



Appeal Decision

Site visit made on 23 January 2024

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2024

Appeal Ref: APP/D0121/W/23/3328897

Land west of Alma Street, Weston-super-Mare BS23 1QN

- 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 Blake (Roccaforte Holdings) against the decision of North Somerset Council.
 - The application Ref 23/P/1102/FUL, dated 28 May 2023, was refused by notice dated 11 August 2023.
 - The development proposed is redevelopment of a brownfield site and erection of a residential dwelling (Use Class C3), with landscaping and other associated infrastructure.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal the revised National Planning Policy Framework (Framework) was published. The main parties have had the opportunity to make comment on any implications of this change during the appeal timetable.

Main Issue

3. The main issue is whether the proposed development would provide acceptable living conditions for its future occupiers, with regard to light, outlook, privacy and access, and the effect of the proposal on the living conditions of the occupiers of 37 Alma Street, with regard to privacy.

Reasons

4. The appeal site is a small vacant plot of land which formerly featured a now demolished warehouse building and is surrounded by residential, and in the wider area, commercial properties. The site backs onto 37 Alma Street, with a neighbouring building in close proximity to the northern side of the site.
5. The proposal would introduce a two storey flat roof building onto the site, which would have a 'reverse' floorplan, with living, dining and kitchen area on the first floor, and bedroom, study, bathroom and utility areas on the ground floor. Due to the site's size and surrounding built form, it is somewhat constrained, and the design of the proposal, including the window arrangement, reflects the constrained nature of the site.
6. The Council's Supplementary Planning Document 'Residential Design Guide – Section 1' (SPD) advises that main sources of light serving habitable rooms are at least 12 metres from two storey buildings and developments that result in a

- distance of less than 12 metres will normally result in a significant loss of light and overbearing impact.
7. The main source of light to the first floor would be through a combination of roof lights, a high-level window, an obscure glazed window and a glazed door leading to a terrace area. Light to the ground floor bedroom would be provided by French doors to a further terrace area, with the study being provided with a high-level window.
 8. It is put to me that due to the above stated sources of light and gaps in the surrounding built form around the appeal site, the living space at first floor level is capable of receiving 1.5 hours of sunlight on 21st March, in accordance with BRE guidance '*Site Layout Planning for Daylight and Sunlight: a good practice guide*'.
 9. I acknowledge that the dining room window would be capable of receiving some sunlight at certain times of the day. Furthermore, the rooflights would provide daylight to the upper floor, although sunlight would be constrained due to the rooflights being within a flat roof. Nevertheless, the proximity to walls of the doors serving the bedroom and dining area and window serving the study area would result in reduced light.
 10. However, noting the guidance within the SPD and given the close spatial relationship I observed with surrounding built form and constrained sources of light, no substantive evidence such as a daylight / sunlight survey is before me which provides me with confidence that the proposal would provide acceptable levels of light. Moreover, outlook for future occupiers would be severely limited due to the use of high level rooflights, dining room window being obscure glazed, the living room window being of high level and the proximity and height of both terrace walls to the doors.
 11. The terrace areas are small, although provide sufficient space for two people to sit out. However, notwithstanding potential planting in the form of 'green living walls', the terraces are substantially enclosed. Combined with their small size and the limited overall outlook available from within the proposed dwelling, the terraces would not negate from an oppressive feeling of confinement for future occupiers.
 12. Due to the spatial relationship of 37 Alma Road to the appeal site, the rear windows of this property would be in close proximity to the rear of the proposal. However, this proximity is not unusual given the tight urban grain of the area. Despite its close vicinity, due to both being high level and its small size, the proposed first floor rear window would not significantly overlook or impact the privacy of occupiers of 37 Alma Road.
 13. Moreover, given the relationship between the proposed French doors and the rear windows of 37 Alma Road, any overlooking would also be limited due to a restricted line of sight created by the intervening built form of the rear projection of 37 Alma Road.
 14. The appeal site is located along, and accessed via a footpath which also provides access to other residential properties. Whilst this footpath is narrow and enclosed to the north, it widens to the south of the site, where I observed street lighting. The Council have brought my attention to evidence of crime and anti-social behaviour in the immediate area, and although the reported crime in

this location may be comparatively low compared to the wider town centre area, this only relates to reported incidents.

15. However, the proposal would provide a new dwelling in a vacant site which would add to the natural surveillance of the footpath and surrounding residential area. Such additional natural surveillance, combined with outside lighting which could be secured by a planning condition, could discourage future crime and antisocial behaviour in the area and would not result in unacceptable living conditions for future occupiers in this respect.
16. To conclude, the proposed development would not result in a harmful effect on future occupiers living conditions with regards to privacy or access, or on the living conditions of the occupiers of 37 Alma Street with regard to privacy. Nevertheless, the proposed development would result in harmful living conditions for its future occupiers, with regard to outlook and light. In this respect the proposal would conflict with policies CS12 and CS14 of the North Somerset Core Strategy 2017 (CS) and policies DM32 and DM37 of the North Somerset Sites and Policies Plan (Part 1) 2016 (PP). These policies seek, amongst other things, to avoid poor design standards and ensure design and layouts do not prejudice the living conditions for future occupiers. There would also be conflict with the provisions of the Framework in relation to design, which seeks development that functions well and creates a high standard of amenity for future users.
17. CS Policy CS15 as referenced within the Council's reasons for refusal refers to mixed and balanced communities. This Policy seeks, amongst other things, to ensure a genuine mix of housing types that contribute to creating an accessible, inclusive and safe community with easy access to a range of services. In this respect, I do not find any conflict with CS Policy CS15.

Other Matters

18. The appeal site is within the Great Weston Conservation Area (CA). Section 72 (1) of the Listed Buildings and Conservation Areas Act 1990 requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. From my observations, in so far as they relate to this scheme, the significance of the CA arises from the consistency of materials but broad mix of architectural styles in the area, and pattern of development, which illustrates the historic expansion of this area of the settlement.
19. The proposal would utilise materials similar to those in the surrounding area, and whilst being of more contemporary appearance, would reflect the scale of nearby buildings and not appear out of character. Therefore, I find the proposal would not harm the character or appearance of the CA, and I note the Council have come to the same conclusion.
20. Another planning permission within the London Borough of Hackney is cited by the appellant. However, even if that proposal related to a scheme of similar scale and successfully drove the regeneration and improvement of the area, it differs from the current proposal in several ways, notably in its fenestration detail and relationship with surrounding built form. This limits the equivalence to the current proposal. Moreover, the current appeal proposal has its own circumstances, and I shall determine it on its own merits.

21. I acknowledge the appellant's comments about the Council's handling of the application. While I note the appellant's frustrations, this has little to do with the planning merits of the case, which I have considered on the basis of the evidence before me.

Planning Balance

22. The Council is currently unable to demonstrate a deliverable five-year supply of housing sites as required by the Framework. In these circumstances the Framework states that permission should be granted unless policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development or, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
23. The proposal would achieve an incremental increase in housing supply and add to the mix of housing in a potentially quick timeframe, in support of the Government objective of boosting the supply of homes, in an area with an acknowledged lack of future provision.
24. The contribution of one new energy efficient one-bedroom dwelling on brownfield land in a location close to and within easy walking and cycling access to local services and facilities, noting the support within the Framework for utilising suitable brownfield land, would be a moderate benefit in the context of the Council's current housing land supply shortage and limited scale of the contribution. Furthermore, there would be limited short term economic benefits from the construction of the building and from the future occupation of the dwelling and associated spending in the locality.
25. Further benefits would flow from the proposal including increased natural passive surveillance and lighting for neighbouring properties and potential biodiversity enhancement of the site, and the contribution to the regeneration of the area. However, given the modest scale of the proposal, I afford these benefits limited weight.
26. The development would also provide appropriate internal space standards; is of an appropriate design and would not significantly overlook neighbouring properties; provides cycle storage; and will result in an efficient building. However, these are ordinary requirements for new development, and are therefore neutral factors in the planning balance.
27. The proposal would not provide acceptable living conditions for future occupiers, which is contrary to CS policies CS12 and CS14 and PP policies DM32 and DM37 and conflicts with the development plan as a whole. The policies that the scheme conflicts with are broadly consistent with the Framework. As such, and due to the degree of harm I have identified, I give the conflict with these policies substantial weight.
28. While I have found the contribution to housing supply to be a moderate benefit alongside other limited benefits, I find in this case the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would not represent sustainable development.

Conclusion

29. The proposal would conflict with the development plan, read as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

S Harrington

INSPECTOR