



Appeal Decision

Site visit made on 25 January 2023

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2023

Appeal Ref: APP/F0114/W/22/3306290

Valley View Close, Larkhall, Bath, BA1 8DJ

- 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 Michael Masters against the decision of Bath and North East Somerset Council.
 - The application Ref 22/01538/FUL, dated 9 April 2022, was refused by notice dated 23 June 2022.
 - The development proposed is erection of one single storey stepped bungalow partially buried into side of hill.
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Decision

1. The appeal is allowed and planning permission is granted for erection of one single storey stepped bungalow partially buried into side of hill, at Valley View Close, Larkhall, Bath, BA1 8DJ in accordance with the terms of the application, Ref 22/01538/FUL, dated 19 April 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. A previous proposal for a two storey dwelling at the site was refused¹ and a subsequent appeal² dismissed in 2017. The proposal subject to this appeal is for a single storey dwelling, partially buried within the hillside to further reduce the height. While reference has been made to the previous proposal, the proposal subject to this appeal has been assessed on its own merits rather than by comparison to the previous scheme.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The site consists of a long narrow plot of land enclosed primarily by post and wire fencing, with some modest height planting spaced out along the boundary with the road. The levels fall significantly along the length, from the west to the east. The site is mostly set to grass with an area of hard standing and an access from the road at the western end.

¹ Application reference 17/02254/FUL

² Appeal reference APP/F0114/W/17/3180279

5. To the south of the site, beyond a pedestrian pathway, are two storey terraced dwellings. To the north, on the other side of the road, the land is generally open and forms part of the Green Belt and the Cotswolds Area of Outstanding Natural Beauty. Directly opposite the site to the north is an allotment, with a football and sports club to one side and fields to the other. Travelling east, downhill, the road passes more terraced dwellings and on into the main body of the settlement. Travelling west, uphill from the site, the road narrows and has a distinctive rural lane characteristic, with dwellings becoming more intermittent as the road leads out into the countryside.
6. The site has a semi-rural character and openness which forms an important visual buffer and transition between the fairly dense and formal nature of the streetscene to the south and east and the pleasant informality of the dispersed streetscene to the west and the open protected landscape to the north. In this regard, I agree with the findings of the inspector in the previous appeal. However, the scale and design of the proposal has been changed since the previous scheme, with the height significantly reduced.
7. There are dwellings and other buildings of varying designs, layouts and setbacks along the narrow stretch of road beyond the site to the west. While the first dwelling to the west of the site is set back from the road, the next dwellings at Potato Garden House and Grove Cottage, have stone faced elevations and substantial stone walls right on the boundary with the road, for a considerable length. Just to the east of the site, on the other side of the road, is Rose Cottage. This is a traditional single storey stone dwelling with a long narrow footprint adjacent to the road and set partially below road level. Some of the terraces to the south of the site feature significant steps in their eaves and ridge to follow the topography. As such, the character and appearance of the area around the site is not uniform and features a variety of layouts, roofscapes, materials and features.
8. The proposed dwelling would be a modest size, single storey and would step down in three distinct sections in response to the topography. It would be oriented longways onto the road and partially buried within the hillside. From the perspective of the road adjacent to the site, and when travelling along the road from the west, the dwelling would appear as a series of modest height stone walls.
9. Within close proximity to the site, there are examples of buildings with a long narrow footprint, stepped profile, and being set below road level, as well as stretches of stone walls very close to the road. Consequently, the proposal would not be out of keeping with the character and appearance of the surrounding built form.
10. The most prominent view of the proposed dwelling would be from the road when travelling up the hill from the east, and from the section of road serving the terraces. The proposed design would be visually distinct from other buildings in the area. However, as set out above the area is not uniform and the proposed dwelling would be modest, as well as a modern and innovative design. The area of hardstanding for the repositioned access and parking is smaller than the existing and its location lower down in the site reduces the visual impact. Therefore, while the proposal would be different to nearby dwellings, it responds positively to the site context and would not be a jarring or incongruous addition to the area.

11. The openness of the site would inevitably be reduced due to the presence of built form. Despite this, the low height, primarily achieved by partly burying the dwelling, would enable the retention of views across the site from surrounding vantage points. Further to this, the sebum green roofs would help provide a visual transition between the urban built form to the south and east and the verdant countryside to the north and west. Consequently, the site would still provide an important visual buffer and transition between the urban and the rural.
12. The appearance of the site would be enhanced through planting and landscaping, particularly at the boundaries, which could be secured by condition. The proposed western section of the dwelling would fill most of the width of the site, restricting planting opportunities in this area but there are sufficient opportunities elsewhere within the site. While planting would also provide some screening, I do not consider it necessary to screen the development to make its visual impact acceptable.
13. I conclude that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area. Consequently, the development would comply with Policies CP6, D2 and D5 of the Bath and North East Somerset Placemaking Plan (adopted July 2017). Together, amongst other things, these policies seek to ensure that development is of high quality design which responds to the specific local context and does not harm local character and distinctiveness.

