to the boundary, would introduce a 2 storey building at plot 1, in the place of the single storey garage. Due to the increased height and the limited separation distance, the proposed dwelling at Plot 1 would be a dominant and visually oppressive feature that would have a significant enclosing and overbearing effect on the outlook from the only window of a bedroom at No 8.
15. The rear facing windows of plots 1 and 2 would serve bathrooms and stairways or be small secondary windows for bedrooms. Consequently, they could be fixed and obscure glazed to ensure neighbouring privacy was maintained. As plot 2 would largely replace the existing dwelling, and be lower in height, it would not have a detrimental impact on outlook from the neighbouring gardens.
16. The separation distance and change in levels would be sufficient to protect the occupants of Coombe Brook from any unacceptable impact on their outlook or privacy within habitable rooms as a result of the proposed dwellings at Plots 6 to 9. However, plots 6 to 9 would have short rear gardens meaning that despite the difference in levels and some screening, the proposed rear facing windows at first floor would enable direct views into the gardens of Coombe Brook at relatively close quarters. This would significantly reduce the levels of privacy in the main usable area of the gardens of Coombe Brook.
17. I conclude that the proposed development would cause significant harm to the living conditions of the occupants of neighbouring dwellings at Coombe Brook, with regard to outlook and privacy. Consequently, the development would not comply with Policies DP7 and DP8 of the LP. Together, amongst other things, these policies seek to protect the residential amenity of neighbouring occupiers and ensure that unacceptable impacts on amenity do not occur as a result of a development.

Living conditions for future occupants - Amenity space

18. As set out above, the density of the development would be considerably above recommendations for a rural site. Combined with the site configuration, this has resulted in a proposal where most plots would have small gardens for the size of the dwelling. The LP does not specify garden sizes but it is not unreasonable to expect 3 bedroom dwellings to have outside amenity space of a size, shape and position suitable to serve the needs of a family. Amongst other things, the space needs to provide for private sitting out and playing, drying washing, storage of waste and recycling bins and other outdoor storage (for example garden sheds for bicycles and toys), as well as some landscaping.
19. Plots 1 and 2 would have small gardens but of a usable shape. However, they would entirely adjoin the access road meaning the gardens would have poor levels of privacy and security and be more impacted by road noise and disturbance. Plots 3 to 5 would have gardens of limited size and depth as well as irregular shape. While the dwelling would overlook public open space, this does not compensate for the lack of good quality, usable, private space sufficient to meet the needs of a 3 bedroom dwelling. The garden depths for plots 6 to 9 would be shallow, so the main private area of garden would be in close proximity to the boundary with Coombe Brook gardens. This is not ideal, but overall, the size and layout at plots 6 to 9 would provide an adequate level of private and usable garden space.
20. Taken together, I conclude that the proposed development would not provide acceptable living conditions for future occupants, with regard to amenity space. Consequently, the development would not comply with Policy DP7 of the LP. Amongst other things, this policy seeks to ensure that development provides a satisfactory environment for future occupants.

Planning balance

21. It is common ground that the Council cannot demonstrate the deliverable supply of housing sites as required by the Framework. Therefore, in accordance with the provisions of paragraph 11d and footnote 8 of the National Planning Policy Framework (the Framework), policies which are most important for determining the application are considered to be out of date. The proposal does not impact on areas or assets of particular importance, so in accordance with paragraph 11dii, permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
22. The adverse impacts I have identified are significant, multiple and long lasting, so I ascribe them substantial weight. In terms of benefits, the proposed dwellings would be larger than the existing park homes and suitable to accommodate families. However, as the appellant has made clear in their submissions, there would be no net increase in the number of residential units, above what could already be accommodated within the Homestead Park site, of which the appeal site is a part. There would be economic benefits from the construction period, but these would be modest and short term. The proposal would also make use of an underutilised and brownfield site. This is supported by the Framework, but not at the expense of good design and respect for neighbouring amenity. Therefore, I can only give these benefits limited weight in favour of the proposal.

23. The proposal would comply with elements of the LP, including providing energy efficient housing of a size that is needed in the area. Policy compliance is an expectation for all proposals, so this is a neutral factor within the overall planning balance.
24. With the above in mind, and when assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. Consequently, the paragraph 11d presumption in favour of sustainable development does not apply. The appeal scheme would conflict with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with the development plan.

Other Matters

25. The site is located within the catchment of the Somerset Levels and Moors Ramsar site. The Council, in discussion with Natural England, concluded that the proposal was unlikely to add significantly to nutrient loading on the Ramsar site, so a Likely Significant Effect, alone and in combination, under the Habitats Regulations² was ruled out. An interested party raised questions about the relevance of a previous permission and potential fallback position with regard to the assessment required under the Habitats Regulations. In response to this, the appellant submitted a legal opinion focused on the fallback position and its relevance in calculating whether the proposal would result in an increase in phosphates.
26. I acknowledge that in making the decision on this appeal, I am the competent authority for the purposes of the Habitat Regulations. However, given that I have found the proposal unacceptable on other grounds, there is no need for me to consider the implications of the proposal on the Ramsar site or to undertake an assessment under the Habitats Regulations.

Conclusion

27. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

Helen Davies

INSPECTOR

² The Conservation of Habitats and Species Regulations 2017 (and as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019).