



Appeal Decision

Site visit made on 19 February 2024

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2024

Appeal Ref: APP/D0121/W/23/3329074

Oakleaze, Highridge Road, Dundry, North Somerset BS41 8JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by James Palmer against North Somerset Council.
 - The application Ref is 23/P/0029/FUH.
 - The development proposed is extensions and internal alterations comprising an increase in height to the existing rear extension to provide a master suite at the second-floor level, with the roofline continuing to the front of the property, forming a front extension (mirroring attached neighbour) and single storey flat roof extension to rear, replacing existing conservatory, removal of existing front porch extension, with main entrance relocated to adjacent extension.
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Decision

1. The appeal is dismissed and planning permission for extensions and internal alterations comprising an increase in height to the existing rear extension to provide a master suite at the second-floor level, with the roofline continuing to the front of the property, forming the front extension (mirroring attached neighbour) and single storey flat roof extension to rear, replacing existing conservatory, removal of existing front porch extension, with main entrance relocated to adjacent extension is refused.

Preliminary Matters and Main Issues

2. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect. However, as the Framework's policy content insofar as it relates to the main issues has not been significantly changed there is no requirement for me to seek further submissions on this latest version. I am satisfied no party would be prejudiced by the appeal being determined accordingly.
3. The appeal was submitted following the Council's failure to give notice of its decision within the prescribed period. The Council has confirmed, in their appeal statement, the reasons for refusal had a decision been made before the appellant lodged the appeal.
4. Consequently, the main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

Character and appearance

5. The appeal property comprises a two-storey cottage of modest proportions with a simple fenestration arrangement. Its unpretentious character is maintained by its sunken position relative to Highridge Road. Combined with the adjoining dwelling, the appeal property's wide façade of part stone, part render, creates the appearance of a short row of compact cottages, punctuated at either end by the forward projection of The Ridge and the roadside siting of Hillview.
6. The proposed development would alter this appearance through the introduction of a two-storey front extension with a gable end roofscape. Furthermore, the number, proportions, arrangement and style of the fenestration proposed across the façade would have a contemporary character that conflicts harshly with the humble appearance of the host dwelling. Despite the presence of more modern buildings within the wider area, the proposed development would be harmful to the character and appearance of the row of three properties. This harm is not justified by the size of the existing windows and the appellant's view that they do not provide the desired level of daylight and extent of outlook.
7. The front extension comprises half the width of the property frontage, with a similar bulk, roofscape and design as the gable end projection of The Ridge, including a mismatched ridgeline and eaves height to the existing property. However, these features on the front projection of The Ridge, in addition to the vertical emphasis created by the window proportions and arrangement, result in a character which is not wholly sympathetic to the host building. As such, the form of the adjacent property is not justification for permitting development which would harm the character and appearance of the area, even if it would replace the existing side extension.
8. Whilst I observed a range of external materials in the wider surroundings during my site visit and as demonstrated in the appellant's examples, including timber cladding, the predominant material in the immediate street scene is stone. As the appeal scheme includes the use of timber cladding to part of the front extension, it would therefore introduce a material not currently visible on the appeal property or its immediate neighbours. Moreover, its irregular arrangement heightens the contemporary appearance of the façade in the street scene and its domineering effect on the unassuming vernacular of the existing dwelling.
9. I conclude that the proposed development would harm the character and appearance of the area, contrary to Policy CS12 of the Core Strategy and policies DM32 and DM38 of the DMP¹. Taken together, these policies require proposals to demonstrate a sensitivity to local character, take the opportunity to enhance the sense of place and local identity and, in the case of extensions, respect the design and character of the existing property, amongst other provisions.
10. It would conflict with the Design Guide² which supports the above policies through setting out the principles that enable extensions to be in keeping with or enhance both the original house and the character of the local area.

¹ Development Management Policies Sites and Policies Plan Part 1 (the DMP)

² Residential Design Guide Supplementary Planning Document (the Design Guide)

11. As I have found that the proposed development would not be sympathetic to the local character, it also conflicts with Chapter 12 of the Framework in this regard.

Other Matters

12. The appeal site is located within the North Somerset and Mendip Bats Special Area of Conservation (the SAC), a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017. Bats are species protected under Part 1, Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Had the Council issued a decision notice for the proposed development, it would have included a reason for refusal related to the protected species as it had not been demonstrated that bats are not present on the site.
13. I note the willingness of the appellant to undertake the necessary survey work to determine the presence of bats, although no such survey is before me. If the circumstances leading to the grant of planning permission had been present, it would have been incumbent on me as the competent authority to consider whether the development would be likely to have a significant effect on the protected species and the SAC. However, as I am dismissing the appeal on the main issue above, I have not found it necessary to consider this matter further as this would not alter the outcome of the appeal.
14. Even if I were to determine that the proposed development would not result in a disproportionate addition to the original dwelling and would therefore not be inappropriate development in the Green Belt, this assessment is based on a floorspace metric, not a matter of design. Consequently, it would not outweigh the harm to the character and appearance of the area I have identified above.
15. Any concerns regarding the behaviour of the Council during the determination period of the application, including the length of time to respond to correspondence from the appellant, falls outside the remit of this decision.

Conclusion

16. The proposed development would conflict with the development plan as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and development plan conflict. Therefore, having regard to all matters raised, I conclude that the appeal should be dismissed and planning permission refused.

Juliet Rogers

INSPECTOR