



Appeal Decision

Site visit made on 16 January 2024

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024

Appeal Ref: APP/Q3305/W/23/3318216

115 Wells Road, Glastonbury, Somerset BA6 9AJ

- 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 Neil Kite against the decision of Somerset Council.
 - The application Ref 2020/1598/FUL, dated 19 August 2020, was refused by notice dated 26 September 2022.
 - The development proposed is described on the application form as, "Proposed bungalow north of 115 Wells Road, Glastonbury".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal was submitted against the decision of Mendip District Council. Somerset Council has now taken over the functions of Mendip District Council. Somerset Council has therefore been named in the banner header, above.
3. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. The main parties were provided with an opportunity to comment and I have taken the comments received into account. I have had regard to the December 2023 version of the Framework in my decision.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site chiefly consists of the rear garden of 115 Wells Road (No 115), a detached 2-storey dwelling. The wider area is varied with respect to its built form, density, and uses, and includes a nearby bungalow (111 Wells Road). However, the primary relationship of No 115 is with the group of dwellings of which it forms a part on Wells Road. Each of these dwellings benefit from long rear gardens which contribute to the spaciousness of the area, as does the large car park associated with a building known as the Waggon & Horses (stated by the appellant as now being in use as an 'Airbnb'), located adjacent to the site.
6. The presence of the wide and deep rear garden at No 115 is particularly noticeable due to its location at the end of the run of dwellings of which it forms a part, and it makes a positive contribution to the spacious character of the area. The large block of garages behind 167 Wells Road and the various

outbuildings behind 169 Wells Road are sufficiently distant from the site so as to not undermine this spacious character. The numerous trees and shrubs present in the rear gardens of the group of dwellings of which the site forms a part, and the trees and area of green space to the rear of the car park associated with the Waggon & Horses building, contribute to the verdant character of the area.

7. In its proposed location to the rear of No 115, whilst the materials of the proposed bungalow would complement nearby dwellings, it would not be in keeping with the largely linear pattern of development along Wells Road of which the site forms a part, which consists of detached and semi-detached dwellings with gardens / driveways directly fronting Wells Road.
8. Due to its large footprint and proposed siting in a rear garden area, it would erode much of the contribution which the site makes to the spacious and verdant character of the area, referred to above, even taking account of the proposed planting and landscaping which could be secured by planning condition. As a single-storey dwelling situated to the rear of No 115, it would also appear as an incongruous addition amongst the array of nearby 2-storey dwellings fronting Wells Road.
9. The comings and goings to the proposed new bungalow, including from vehicles, and the accumulated domestic paraphernalia which would be visible from the rear windows of nearby dwellings on Wells Road, would serve to undermine the established character of the area, where backland development consisting of single dwellings is not commonplace.
10. Merrick Road and Baily Close are cul-de-sacs, each having a legible pattern of development mainly consisting of numerous dwellings directly fronting the road. The block of garages behind 167 Wells Road and the outbuildings behind 169 Wells Road, referred to above, are not perceived in the street scene as comprising independent residential dwellings. As such, these examples are not directly comparable with the proposed development of one new dwelling, which is proposed to be situated in a backland location. They do not change my findings as a result.
11. I therefore find that the proposed development would have an unacceptable and harmful effect on the character and appearance of the area. It would conflict with part 1. of Policy DP1 of the Mendip District Local Plan 2006-2029 – Part 1: Strategy and Policies (adopted 2014) (Local Plan) which provides that, amongst other things, all development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness across the district, and with part 1. a) of Policy DP7 of the Local Plan which provides that proposals for new development should demonstrate that they are of a scale, mass, form and layout appropriate to the local context.
12. The proposed development would also conflict with paragraph 135 c) of the Framework which provides that, amongst other things, planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Other Matters

13. The conduct of the Council during the processing of the planning application is not a matter that I can assess in the context of a planning appeal.

