



Appeal Decisions

Site visit made on 23 May 2023

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2023

Appeal A Ref: APP/W3330/W/22/3306275

32 South Road, Watchet, Somerset TA23 0HE

- 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 R Beaven & Mr N Roberts against the decision of Somerset West and Taunton Council.
- The application Ref 3/37/21/032, dated 17 December 2021, was refused by notice dated 4 March 2022.
- The development proposed is erection of a single dwelling.

Appeal B Ref: APP/W3330/W/22/3306276

32 South Road, Watchet, Somerset TA23 0HE

- 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 R Beaven & Mr N Roberts against the decision of Somerset West and Taunton Council.
- The application Ref 3/37/22/002, dated 9 March 2022, was refused by notice dated 24 May 2022.
- The development proposed is erection of a single dwelling.

Decision

1. Appeal A: the appeal is dismissed.
2. Appeal B: the appeal is dismissed.

Preliminary Matters

3. As set out above, there are two appeals on the same site, one seeking planning permission for a house and the other for a bungalow. I have considered each appeal on its individual merits, although to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

Main Issues

4. The main issues for both appeals are the effect of the proposals on the character and appearance of the area; and in addition with regard to the house, the effect upon the living conditions of nearby residents, having particular regard to outlook, light levels and shading.

Reasons

Character and Appearance

5. The appeals site is a gravelled area to the rear of 32 and 32A South Road (Nos 32 and 32A), that is currently used to provide off-road parking. These houses are at one end of a long, terraced row that fronts South Road. To the rear of this terrace is a residential estate that comprises similar ages and styles of terraced housing, and these houses have deep rear gardens within which there are a variety of sheds and garages. The repeated styles of these terraced houses, along with their generous rear gardens and their recurring set back from the road behind similar sized front gardens, gives a distinctive visual cohesion to the area. Nos 32 and 32A are part of the more mixed residential development that occurs to either side of South Road, but the long length of this terrace and the deep rear gardens of these houses contributes to the spacious separation that is a distinctive feature of the layout of the estate.
6. The proposed dwellings would be positioned within the plot so as to front Quantock Road. The modest size of the plot and its tapering shape would be such that both the house and the bungalow would be positioned very close to the public footway, and in the case of the latter, one corner of this dwelling would be so close that it would abut the footway. Such a proximity to the public realm would be harmfully discordant. The juxtaposition of the dwellings so close to the public footway would appear conspicuous in an area where the houses are set back behind similar sized, regularly shaped front gardens. A repeated, and distinct feature of the area is that the terraces and their front gardens create long lines that frame the public realm. Rather than respecting this character, the dwellings would interrupt this linear harmony, as well as having an intimidating and overbearing proximity to the public highway.
7. The dwellings would be surrounded by gardens and parking areas, but the narrow dimensions of the gardens would serve to exaggerate the overly cramped and constrained nature of the proposals. The contrived shapes of the gardens would appear as an afterthought following the positioning of the dwellings and associated parking provision.
8. These harms would be exaggerated by the detached nature of the dwellings. There are a few detached properties nearby, but they are not part of the estate, with the appeals site being surrounded by terraced housing. The incongruous nature of a detached dwelling in such a position, whether it be a house or bungalow, would be readily evident from the public realm, including from long distances away. Even the modest size and height of the proposed bungalow would appear conspicuously intrusive in such a context.
9. The rear gardens of Nos 32 and 32A have been separated from their parking space by fences, albeit they retain a visual and functional

relationship to the houses they serve. As such the parking contributes to the characteristic spacious nature of the rear gardens. There are a variety of garages and outbuildings within the gardens, but these have a legible subservience of form and function to the houses, unlike the appeals proposals. No 32 and 32A would retain external garden space and parking, but the short depths of these gardens and the dominance of parking provision would serve to exaggerate the cramped appearance of the scheme.