Other Matters

14. Concerns have been raised regarding moving the access to the site, as the current access provides a 'pull in' area for vehicles and pedestrians part way up the hill. I have been presented with no information to suggest that the 'pull in' is formal or on highway land. This is not a matter for consideration under this appeal. Details of the suitability of the relocated access to serve the proposed dwelling can be secured by condition.

Conditions

15. The Council have suggested a range of conditions, which the appellant has been made aware of. I have considered the suggested conditions and made amendments in the interests of precision and clarity in order to comply with advice in the Planning Practice Guidance. In addition to the standard time condition, a condition specifying the approved plans is necessary to provide certainty on the approved scheme.
16. I have limited the use of pre-commencement clauses to where it is essential for the condition to achieve its purpose. There are significant changes in levels across the site and partially burying the dwelling is an integral element of achieving an acceptable development. Therefore, it is necessary to have details of existing and proposed levels submitted and approved before work on site commences.
17. In the interest of the character and appearance of the site and surrounding area, conditions are necessary to ensure that appropriate materials are used in the external surfaces of the development; to secure the implementation and maintenance of appropriate hard and soft landscaping; and to secure suitable storage for bicycles and refuse.

18. In the interest of highway safety, it is necessary to attach conditions to ensure the provision of a suitable site access and parking to serve the development. I have also attached a condition to ensure water efficiency in accordance with local policy requirements.
19. Finally, I have removed permitted development rights for extensions and outbuildings. Due to the size and configuration of the site and its value as a visual buffer between urban and rural areas, this is both necessary and reasonable, to protect the character and appearance of the area and to retain sufficient outside amenity space to meet the needs of future occupants.
20. The Council also suggested an electric vehicle (EV) charging point be secured by condition. The amended Building Regulations, which came into force on 15 June 2022, require the installation of EV charging points. Planning decisions should not duplicate the function of other regulatory bodies or controls. Therefore, as the development would be subject to Building Regulations, it is not necessary to impose a planning condition to secure an EV charging point.

Conclusion

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

Helen Davies

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with plans reference 201, 300, 400, 500 and 501.
- 3) No development shall take place until details of the existing and proposed ground levels, and finished floor levels, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) No construction of the walls shall take place until a schedule of all external materials and finishes, and samples of materials to be used in the external surfaces of the walls and roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained thereafter.
- 5) No development above slab level shall take place until full details of both hard and soft landscaping, including for the green roof, and a programme of implementation with timescales, have been submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate:
 - Means of enclosure;

- Hard surfacing materials;
 - Minor structures (e.g., outdoor furniture, storage, lighting);
 - Proposed and existing functional services above and below ground; and
 - Planting plans and schedule of plants, noting species, planting sizes and proposed numbers.
- 6) The hard and soft landscaping works shall be carried out in accordance with the approved details prior to the occupation of the development or in accordance with the timescales in the approved programme of implementation and shall be retained thereafter.
- 7) Any trees or plants indicated on the approved soft landscaping scheme which, within a period of 10 years from the date of the development being completed, die, are removed or become seriously damaged or diseased, shall be replaced during the current or first available planting season with other trees or plants of a species, size and number as originally approved.
- 8) Notwithstanding the approved plans, prior to the construction of the access and parking and turning area, details shall be submitted to and approved in writing by the Local Planning Authority. The details must demonstrate the provision of suitable:
- Visibility to ensure safe access and egress between the site and the highway;
 - Parking and turning space to serve the dwelling; and
 - Surfacing (a bound and compacted surface, not loose stone or gravel).
- 9) The development shall not be occupied until the access and parking and turning area has been provided in accordance with the approved details and shall be retained thereafter with the parking and turning area kept clear of obstruction and available for use as such at all times.
- 10) The development shall not be occupied until a refuse storage area has been provided in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The approved refuse storage area shall be retained thereafter.
- 11) The development shall not be occupied until bicycle storage for at least 2 bicycles has been provided in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The approved bicycle storage shall be retained thereafter.
- 12) The dwelling shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling hereby approved shall be carried out and no detached building or other free standing structures shall be erected within the curtilage of the dwelling, other than those expressly authorised by this permission.

*****End of Conditions*****