



Appeal Decision

Site visit made on 4 October 2023

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2023

Appeal Ref: APP/D0121/W/23/3314839

4 Beaconsfield Road, Weston-super-Mare, North Somerset BS23 1YE

- 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 Stuart Williams against the decision of North Somerset Council.
 - The application Ref 22/P/2072/FUL, dated 24 August 2022, was refused by notice dated 4 November 2022.
 - The development proposed is extension and conversion of garage to create dwellinghouse, with associated parking.
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Decision

1. The appeal is allowed and planning permission is granted for the extension and conversion of garage to create dwellinghouse, with associated parking at 4 Beaconsfield Road, Weston-super-Mare, North Somerset BS23 1YE in accordance with the terms of the application, Ref 22/P/2072/FUL, dated 24 August 2022 subject to the following conditions:
 1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 4020-001, 4020-005, 4020-009 Revision D, 4020-025, 4020-026 Revision A, 4020-030 Revision D, 4020-031 Revision B.
 3. The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 4020-030 Revision D.
 4. The dwelling hereby approved shall not be occupied until 2 parking spaces have been provided within the site in accordance with drawing no. 4020-009 Revision D. The spaces shall thereafter be kept available at all times for the parking of vehicles.
 5. The dwelling hereby approved shall not be occupied until bin and bicycle storage has been provided in accordance with drawing numbers 4020-009 Revision D, 4020-025 and 4020-026 Revision A. Thereafter, the bin and bicycle storage shall be kept available for those uses.
 6. The dwelling hereby approved shall not be occupied until a hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - All trees, and other planting to be retained.
 - A planting specification to include numbers, size, species and positions of all new trees and shrubs.

- Details of existing and proposed walls, fences and other boundary treatment.
- Surface treatment of open parts of the site.
- A programme of implementation.

The landscaping works shall be carried out in accordance with the approved details and in accordance with the agreed implementation programme.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All surface treatments and boundary treatments shall be implemented prior to the occupation of the dwelling and shall be retained as such thereafter.

7. The dwelling shall not be occupied until a surface water drainage scheme has been implemented in accordance with details and a programme of implementation which shall first have been submitted to and approved in writing by the Local Planning Authority.
8. The dwelling shall not be occupied until the air source heat pump has been implemented in accordance with drawing 4020-030 Revision D. The air source heat pump shall be installed in accordance with the standards of the Microgeneration Certification Scheme and shall be maintained as such thereafter.

Preliminary Matters

2. The appellant submitted a revised plan with the appeal documents. The revised plan indicates the height of the boundary walls. It also includes minor changes to the proposed walls which are internal to the site. The Council dispute the accuracy of the measurements given on the amended plan and consider that the plans indicate a reduction in the height of the existing walls. Given the uncertainty in this regard, I cannot be sure that the amendments would not result in a substantial difference to the scheme and that no party would be treated unfairly by me taking this plan into account. For this reason, my decision is based on the drawings submitted with the planning application.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, bearing in mind it would be within the Great Weston Conservation Area, and
 - whether the proposal would provide acceptable living conditions for future occupiers with particular reference to outlook and light.

Reasons

Character and appearance

4. The appeal site is an area of land to the rear of 4 Beaconsfield Road (No. 4), a detached villa, set in a good sized plot, which has been converted into flats. The appeal site contains an existing 2 bay garage with the remainder of the site laid to hardsurfacing. No.4 is one of a number of large, attractive stone

buildings which characterise the area. The use of stone and the large proportions of the buildings, along with the wide road and the set-back position of buildings from the pavement, give the area a grand, spacious character.

5. The site is located within the Whitecross Character Area of the Great Weston Conservation Area (CA). The CA comprises a large portion of the western end of the town, including the Town Centre and the seafront as well as residential areas and green spaces. It derives its significance, as a heritage asset, from its history as a tourist resort, growing with the introduction of a new railway in the 1800s. Its significance also comes from its architecture including landmark buildings and urban planning 'set pieces', patterns of layout and consistency of materials.
6. The Whitecross Character Area is characterised by its fairly regular grid of villas and terraces, many of which are built of Weston Stone. The appeal site is within the Ellenborough sub-area which contains buildings which are rich in architectural details and stonework but has also suffered the loss of gardens to hard standing.
7. As a large stone villa with distinctive stone boundary walls, No. 4 is typical of the area, and makes a positive contribution to the CA. However, the hardstanding and a garage within the appeal site, make a negative contribution to the CA.
8. Whilst the pattern of development in the area primarily comprises evenly spaced villas, there are a number of buildings and extensions to the side and rear of these which add to the variety in the pattern of development locally. Several large extensions and outbuildings to the rear of properties on both Beaconsfield Road and Neva Road are clearly visible through gaps between the villas.
9. The proposal would result in an increase in the size of the existing building to the rear of No.4. In this context, the proposed development, to the rear of the main building would not appear incongruous and would not contrast unacceptably with the existing pattern of development. Given the space which would remain around both the proposed dwelling and No.4 and the provision of private garden areas to either side of the building, the proposal would not appear overdeveloped or cramped.
10. The Council consider that alterations to the existing wall and the introduction of new walls of a different material would result in harm to the conservation area. However, were I to allow the appeal, I could impose a condition requiring details of existing and proposed boundary treatments in order to control their final height and appearance. Subject to such a condition, I am satisfied that the proposal would not result in significant harm to the existing walls or result in the introduction of inappropriate new walls in the CA.
11. The building would be larger and more visible from the street, than the existing building which would further erode the historic pattern of development to a degree. However, the alterations proposed, including the removal of garage doors, provision of a pitched roof and new stone walling and an overall reduction in the amount of hardstanding visible from Beaconsfield Road would result in improvements to the existing appearance of the site. The design and materials of the building would contrast with the Victorian villas nearby. However, the building would be subservient to No. 4 in terms of scale and

position, and it is not uncommon for secondary buildings to contrast with the main building, and to be more utilitarian in appearance. Consequently, overall, I consider the proposal to have a neutral impact on the CA, as a whole and would therefore preserve its character and appearance.

