



Appeal Decision

Site visit made on 9 April 2024

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th April 2024

Appeal Ref: APP/D0121/W/23/3329005

Land between 16 and 18 Winchcombe Close, Nailsea BS48 4TF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Furiad Ullah against the decision of North Somerset Council.
 - The application Ref 23/P/0445/FUL, dated 21 February 2023, was refused by notice dated 10 August 2023.
 - The development proposed is construction of two four bedroom dwellings with associated accesses and off street parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. Attention is drawn to an emerging local plan. However, this is at an early stage of preparation, and I am unable to establish the extent of matters that may be unresolved. The plan attracts very limited weight accordingly.
3. The Council's reasons for refusing planning permission included concerns about historic coal mining activities in this area. The appellant has submitted a Coal Risk Assessment in this appeal process. The Council has indicated, subject to this report being satisfactory, it does not wish to defend this reason for refusal.
4. The Coal Risk Assessment includes a Coal Authority Report that states that the property is in a surface area that could be affected by underground mining. However, the property is not affected by present underground mining. Also, no notices have been given that the land is at risk of subsidence, and there are no recorded coal mine entries within 20 metres of the property's boundary. The Coal Authority advises specialist technical guidance is required to inform design and construction matters, and I am content this could be addressed by conditions. The Coal Risk Assessment concludes that this matter is a negligible issue and, given the above I find nothing which would lead me to doubt this.
5. Therefore, the main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the provision of recreational open space in the area.

Reasons

Character and Appearance

6. The appeal site is a small plot of relatively undeveloped land, covered with grass and flanked by the relatively blank walls of neighbouring dwellings. Views from the site are largely limited to properties on Winchcombe Close and of a footpath and properties to the rear of that Close.
7. The site has not been designated as a local green space in the development plan. Be this as it may, generally devoid of structures, the site provides a distinct visual break in the terraced dwellings in this part of the street. In turn, the relatively undeveloped site provides a green contrast with the surrounding closeknit built form, and in this regard, it is a positive feature in the area.
8. The proposal would substantially fill this undeveloped space with two sizeable homes. As such the existing sense of space and contrast in this part of the street would be considerably eroded. There would no longer be a significant break in the built form in this section of Winchcombe Close.
9. While there are detached properties in the wider area, the immediate vicinity of the appeal site is distinctly characterised by terraced properties with sloping roof planes fronting the street. This proposal would result in the existing space being filled with detached, forward-facing gabled, dwellings. Even constructed in matching materials, as an uncommon form in this immediate setting, the large family homes would be at odds with the existing surrounding built form. As such, the new dwellings would appear incongruent additions in this area and would not readily assimilate into the existing street scene. In this regard, the development would not be sensitive to the prevailing local character and would appear a poor design in this area.
10. I therefore find that the proposal would have a significant harmful effect on the character and appearance of the area. In this regard the proposal would be inconsistent with Policy CS12 of the North Somerset Council Core Strategy (Core Strategy), Policies DM32 of the North Somerset Council Development Management Policies Sites and Policies Plan Part 1 (Part 1 Plan) and Policy SA6 of the North Somerset Council Sites and Policies Plan Part 2 Sites Allocations Plan (Part 2 Plan). These Policies collectively seek, amongst other matters, high quality design.
11. Attention is drawn to Policy DM38 of the Part 1 Plan which, amongst other matters, guides extensions to existing residential properties. Residential Design Guide Section 2: Appearance and character of house extensions and alterations is also highlighted. While these may not be determinative for proposals for new dwellings, this Policy and guidance are relevant inasmuch as they seek high quality design and I have found this proposal would conflict with development plan policies in this regard.

Open Space

12. Submitted representations suggests that the appeal site is used as an informal play area and at times functions as a space for local residents to gather to celebrate national events. As a relatively flat plot of land, with a regular shape,

and being at the core of the terraced dwellings, the site seems well placed for such neighbourhood events.

13. There are other playing fields, public open spaces and playgrounds close to this area. However, it seems to me that those spaces do not have the specific qualities of the appeal site. In addition to the site's convenient location, it is a significant additional plot of land in a part of the street which has few verges and where properties have only modest private gardens. With these qualities the site seems particularly suitable for local people to meet and to support community events. In turn, this existing space has the potential to positively contribute to the health and well-being of local residents in this area.
14. It is understood that the appeal site is not a designated open space. Be this as it may, as already stated, the site is generally devoid of structures and boundaries such that it is a distinct open space. Moreover, the supporting text of Policy DM68 of the Part 1 Plan clarifies that land falling within the definition of this Policy could include public and private open space. In any event, no compelling evidence has been advanced that this open space is not an existing community facility, and as already outlined, this proposal would result in this existing space being substantially covered by two dwellings.
15. This proposal does not appear to provide alternative provision for this open space or certainty that this community use would be retained in anyway. Nor has it been proven that this space is redundant, surplus land, or is undeveloped land that does not have recreational value. As such it has not been demonstrated in this case that this proposal would satisfy the criteria of Policy DM68 for the development of community sites for other uses or the provisions of the Framework in respect of this matter.
16. In light of the above, I find that the proposal would have a harmful effect on the provision of recreational open space in the area. In this regard the proposal would fail to accord with Policy CS27 of the Core Strategy and Policy DM68 of the Part 1 Plan. These Policies collectively state, amongst other matters, that land in existing use, for use for a sporting, cultural or community facility, are protected for that purpose unless the land is allocated for another purpose in another planning document.
17. In this regard, the proposal would also fail to accord with relevant provisions of the Framework which promote healthy and safe communities and seek to provide the social, recreational, cultural facilities and services the community needs.

Planning Balance and Other Matters

18. The Council is unable to demonstrate a 5 year housing land supply. Indeed, the evidence indicates a considerable shortfall in this regard. The provisions set out in Paragraph 11 of the Framework are therefore relevant in this case.
19. This proposal would contribute to the Government's objective to significantly boost the supply of homes. Providing two additional much needed family homes would also contribute to the mix of houses in this area. This benefit attracts significant weight given the extent of the housing shortfall. There would be economic benefits through the construction phase of the development and future occupants would also contribute to the local economy and to

community vibrancy. Also, energy efficiencies in the new dwellings are proposed and this is a matter which could be secured by condition.

20. This is a small windfall site that could be built quickly. The site is also in a built-up area such that the new dwellings would be well related to a range of local services. However, given the scale of the development, these social, economic and environmental benefits would be moderate.
21. It is asserted that the proposal would be an efficient use of previously developed land, for which there is support in the Framework. However, the Framework qualifies that this should be achieved while, amongst other matters, maintaining an area's prevailing character. This would not be the case with this proposal.
22. The appellant also disputes the value of the site as a community facility or recreational open space. However, even if this ground for dismissing the appeal was resolved, it has not been demonstrated in this appeal that this harmful design would be the only means of securing the benefits identified above and this factor considerably counters these benefits.
23. The identified adverse impacts, in respect of character and open space, would significantly and demonstrably outweigh the limited benefits outlined above, when assessed against the policies in the Framework taken as a whole. This would be the case even if these benefits are considered together. An urgent need for housing should not be a justification for poor design. The presumption in favour of development does not apply in this case.
24. Attention is drawn to policies and guidance that are not in dispute. However, I have found harm in respect of character and community facilities and conflict with the development plan when read as a whole.

Conclusion

25. Having regard to the development plan, the Framework and other material considerations, the appeal is dismissed.

A J Sutton

INSPECTOR