10. Although of modest size both the bungalow and the house would erode the domestic subservience that characterises the rear of the terraces. Not only would the function of the plot change with the provision of a dwelling, but in doing so it would erode the spacious open separation that exists between the terraces. Both dwellings would stridently interrupt the clear divisions that exist between the public facades of the front of the terraces and their private, subservient rears.
11. It might be that the smaller gardens of the existing dwellings and of those proposed may be attractive to some future occupiers. Nevertheless, this does not outweigh the substantial harm that derives from the schemes to the character and appearance of the area. A requirement of the National Planning Policy Framework (the Framework) is the effective use of land and to ensure that developments are sympathetic to local character as well as adding to the overall quality of the area. For the reasons given above, neither the house nor bungalow would accord with these objectives.
12. Thus, the dwellings would unacceptably harm the character and appearance of the area, and the suggested conditions would not overcome this fundamental harm. The schemes would fail to comply with Policy NH13 of the West Somerset Local Plan (2016) (LP), which seeks amongst other things, the highest standard of design, which responds to the local context and distinctive character of an area.

Living Conditions

13. The size and shape of the plot is such that the house would be close to the boundaries and rear gardens of the surrounding properties. The appellants consider the proposals would be an efficient use of land, as well as providing an improved outlook for nearby residents. However, rather than having an open outlook from the rear facing rooms of No 32 and No 32A, these residents would look out onto the flank wall of a house. The house would also create a tall and long enclosure to much of the rear garden of 31 South Road (No 31).
14. Whilst private views are not of themselves a planning matter, in this instance the close proximity of the house would have an imposing dominance upon nearby residents, and particularly for the users of the garden of No 31. Residents would experience a degree of mutual overlooking given the tight grain of the terrace, but the house would intrusively and conspicuously erode the open nature of the back

gardens. In such a context, the house would harmfully draw the eye, and would thereby dominate the outlook of nearby residents.

15. Moreover, the house would be to the south of the garden of No 31. Given its height, size and proximity, it would unacceptably impact upon light levels experienced by the occupiers of this property, particularly as it would cast shade throughout much of the day during sunny periods.
16. Thus, the house would result in unacceptable living conditions for nearby residents, and the suggested conditions would not ameliorate this harm. The scheme would conflict with LP Policy NH13, which requires amongst other things, that development responds positively to its neighbours, thereby reflecting objectives of the Framework.

Other Matters

17. Local residents have raised a number of issues, including that the proposals would remove an unattractive use from the site, and that it would cause an increase in on-street parking. Land maintenance would be for the relevant owners to address, and of those concerns connected with the planning considerations of the proposal before me, following my findings on the main issues, I have no need to consider them further.

Planning Balance

18. The appellants consider the Council does not have a five year housing land supply, and that Paragraph 11 of the Framework is engaged, whereby planning permission should be granted unless the adverse impacts of the proposal significantly and demonstrably outweigh the benefits.
19. The provision of an additional dwelling would be a benefit arising from the scheme as it would contribute towards the supply of housing. The dwellings would be in a sustainable location, and would be energy efficient, thereby resulting in small environmental benefits.
20. Weighing against these benefits would be the significant environmental and social harms. The schemes would deliver an additional high-quality home, but in doing so would cause significant harm to the distinct character and appearance of the area. The house would also unacceptably harm the living conditions of nearby residents. The LP policy referred to above would be broadly consistent with the Framework, as the Framework also requires development to be sympathetic to local character, and to provide adequate living conditions for nearby residents.
21. Whilst a key aim of the Framework is to significantly boost the supply of housing, when read as a whole the Framework does not suggest this should happen at the expense of other considerations. Even if there is a shortfall in the five year housing land supply on the scale suggested by the appellants, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

Conclusion

22. The dwellings would unacceptably harm the character and appearance of the area, and the house would unacceptably impact upon the living conditions of nearby residents. The schemes would conflict with the Framework and also with the development plan when taken as a whole, and the adverse impacts would significantly and demonstrably outweigh the benefits. Thus, for the reasons given above and having considered all other matters raised, the appeals are dismissed.

J J Evans

INSPECTOR