



Appeal Decision

Site visit made on 14 August 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2023

Appeal Ref: APP/Q3305/W/23/3315280

Land rear of 83 Manor House Road, Glastonbury, Somerset BA6 9DQ

- 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 Blackledge Design against the decision of Mendip District Council.
 - The application Ref 2022/1434/FUL, dated 14 July 2022, was refused by notice dated 13 October 2022.
 - The development proposed is described as the 'erection of 1no. dwellinghouse (re-submission of 2011/0861).'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - the effect of the development on the character and appearance of the surrounding area;
 - whether the proposal provides adequate living conditions for future occupiers, with respect to the provision of outdoor space; and
 - the effect on the integrity of the Somerset Levels and Moors Ramsar site, with particular reference to phosphate loading.

Reasons

Character and Appearance

3. Near the appeal site, Manor House Road is characterised by similar two storey semi-detached dwellings, some of which are split into flats. These dwellings are set back from the road giving the area a sense of spaciousness. The surrounding built form is mostly two storey and whilst there are smaller single storey dwellings along Bowyers Close to the rear, these appear to be retirement apartments. Whilst there is a variety in the appearance of these properties, there is consistency in siting in that they front a highway.
4. To the rear of the appeal property is 'Manor House Road Community Gardens', a pleasant well-kept open area, and an unpaved access track runs around this space, providing access to the rear of the properties. There are some single storey outbuildings and parking areas evident.
5. The proposal would erect a single storey rear property, accessed through the rear track around the communal garden and sited next to existing outbuildings.

A new independent dwelling in this location would represent residential development at odds with the general linear pattern of highway fronting dwellings along Manor House Road and the surroundings. It would sit apart on an unpaved rear access lane next to existing outbuildings, and not reflect the form or grain of existing development. It would therefore harm the established character of the surroundings.

6. Moreover, the dwelling would retain the appearance of a single storey outbuilding, incongruously contrasting with the immediately surrounding mostly consistent two storey dwellings and sit in a plot that is clearly smaller than the host dwelling and its neighbours along Manor House Road. The dwelling would appear cramped within its plot, close to its boundaries and squeezed into the available space. This would have a detrimental impact on the street's existing spacious character and lead to significant harm in this regard.
7. Whilst, as stated above, the dwelling would be sited next to existing outbuildings, including a substantial log cabin¹, it does not follow that this location would be an appropriate site for the proposal, given the differing impact upon the character and appearance of the surroundings of an independent dwelling, as set out above, rather than annexe accommodation or garages.
8. I further note that the site has history for an independent dwelling in this location, however these permissions² have expired and therefore I cannot give them much weight. Notwithstanding this, the Council set out that these permissions were originally based on a certificate of lawfulness, rather than compliance with policy. In addition, since these permissions, the National Planning Policy Framework (the 'Framework') has put increased emphasis on creating high quality, beautiful buildings and places.
9. I conclude that the development would harm the character and appearance of the surrounding area. Accordingly, the proposal conflicts with Policies DP1 and DP7 of the Mendip District Local Plan 2006-2020 (2014) (LP) which collectively require proposals to be formulated with an appreciation of the built context of their locality. These policies are in broad conformity with the Framework.

Living conditions

10. LP Policy DP7 set out that development should provide a satisfactory environment for future occupants. The amount of garden space required is not specified in this policy, however given that the development proposes a 1 bed unit, I consider that the modest garden space proposed, measured by the Council at 44sqm, would be sufficient to meet the needs of the occupiers.
11. As such, I find no conflict with the provision of satisfactory environment requirements of LP Policy DP7 and the Framework.

Effects for the SAC and Ramsar site

12. The Somerset Levels and Moors are listed as a Ramsar Site under the Ramsar Convention and is designated for its internationally important wetland features including the floristic and invertebrate diversity and species of its ditches.

¹ Application reference 2017/0034/HSE

² Application reference 2011/0861

13. In a letter from Natural England (NE) dated 17 August 2020, local planning authorities were advised that the interest features of the Ramsar were unfavourable or at risk, from the effects of eutrophication caused by excessive phosphates entering watercourses. The letter also explained that where the conservation status of a protected natural habitat is unfavourable, the possibility of authorising activities which may subsequently compromise the ability to restore the site to favourable condition and achieve the conservation objectives are 'necessarily limited'.
14. In accordance with LP Policy DP5 and DP8, development proposals must include an assessment appropriate to the type and extent of impact and any associated risks to the satisfaction of the relevant environmental body, and appropriate mitigation may need to be secured for such development. The appellant had disputed that this is required, given the location of the proposal within the built-up area of Glastonbury and history of previous permissions on the site.
15. As I am dismissing the appeal for other reasons, I am not pursuing this matter further because it could not lead me to a different decision.

Other Matters

16. The appellant raises concern regarding the consultation process and possible political influence, however this should be taken up with the Council, and is not a matter for consideration under this appeal. I have based my decision on the information before me and what I observed on site.

Planning Balance and Conclusion

17. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites, and the appellant sets this at 4.1 year supply. The Council have not disputed this figure.
18. The proposal would result in an additional unit of accommodation which would contribute to addressing this shortfall and to the Government's broader objective of significantly boosting the supply of homes. I also acknowledge that the development would make efficient use of the site and would be of an appropriate density, as supported by the Framework, and, as a 1 bed unit, would contribute to the housing mix.
19. The appellant refers to the lack of conflict with policies relating to issues such as the living conditions of the occupiers of neighbouring dwellings and highways impact, however, this to be expected in any development and does not weigh in favour of the proposal. The principle of residential development is supported in this location; however, this relates to the dwelling being sited in a location with good access to services and facilities.
20. I have taken full account of all the matters advanced in support of the proposal. However, due to the nature and scale of the appeal proposal, the benefits would be relatively limited. The harm to the character and appearance of the surrounding area is a matter to which I attribute great importance, in accordance with the Framework. The adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Hence, the proposal would not comprise sustainable development.

21. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

B Phillips

INSPECTOR