



Appeal Decision

Site visit made on 14 February 2023

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2023

Appeal Ref: APP/D0121/W/22/3302440

Class B2 Garage Unit to the rear of 35 Swiss Road, Swiss Road, Weston-super-mare

- 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 Ben Whitcombe against the decision of North Somerset Council.
 - The application Ref 22/P/0599/FUL, dated 7 March 2022, was refused by notice dated 16 June 2022.
 - The development proposed is change of use from commercial car repair garage (Use Class B2) to 1no. dwelling (Use Class C3). Work to include demolition of single storey building and creation of a first floor within existing building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the application form did not include a full address for the proposal, I have taken the address in the banner heading above from the appeal form, which adequately describes the location.

Main Issue

3. The main issue is whether the proposed development would provide adequate living conditions for future occupiers, having regard to outlook and daylight.

Reasons

4. The appeal site is a commercial garage and access drive located to the rear of a row of dwellings in an area which features both residential, and commercial uses. The existing building is in a confined location, being attached to neighbouring buildings on three sides, with a narrow access drive leading to the front elevation, which is in close proximity to the rear garden area of 35 Swiss Road.
5. The proposed development would convert the existing building to a one-bedroom dwelling over two stories. A car parking space would be provided to the front of the property, with a small outside patio area, with further outdoor space being provided by a terrace on the first floor. The main source of light to the ground floor living area would be via sliding doors to the front elevation, with a small secondary window and a rooflight above the stairway providing some additional light. Light to the first-floor bedroom area would be provided by rooflights, a further sliding door leading to the terrace, and also a small window.

6. The Council's Supplementary Planning Document 'Residential Design Guide – Section 1' (SPD) advises that main sources of light serving habitable rooms are at least 12 metres from two storey buildings and developments that result in a distance of less than 12 metres will normally result in a significant loss of light and overbearing impact. In the case of the first floor sliding doors, while the building to the south of the proposed development would not be a full two stories in height, and the sliding doors are at first floor level, they would be in close proximity to the side wall of this property.
7. Furthermore, although I note the appellants comments regarding the privacy screen, obscure glazing would result in a reduced transmission of light, and would result in an increased sense of enclosure of the terrace area and bedroom beyond. I observed that the proposed roof lights would not be shaded by adjacent buildings, and therefore would allow sufficient daylight to enter. However, as the roof lights are high level, there would be limited outlook available to future occupiers. Consequently, combined with the limited outlook from the terrace area, there would be a feeling of confinement for future occupiers.
8. The ground floor sliding doors would also open to a small patio area, flanked by a cycle store and bin store, with a small area of landscaping indicated to delineate this area from the parking area. I note the appellants comments regarding the potential to impose a condition ensuring a high specification and quality landscaping scheme. However, given the small area available for landscaping, particularly between the patio and parking area, I have no evidence that such planting would be successful. Even if planting were to be successful, it would be in relatively close proximity to the sliding door, thereby effecting the outlook from the living area.
9. Although the ground floor secondary window would be largely shaded by the terrace area above, I acknowledge that overall rooflights, and the quantum of glazing to wall area, quoted by the appellant as 20%, would provide sufficient natural light to habitable rooms.
10. However, even if the proposed development has been designed in accordance with BREEAM guidance as the appellant puts to me, I find, for the reasons stated above, that the proposed development would still result in limited outlook. Consequently, although I have found that the proposed development would provide sufficient light to habitable rooms, it would result in a poor outlook and sense of confinement for future occupiers.
11. I therefore conclude that the proposal would not provide adequate living conditions for future occupiers of the proposed dwelling, and in this respect would conflict with policies DM32 and DM37 of the North Somerset Sites and Policies Plan (Part 1). These policies seek, amongst other things, to ensure design and layouts do not prejudice the living conditions for future occupiers. There would also be conflict with guidance provided within the SPD and the National Design Guide which, amongst other things, seeks to ensure buildings provide a good standard and quality of internal space.

Other Matters

12. I acknowledge that due to the high density of the area, the separation distance to 35 Swiss Road is similar to the separation distances between other dwellings in the locality. Furthermore, neighbouring residential dwellings feature limited

outdoor garden areas, and the proposed development would not be out of character in this regard.

13. The appellant has stated that the proposed development could be considered a 'low car development' excluding the car parking area. However, that is not the proposed development before me, and even if the car parking were removed, and a larger outdoor garden area achievable, and notwithstanding the surrounding spatial relationship of other dwellings and sizes of other garden areas, restricted outlook would remain for future occupiers.
14. I note the appellant's comments about the Council's handling of the application. While I note the appellant's frustrations, this has little to do with the planning merits of the case, which I have considered on the basis of the evidence before me.

Planning Balance

15. The main parties agree that the Council is currently unable to demonstrate a deliverable five-year supply of housing sites as required by the National Planning Policy Framework ('the Framework'). In these circumstances Paragraph 11 of the Framework states that permission should be granted unless policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development or, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
16. There would be limited short term economic benefits from the conversion of the building and a further modest benefit from the future occupation of the dwelling and associated spending in the locality. The proposal would achieve an incremental increase in housing supply in support of the Government objective of boosting the supply of homes, in an area with an acknowledged lack of future provision. The contribution of one new dwelling on brownfield land in a location close to and with easy access to local services and facilities, whilst a small contribution, would be a moderate benefit in the context of the Council's current housing land supply shortage.
17. Further benefits would flow from the proposed development including increased natural passive surveillance for neighbouring properties and reduction in noise and disturbance levels to surrounding residential dwellings associated with the existing use. However, given the surrounding character of the area being one of both commercial and residential uses including those that could result in disturbance, and rear windows of neighbouring properties already providing a certain amount of natural passive surveillance to this area, I afford these benefits limited weight.
18. The development would also provide appropriate internal space standards; is of an appropriate design which would contribute to the appearance of the area and prevent overlooking of neighbouring properties; provide suitable highway access and parking; would use materials in order to reduce surface water risk; would introduce a small level of flora and fauna; incorporates an electric vehicle charging point and cycle storage; will result in an efficient building utilising renewable energy and reuse existing material where possible; and would not adversely effect protected species. However, these are ordinary requirements for new development, and are therefore neutral factors in the planning balance.

19. While I have found the contribution to housing supply to be a moderate benefit alongside other modest and limited benefits, I find in this case the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would not represent sustainable development.

Conclusion

20. The proposal would conflict with the development plan, read as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

S Harrington

INSPECTOR