



Appeal Decision

Site visit made on 24 November 2023

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2024

Appeal Ref: APP/D0121/W/23/3321069

18 Cross Lanes, Pill, North Somerset BS20 0JQ

- 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 John Lilley, Oaktree Holdings, against the decision of North Somerset Council.
 - The application Ref 22/P/0961/FUL, dated 12 April 2022, was refused by notice dated 18 January 2023.
 - The development proposed is erection of a two storey dwelling and associated works on land to the rear of 18 Cross lanes Road, Pill. Accessed from Ruddleigh Road.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 19 December 2023.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's name in the banner heading above is taken from the appeal form as opposed to the original planning application form. This is because the agent on the original application (who is not acting as the agent on the appeal) mistakenly identified himself as the applicant on the original forms.

Main Issues

3. The main issues are the effect of the proposal on: a) the character and appearance of the area; and b) the living conditions of neighbouring residents at Nos. 17 and 18 Cross Lanes.

Reasons

Character and Appearance

4. The appeal site forms part of the rear garden to no. 18 Cross Lanes (no. 18), which sits on the corner of Cross Lanes and Rudleigh Road. The surrounding area is residential in character and includes a mix of property types, with the precise style and design of dwellings varying. However, neighbouring properties primarily comprise of semi-detached dwellings that are set in fairly sizeable plots.
5. The proposal would result in the development of a two-storey detached dwelling fronting onto Rudleigh Road. Despite being detached, the proposed dwelling's height and overall massing would be generally reflective of neighbouring properties. However, whilst the proposal would benefit from front

and rear gardens, as well as off-street parking, it would be served by a much smaller plot than most neighbouring dwellinghouses. Indeed, given the size of the proposed dwelling, its plot size, and its positioning within the plot (e.g. tight to its side boundary) I find that the proposal would appear as a rather cramped form of development.

6. In coming to the above view, I recognise that the proposed dwelling would be spaced a roughly equal distance between the adjacent dwellings of no. 18 and no. 22 Rudleigh Road. Despite this, the proposal would appear cramped, thereby not reflecting the wider pattern of development within the street, while it is also located in a rather prominent position within the streetscene.
7. The proposed dwelling would sit forward slightly of the adjoining pair of semi-detached dwellings, however, it would largely reflect the building line of the majority of the properties on Rudleigh Road. As such, I am less concerned by this aspect of its design. Nevertheless, this does not overcome my above concerns.
8. Accordingly, I find that the proposal would cause harm to the character and appearance of the area. It therefore conflicts with Policy CS12 of the North Somerset Core Strategy (adopted 2017) (the Core Strategy), and Policies DM32 and DM37 of the North Somerset Sites and Policies Plan (Part 1) (adopted 2016) (the Local Plan Part 1). Together these policies, amongst other matters, seek to ensure that development is of a high-quality design and enhances the local character and distinctiveness of the area.

Living Conditions

9. The rear elevation of the proposed dwelling would be sited very close to the boundary with no. 17 Cross Lane. The proposed dwelling would also be orientated in a manner that upper floor windows would overlook almost the entirety of that neighbouring property's garden, whilst also providing close range views towards rooms at the rear of the neighbouring dwelling.
10. There is already some degree of mutual overlooking between neighbouring properties in the surrounding area. However, the proposed development, due to its siting, orientation, and close relationship with no. 17, would result in a much more intrusive and harmful level of overlooking. It would therefore lead to a harmful loss of privacy to the occupiers of that property.
11. The proposed dwelling would also sit in very close proximity to no. 18, with a two-storey, largely blank, side elevation located approximately 7m from the rear elevation of the existing dwelling. Whilst only a small part of the proposed dwelling would be parallel to the rear elevation of no. 18, it would still introduce a large, imposing building in very close proximity to both the dwelling and its remaining rear garden space. Indeed, I find that the scale and siting of the proposal in relation to no. 18 would result in harmful overbearing impacts and loss of outlook and light to the neighbouring occupiers.
12. The proposal is therefore contrary to policies DM32 and DM37 of the Local Plan Part 1 and the aims of the North Somerset Residential Design Guide SPD (Section 1: Protecting living conditions of neighbours) (adopted 2013). Together these policies and guidance, amongst other matters, seek to ensure that new development proposals safeguard the living conditions of neighbouring occupiers.

Planning Balance and Conclusion

13. I have found that the proposal would conflict with the policies of the Local Plan in regard to being sympathetic to the character and appearance of the area and safeguarding the living conditions of neighbouring residents.
14. 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)ii) 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.
15. 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, including through ensuring that development is sympathetic to local character and the surrounding built environment. Similarly, the Framework also advocates for the provision of high standards of amenity for existing and future residents.
16. I therefore see no fundamental conflict between the aims of the Framework and Policy CS12 of the Core Strategy or Policies DM32 and DM37 of the Local Plan Part 1. Consequently, I give significant weight to the conflict between the proposal and these development plan policies.
17. Set against this harm, the proposal would make a positive contribution to the Council's housing land supply, while there would also be socio-economic benefits associated with the delivery of an additional dwelling. However, one additional unit would make little difference to the overall housing delivery position, whilst the associated benefits would be limited. Therefore, I find that the adverse impacts of the development would significantly and demonstrably outweigh the benefits.
18. 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