Planning Balance

14. The Council did not refuse the application on matters relating to highway safety, the living conditions of nearby occupiers, or the living conditions of the future occupiers of the proposed bungalow. I also note that the Inspector in appeal decision Ref APP/Q3305/W/20/3246746 did not find a proposed development of 2 semi-detached dwellings to be unacceptable in relation to these matters. However, even if I were to likewise reason that the proposed development would be in compliance with the development plan and the Framework in these respects, these would be neutral factors rather than ones which weigh positively in favour of the proposed development.
15. Whilst I note the size of the garden, the site appears to currently be in residential use, and in this context few details have been provided to show that the rear garden at No 115 is under-utilised in land use terms, with respect to paragraph 124 d) of the Framework. As such, this is a neutral matter, which does not weigh in favour of the proposed development.
16. The appellant has asserted that the Waggon & Horses site will be developed in the near to medium term future. However, as few details have been provided to substantiate this, this matter can only be given very little weight in support of the proposed development.
17. Although reference has been made to the proposed new dwelling being a self-build project (which is supported by the Framework), no mechanism is before me to secure this, which means that only little weight can be given to this matter.
18. The appellant has referred to the potential for a similarly-sized structure to be built under permitted development rights. The evidence indicates that there is a real prospect of this occurring, in the event that this appeal is dismissed. However, whilst in visual terms such a structure could be similar to the proposed bungalow, it would not be occupied as an independent residential dwelling. Hence, its effect on the character of the area in terms of comings and goings and the presence of domestic paraphernalia would not be as pronounced as the proposed development. It would accordingly be less harmful in planning terms than the proposed development. The fall-back position has been given little weight in support of the proposed development as a result.
19. The site is in an accessible location near to Glastonbury town centre. It is common ground between the main parties that the Council currently cannot demonstrate a 5-year supply of deliverable housing sites. The appellant has stated that Mendip District Council's latest 5-year housing land supply position as at October 2022, is that there is a supply of 3.7 years, and this figure has not been disputed by the Council. The proposed development of one new dwelling would provide a very modest contribution to addressing this shortfall. The proposed bungalow would contribute towards housing choice and mix in the local area, especially considering the needs of older people.
20. The proposed development would provide work for construction professionals, and would support the local construction materials supply chain. The future

occupiers of the proposed development would also likely support local services and facilities.

21. The proposed bungalow would be water and energy efficient (including through the use of solar panels), and bicycle storage would be provided, which in combination would help to minimise the proposed development's impact on the environment.
22. The above-mentioned considerations would be in compliance with a number of the Council's development plan policies, including part 1. a. of Core Policy 1 of the Local Plan, which seeks to direct development towards 5 principal settlements, including Glastonbury, and with part 3 of Core Policy 1 which provides that, amongst other things, in identifying land for development the Local Plan's emphasis is on maximising the re-use of appropriate previously developed sites and other land within existing settlement limits as defined on the Policies Map.
23. Taking account of the minimal quantum of one new dwelling in light of the Council's shortfall of deliverable housing sites (which is not severe), and all of the benefits identified above (including the potential exercise of permitted development rights), moderate weight has been given to the proposed development's compliance with the relevant policies of the development plan.
24. The proposed development would have an unacceptable and harmful effect on the character and appearance of the area. Given that it would not ensure that the distinctive character and diversity of places within Mendip is considered maintained and where possible enhanced, as required by paragraph 6.13 of the Local Plan, very significant weight has been given to the proposed development's conflict with the development plan. It follows that the proposed development would conflict with the development plan when considered as a whole.
25. As mentioned above, the Council is currently unable to demonstrate a 5-year supply of deliverable housing sites, meaning that paragraph 11 d) of the Framework is engaged.
26. In this regard, the proposed development would support the Government's objective of significantly boosting the supply of homes, mentioned at paragraph 60 of the Framework. I am also mindful of paragraph 70 of the Framework which provides that, amongst other things, small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. Nevertheless, the overall scale of the economic, social, and environmental benefits of the proposed development would be constrained by the minimal quantum of development, of one new dwelling only, resulting in no more than moderate weight being accorded to these benefits.
27. The proposed development would not support the creation of high quality places. As paragraph 131 of the Framework stresses that this is fundamental to what the planning and development process should achieve, this is a matter of considerable importance, to which I ascribe very significant weight.
28. Balancing the very significant weight of these adverse impacts against the moderate weight given to the collective benefits of the proposed development, the adverse impacts would significantly and demonstrably outweigh the

benefits, when assessed against the policies of the Framework taken as a whole. The proposed development would not benefit from the presumption in favour of sustainable development, found at paragraph 11 of the Framework.

29. Overall, I find that none of the other considerations, which include the Framework, indicate that this appeal decision should be taken otherwise than in accordance with the development plan.
30. As mentioned in the first reason for refusal given in the Council's decision notice, the Council has raised concerns in relation to potential impacts arising from an increase in phosphate levels on the Somerset Levels and Moors Ramsar site (including relevant protected species). However, as the appeal is being dismissed for other reasons, there is no need to consider the potential implications of the proposed development in this respect. I therefore make no further comments on this matter.

Conclusion

31. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR