



Appeal Decision

Site visit made on 9 June 2023

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2023

Appeal Ref: APP/Q3305/W/23/3315162

10 Stonewall Terrace, Frome BA11 5AX

- 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 Zabit Stanisha against the decision of Mendip District Council.
 - The application Ref 2022/0219/FUL, dated 2 February 2022, was refused by notice dated 20 January 2023.
 - The development proposed is described as 'Attached two bed dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken directly from the original planning application form. The description was subsequently amended by the Council to 'Erection of 1no one bedroom dwellinghouse', to reflect a revised scheme submitted by the appellant during the course of the application. The application was determined against the revised scheme. I have therefore determined the appeal on the same basis, including the Council's more accurate description of the proposed development.
3. On 1 April 2023 Mendip District Council merged with other councils in Somerset to form Somerset Council. However, the development plan for the area formally covered by the District Council remains in place until such time as it is revoked or replaced. I have determined the appeal on this basis.

Main Issues

4. The main issues are the effect of the proposed development on: a) the character and appearance of the area; b) the living conditions of future occupiers with regard to the provision of amenity space; and c) highway safety in respect of parking provision.

Reasons

Character and Appearance

5. The appeal site comprises an area of existing side and rear garden space serving no. 10 Stonewall Terrace. The host property is an end of terrace dwelling located within a predominantly residential area on the outskirts of Frome. Properties in the surrounding area are also primarily terraced and of a similar scale.

6. The existing terrace that the appeal proposal would adjoin has a high degree of uniformity. This is primarily due to the terrace properties' consistency in scale and form, including the layout of fenestration and doors. In contrast, the proposed dwelling would be considerably narrower than the remainder of the terrace, to enable it to fit within its notably smaller plot. Despite utilising matching materials and having a similar roof form, the design of the proposed dwelling would not follow the highly regular layout of windows and doors displayed within the wider terrace.
7. Together the scale and design of the proposal would be at odds with the existing terrace of properties, it would thereby appear as a rather cramped and contrived form of development. Given the corner location the proposal would also be highly prominent within the streetscene.
8. Consequently, the proposed development would harm the character and appearance of the area. Accordingly, it conflicts with Policies DP1 and DP7 of the Mendip District Local Plan Part I: Strategy and Policies 2006 – 2029 (adopted 2014) (the Local Plan). Together these policies, amongst other matters, seek to secure development of a high design quality that reflects its surrounding context. It would also not conform to the aims of Chapter 12 of the National Planning Policy Framework (the Framework) that seeks to promote high quality design.

Living Conditions

9. The proposed dwelling would be served by an extremely limited area of private garden space to the rear. I have not been provided with precise details of the size of the proposed amenity space or whether it would comply with any adopted amenity space standards that the Council may have. Nevertheless, I find that the limited scale and depth of the proposed rear garden together with its irregular shape would result in a cramped outdoor space that is not likely to suit future resident's needs.
10. Notably, the private garden space is unlikely to enable occupiers to enjoy leisure time whilst also performing basic needs. For example, it would not comfortably accommodate multiple residents simultaneously, whilst also allowing functions such as drying of clothes, or storing of refuse bins and a bike store (as illustrated within the plans). In coming to this view, I am mindful that the property is intended to be only a single bedroom dwelling.
11. I therefore find that the proposed development would not provide acceptable living conditions for potential future occupiers. The proposal therefore conflicts with Local Plan Policy DP7, which amongst other matters seeks to provide a satisfactory living environment for future occupiers. It would also not conform to the aims of Chapter 12 of the Framework, in particular that development should provide a high standard of amenity for future users.

Highway Safety

12. No direct vehicular access is available to the current terrace of dwellings that the proposal would adjoin. The appeal scheme would therefore not include any on-site parking. Although there is an existing parking court containing garages to the rear of the appeal site, no allocated parking space would be provided for the appeal scheme. I understand that many nearby properties also do not have allocated or on-site parking.

13. The appeal site is located within walking distance of a range of facilities and services in Frome, whilst the site has convenient access to public transport. Therefore, future residents may not be reliant upon the use of a private motor vehicle. Nevertheless, I consider it would remain likely that future residents of the appeal scheme may still own a vehicle.
14. During my site visit, there appeared to be ample parking available on neighbouring residential streets. However, I am conscious that this was a snapshot in time and that my site visit occurred in midweek during working hours. Furthermore, whilst ample parking was available in neighbouring streets, only limited suitable parking space appeared to be available in the parking area immediately to the rear of the appeal site. Indeed, during my visit I observed several comings and goings of vehicles to the garages/parking court and witnessed some conflict between vehicles seeking to enter/exit this area.
15. I am also mindful of the representations received to the application from third parties that highlight parking pressures within the area. The appeal scheme therefore has the potential to add to parking demand, with associated implications for highway safety. In the absence of any robust parking surveys to demonstrate that sufficient on-street parking capacity exists in the immediate area, I am unconvinced that the proposed development would not cause harm to highway safety. Additionally, from the evidence before me, I am also not convinced that the potential harm could be satisfactorily dealt with via way of a planning condition(s).
16. Accordingly, in the absence of robust evidence to demonstrate otherwise, I find that the proposal would result in harm to highway safety. The scheme therefore conflicts with Local Plan Policy DP10 and the Somerset County Council Countywide Parking Strategy (2013). Together the policy and strategy document seek for development to provide safe and satisfactory provision for parking of vehicles, that is appropriate to the operational requirements of the proposed development.

Other Matters

17. The appellant has indicated that the proposal would be used to provide cost-effective housing for employees that work at a local business, also under the appellant's ownership. Be that as it may, there is no guarantee that the proposal would be used in this manner and there is no appropriate mechanism before me to secure this. In any case, I do not find this potential benefit would outweigh the harm previously identified.
18. I note the appellant's frustrations with the manner in which the local planning authority dealt with the application. However, this is a matter for the Council to address. The appeal has been determined on its own merits.

Planning Balance and Conclusion

19. I have found that the proposal would conflict with the policies of the Local Plan in regard to safeguarding the character and appearance of the area, the living conditions of future residents, and highway safety.
20. The appellant has indicated that the Council cannot demonstrate a five-year housing land supply as detailed within the Framework, this has not been contested by the Council. In such circumstances, Paragraph 11d) of the Framework advises that 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.

21. Paragraph 219 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. Section 12 of the Framework seeks to achieve well designed places, while Paragraph 130c) states that development should be sympathetic to local character including the surrounding built environment. Similarly, the Framework also advocates for the provision of high standards of amenity for future residents, as well as highway safety.
22. I therefore see no fundamental conflict between the aims of the Framework and Policies DP1, DP7 and DP10 of the Local Plan. Consequently, I give significant weight to the conflict between the proposal and these development plan policies.
23. Set against this harm, there would be benefits associated with the delivery of an additional dwelling in a sustainable location. However, the benefits of one additional unit would make little difference to the overall housing delivery position, nor the local economy. Therefore, I find that the adverse impacts of the development would significantly and demonstrably outweigh the benefits.
24. In conclusion, the proposal conflicts with the development plan when taken as a whole. There are no material considerations, including the provisions of the Framework, that indicate that a decision should be made other than in accordance with it. Accordingly, the appeal is dismissed.

Lewis Condé

INSPECTOR