12. I conclude that the proposal would not have a harmful effect on the character and appearance of the area, and would preserve the character and appearance of the Great Weston CA. It therefore complies with Policies CS12 of the North Somerset Council Core Strategy (adopted January 2017) (CS), DM3, DM32 and DM37 of the North Somerset Council Development Management Policies: Sites and Policies Plan Part 1 (Adopted July 2016) (SPP) and paragraphs 130 and 197 of the National Planning Policy Framework (the Framework). Collectively, these seek to ensure that amongst other things, development achieves high quality design, which is in keeping with the area, respects its context, is sensitive to local character and would not cause harm to the existing character and appearance of the CA.
13. The Council have referred to the Residential Design Guide – Section 2. However, this provides advice on alterations to existing dwellings and as such is not determinative in this case.

Living conditions

14. The patio doors serving the bedrooms and open plan living area would look onto garden areas which would be bound by walls of varying heights. Given the distance from the patio doors to the facing boundary, the walls would not appear overbearing or oppressive, neither would they prevent sufficient light from entering the rooms. Furthermore, the rooflights to the living room would provide an additional light source to this room.
15. The reason for refusal refers to the national space standards, however the officer report confirms that the dwelling and bedrooms would meet the required floor space in accordance with the Nationally Described Space Standards.
16. I conclude that the proposal would provide acceptable living conditions for future occupiers with particular reference to outlook and light. It therefore complies with Policies CS12 of the CS and DM32 and DM37 of the SPP. These seek to ensure that developments should be designed to function well and not prejudice the living conditions for the occupiers of the proposal.

Other Matters

17. The Council has drawn my attention to a number of dismissed appeals. I have not been provided with the full details of these cases however I note that the proposal at Coombe Road, Weston super Mare (APP/D0121/W/17/3171738) included the provision of a first floor above a block of four garages. This would have a different effect on the character and appearance of the area than the appeal scheme, even if the sites were similar. In considering the Hi Field Lodge appeal (APP/D0121/W/21/3271016) the Inspector considered that the proposal would not reflect the form or grain of the existing development and would be incongruous, however in the absence of any further details relating to the proposal I cannot be certain that it is comparable with the appeal scheme. Furthermore, I am unable to conclude that the appeal scheme has similarities with the 41 Victoria Lodge scheme (APP/D0121/W/19/3228963), where the Inspector found that the conversion of a ground/basement maisonette into 2

flats would create dark, gloomy and oppressive rooms, as I have limited details of the case before me.

18. I acknowledge that two previous applications for new dwellings have been refused at the appeal site. Based on the evidence before me it appears that both of the proposals would have retained the existing garage and been located further forward than the appeal scheme and further to the west. Therefore, these schemes would have had a different relationship with the host dwelling and a different effect on the conservation area. In any case, I have determined the appeal on its own merits.
19. Comments have been raised by third parties in respect of several matters. With respect to concerns relating to the sewage connection and the energy efficiency of the building, these are matters of detailed design which would be dealt with through Building Regulations. The proposed parking spaces would be in an area which is already part of the parking and turning area which serves the flats. As such there is little evidence that their use by future occupants would result in a significant increase in noise. There are concerns about noise levels from the heat pump. If I were to allow the appeal, I could attach a condition which would ensure that the pump was appropriately installed and maintained to avoid significant impact upon neighbouring occupants.

Conditions

20. I have undertaken some minor editing and rationalisation of the conditions proposed by the Council in the interests of precision and clarity. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty.
21. Condition 3) will ensure that the external surfaces of the development are constructed of the materials specified on the drawings. Condition 4) is required to ensure adequate off-street parking is available and Condition 5) is required to ensure sufficient space is available to store bikes in order to support sustainable modes of transport and for bins to ensure appropriate waste management. Condition 6) is necessary to ensure that appropriate hard and soft landscaping is provided to assimilate the development into the site, and to ensure that new and existing boundary treatments are appropriate to the conservation area. Condition 7) is required to ensure that adequate provision is made for surface water drainage.
22. The Council have suggested a condition requiring the submission of details of low carbon or microgeneration technologies which would generate 10% of the energy required by the development. However, the application was accompanied by an Energy Statement which confirms that the proposed air source heat pump would achieve this and as such I have imposed condition 8) requiring the implementation of the air source heat pump as proposed. I have also included a requirement that this be installed and maintained in accordance with the Microgeneration Certification Scheme which will ensure that the pump operates within acceptable noise levels.
23. The Council have suggested a condition requiring the submission of a Construction Method Statement. However other legislation exists which relate to the use of the highway and nuisance, therefore given the small scale of the development I do not consider such a condition to be necessary. Conditions

removing permitted development (PD) rights have also been suggested. However, Paragraph 54 of the Framework states that planning conditions should not be used to restrict national PD rights unless there is clear justification to do so. In this case I see no such justification and therefore these conditions would not be reasonable or necessary.

Conclusion

24. The proposal would accord with the development plan as a whole, and there are no other considerations, including the Framework, which indicate that the appeal should be determined, other than in accordance with it. Therefore, the appeal is allowed.

E Pickernell

INSPECTOR