



Appeal Decision

Site visit made on 7 March 2023

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th March 2023

Appeal Ref: APP/W3330/D/22/3307874

22 Olands Road, Wellington, Somerset TA21 8RJ

- 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 Sean Vickery against the decision of Somerset West and Taunton Council.
 - The application Ref 43/22/0009, dated 18 January 2022, was refused by notice dated 7 July 2022.
 - The development proposed is described as Erection of a two storey extension to the side of 22 Olands Road, Wellington.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effects of the development on:
 - the character and appearance of the appeal property and the wider area;
 - living conditions;
 - parking provision; and
 - biodiversity.

Procedural Matters

3. The appellant through their Grounds of Appeal contends that revised plans, including updated proposed elevations and a proposed site plan, were submitted to the Council on 21 June 2022 that would potentially have addressed some of the reasons for refusal on the decision notice. Having sought clarification from the Council on this matter, they have explained that whilst an updated elevation plan was received, this was at a late stage in their determination process and did not form part of the plans on which they ultimately determined the appeal proposal.
4. Through their appeal submissions, the appellant has provided me with a copy of the revised elevation plan (ref: DrNo 23 PO-02 Proposed Extension Drawing with a date of 21/06/2022). I have not however been provided with a full copy of a revised site plan, and it is not clear if this was formally submitted to the Council.

5. Acknowledging the above, and having regard to the 'Wheatcroft Principles'¹, I am of the view that the revised plan DrNo 23 Proposed PL02 Proposed Extension Drawing with a date of 21/06/2022, which amongst other matters would replace a hipped roof design with a gable, would change the appeal development to a degree that would prejudice those who should have been consulted of the change, the opportunity to comment, for example the occupiers of Nos. 16 and 16a Victoria Street to the south-west of the appeal property. Further, as I have not been provided with a full copy of the revised site plan reference by the appellant, I am unable to reach a view if I could have taken this into account.
6. Accordingly, I have assessed the appeal proposal on the basis of the plans considered by the Council, that being: DrNo 23 Existing PL01 Existing Building Drawing 10/01/2022; DrNo 23 Existing PL01 Proposed Site Plan 22/06/08; and Proposed Site Plan; and DrNo 23 Proposed PL02 Rev A Proposed Extension Drawing 08/06/2022.
7. As a final procedural point, I noted that the appellant's first name differs between the appeal form and the original application form. For the purposes of this decision, I have used the name provided on the original application form.

Reasons

Character and appearance

8. No. 22 Olands Road is a brick built two storey semi-detached dwelling which is characterised by its conventional building form and appearance, which follows the general characteristics found elsewhere along Olands Road.
9. The appeal proposal seeks to provide for a side two storey extension to No. 22. The extension would be set back from the forward building line of the existing dwelling and would step down from the existing ridgeline. Unlike the appearance of the existing dwelling, the extension would include a part dormer breaking the eaves line with an associated window which would have a greater vertical emphasis than the existing windows on the appeal property. The external facing material would consist of render, which differs from the brick finish to the existing property. The form of the roof would be hipped, which would also vary from the gable form of the appeal property.
10. Whilst I understand the approach to stepping the proposal back and down from the existing property to provide subservience, it is the distinct variations from the form and appearance of the existing property that would appear jarring and out of place. In particular, the dormer detailing to the front roadside elevation would not be consistent with the more conventional two storey form of No.22 and as found elsewhere along Olands Road. It is this detail, in combination with the use of materials, the window detailing and the hipped roof design, that would appear incongruous and would unduly draw the eye as a result.
11. For the above reasons, the side extension as proposed, would appear out of place with the prevailing characteristics of the appeal property and that of the wider street scene.
12. As a result, on this matter I find conflict with Policy DM1 d. of the Taunton Deane Borough Council Adopted Core Strategy 2011-2028, which amongst

¹ (Bernard Wheatcroft Ltd v SSE [JPL 1982 P37])

other matters, requires development to not unacceptably harm the appearance and character of the host building and street scene, The proposal would also conflict with paragraph 130 of the National Planning Policy Framework 2021, which amongst other matters requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Living conditions

