



Appeal Decision

Site visit made on 20 November 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2023

Appeal Ref: APP/V3310/W/23/3322119

42 Moorland Road, Bridgwater, Somerset

- 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 M Davis against the decision of Sedgemoor District Council.
 - The application Ref 08/22/00211, dated 5 December 2022, was refused by notice dated 5 January 2023.
 - The development proposed is "detached dwelling and associated parking and garden - amended scheme."
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Decision

1. The appeal is dismissed.

Main Issues

- The main issues are the effect of the proposed development on the living conditions of the occupants of No 42 Moorland Road with particular regard to outlook and light; and whether the proposed development would provide suitable living conditions for future occupants of the development.

Reasons

Neighbouring occupants

2. The proposed development would introduce a two-storey dwelling which would extend right up to, and in part along the shared boundary with No 42 Moorland Road. The side elevation, closest to No 42 would be a blank elevation. Owing to its height, depth and proximity, the proposed dwelling would be overbearing when viewed from the rear windows and garden area of No 42 leading to an oppressive outlook for its occupiers. The proximity of the proposed dwelling would introduce overshadowing to the rear garden, whilst this may only be for parts of the day it would restrict its use by occupiers. The proximity of the proposed dwelling to the windows in the rear elevation of No 42 would restrict levels of light entering them, which would result in the rooms they serve being unduly gloomy to the detriment of their usability and the occupants of No 42.
3. The appellant has drawn my attention to the relationship between other properties in the wider area. Whilst I do not have full details, I do not consider that existing poor levels of living conditions nearby is adequate justification to allow unsatisfactory development.
4. The appellant has asserted that the impact of the proposal on No 42 would be minimised as it, No 42 A and the proposed development are in the same ownership. Whilst this may be the case, I cannot be certain that all properties would remain in the same ownership. In any event, the fact that properties are

in the same ownership does not mean that inadequate levels of living condition should be provided.

5. Overall, the proposed development would harm the living conditions of the occupants of No 42 in terms of outlook and natural light. It would therefore fail to accord with Policies D2 and D25 of the Sedgemoor District Council Local Plan (2019) (LP) which seek, amongst other things, to ensure that new development respects the amenity value of the occupiers of nearby buildings and protects the amenity and privacy of neighbouring properties and does not unacceptably impact on residential amenity. The proposed development would also be contrary to paragraph 130 of the Framework that seeks high standards of amenity for existing users.

Future occupants

6. LP Policy D2 also encourages high quality and inclusive design. Whilst the policy does not specify minimum space requirements, it does state that development should be attractive and safe and enjoyable to use. The proposed development would have access to a private garden located to the rear of the dwelling which would be enclosed by a 1.8-metre-high fence.
7. In comparison to nearby dwellings the proposed outdoor amenity space would be small and would offer limited space. Further, due to the confined space and the height of the proposed boundary treatment, and the projecting single storey extension, the amenity space would have a high degree of enclosure. Consequently, the proposed development would not provide an attractive or enjoyable space to use. This would be to the detriment of living conditions of future occupiers.
8. The Council are concerned that the proposed amenity space would be overlooked from the rear windows of No 42. The amenity space, when viewed from No 42 would be located behind a single storey extension and 1.8 metre fence. These features would effectively screen the space from the first-floor windows of No 42. As such, there would be little opportunity to overlook this space.
9. Whilst I have not found harm in relation to overlooking, the proposed development would not provide suitable living conditions for the occupants of the development with particular regard to external amenity space. The proposal would therefore be contrary to LP Policies D2 and D25 which seek, amongst other things, to ensure that developments do not unacceptably impact on the residential amenity of future occupants. The proposed development would also be contrary to paragraph 130 of the Framework that seeks high standards of amenity for existing users.

Conclusion

10. For the above reasons, there are no relevant material considerations, including the approach of the Framework, which would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed.

Tamsin Law

INSPECTOR