13. The appeal proposal would bring a two storey form closer to the rear elevations and gardens of the properties fronting onto Victoria Street, situated to the south-west. These properties run perpendicular to No.22 and the extension would be positioned closest to the rear of the properties Nos. 16 and 16a Victoria Street.
14. From my visit to the appeal site, I noted that these properties are set on a slightly higher level to that of No.22, the back garden areas are close knit and enclosed by boundary fencing, alongside including single storey additions and outbuildings, and the windows with open views towards the appeal site would appear to be bathrooms or upper floor bedrooms.
15. The siting of the proposal, which would be stepped away from the rear boundaries of Nos. 16 and 16a to provide for parking spaces for No.22 in between, alongside the hipped roof design and the lower ground level within the appeal site, would prevent the proposal from appearing oppressive or overbearing to the rear of these properties, which as I have set out, are enclosed in character. Further to the above, the width of the appeal proposal would not run the entirety of either of the rear gardens of Nos. 16 and 16a and is similar to the width of the existing gable to no.22. As a result, an appropriate level of outlook would be maintained. Furthermore, as I would have the ability to control window openings facing towards Nos.16 and 16a as obscure glazing via condition, I am satisfied that privacy will also be maintained for these properties.
16. Therefore, I conclude that the existing living conditions of Nos. 16 and 16a would not be unduly prejudiced as a result of the appeal proposals.
17. The Council have also raised concerns about the effect of the proposals upon the living conditions of No.22 itself. However, from my visit to the site, it was evident that a good standard of internal and outdoor living space would be provided for No.22 as a result of the proposals, I do not share the Council's concerns on this point.
18. On the above basis, I find that the living conditions of existing and future occupiers would be safeguarded to an acceptable standard. Therefore, on this issue, I find no conflict with Policy D5 of the Taunton Deane Site Allocations and Development Management Plan 2016, which amongst other matters supports extensions to dwellings where they do not harm the existing living conditions of other dwellings and the future living conditions of the dwelling to be extended.

Parking provision

19. Policy A1 and associated Appendix E of the Taunton Deane Site Allocations and Development Management Plan 2016 set out maximum parking provisions for new development, and explain that within the Wellington urban area and urban

- extensions, developments of 4 bedrooms or more should provide for a maximum of 3 spaces. However, Appendix E also sets out that individual developments may be considered appropriate for lower levels of provision.
20. The appeal proposal would enlarge the existing dwelling from 3 bedrooms to 5 bedrooms. At present the property provides for 1 parking space, and the proposed site plan before me indicates 2 parking spaces would be provided.
21. The parking provisions set out in Appendix E are maximum standards, with no minimum requirement, and the appeal proposal would double the off-street parking provision that currently exists. There would also have been the opportunity to manage the safeguarding of these off-street parking spaces via a planning condition, if I had been minded to allow the appeal.
22. For the above reasons, I find no conflict with Policy A1 and associated Appendix E of the Taunton Deane Site Allocations and Development Management Plan 2016.

Biodiversity

23. Policy DM1 c. of the Taunton Deane Borough Council Core Strategy 2011-2028, amongst other matters requires proposals to demonstrate that development will not lead to harm to protected wildlife species or their habitats.
24. The Council set out that a biodiversity checklist was not submitted in support of the application and that no further information was provided to demonstrate that the development would not harm protected species. However, the appellant contended this point through their Grounds of Appeal and after seeking clarification from the Council on this matter, I was provided with a Biodiversity Statement that formed part of the appellant's submissions at the validation stage to the Council.
25. The Biodiversity Statement explains that due to the domestic nature of the appeal site, it is not considered to be reasonably likely that there are any important biodiversity or geological conservation features. The Statement then sets out that the appellant would accept a condition to be imposed requiring a bat survey to be undertaken prior to the commencement of the appeal development.
26. However, paragraph 99 of Circular 06:2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impacts within the Planning System explains that it *"... is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."*
27. Bats are a protected species, and it would not be reasonable to attach a survey requirement as part of a condition in any approval, in accordance with Circular 06:2005 as set out above.
28. That said, I am also conscious that paragraph 99 of Circular 06:2005 explains that *"...developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development."*

29. Had I been minded to allow the appeal it would have been necessary to go on and consider this matter further, as to whether "*there is a reasonable likelihood of the species being present and affected by the development.*" As I am not, I have not done so.

Conclusions

30. While I have found that the appeal proposal would have an acceptable effect on living conditions and parking provision, it would have a detrimental effect on the characteristics of the appeal property and that of the wider area. I also have uncertainty about the effects of the development on biodiversity.
31. As a result of these negative effects, the proposal is in my view unacceptable, and contrary to the development plan, when read as a whole. There are no material considerations that would justify a decision contrary to the provisions of the development plan, in this case.
32. For all the above reasons, having regard to all matters raised, I conclude that the appeal should be dismissed.

J Evans

INSPECTOR