



Appeal Decision

Site visit made on 16 July 2024

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 July 2024

Appeal Ref: APP/E3335/W/24/3343137

92 Broadway, Chilton Polden, Bridgwater, Somerset TA7 9EQ

- 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 & Mrs Oram against the decision of Somerset Council.
 - The application Ref is 19/23/00014.
 - The development proposed is erection of 1no. dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area,
 - whether the proposal would provide adequate living conditions for its occupiers, with regard to outdoor amenity space, and
 - the effect of the proposal on the living conditions of the occupiers of 92 and 94 Broadway (Nos 92 and 94), with regard to outdoor amenity space.

Reasons

Character and Appearance

3. The site consists of overgrown land that historically formed part of the long rear gardens of Nos 92 and 94, but which has now been sub-divided from them by fencing. Within the village, the size of dwellings and plots varies. Some properties have rear gardens of limited depth, particularly the bungalows at Chapel Close, or within newer estate-type developments, such as at Langland Drive and White Meadow. However, in the immediate vicinity of the site, most dwellings have lengthy gardens to the rear, including many if not all which front onto Broadway and Broadway Avenue. Some also have fairly deep front gardens.
4. The proposal would face onto Broadway Avenue and would consist of a two-storey dwelling. A strip of land to the north side of the proposed dwelling is shown on the site plan to be within the plot but fenced off from it. This appears to be a drawing error. Nevertheless, even if this strip is treated as being part of the space serving the proposed dwelling, it would have a rear garden of short depth, with much of its amenity space to the side. This would appear contrived and uncharacteristic of other properties nearby.

5. The proposed dwelling would be positioned close to the southern edge of the appeal site. The frontage of the proposal would not be deep and would be largely used for parking and bin storage. Consequently, the space around the proposed dwelling would be significantly constrained. Given this, the close proximity of Nos 92 and 94, and the taller height of the proposal relative to these properties, it would have a cramped and over-developed appearance.
6. As a result, the proposal would fail to reflect the predominant pattern of development locally, appearing out of place. As such, it would harm the character and appearance of the area. For this reason, it would conflict with Policy D2 of the Sedgemoor Local Plan (SLP), adopted February 2019, which requires development to reflect and respond positively to the local characteristics of the site. I give significant weight to this conflict.

Living conditions – proposed dwelling

7. SLP Policy D25 contains no minimum standards for garden spaces. However, it makes clear that proposals which would unacceptably impact upon the residential amenity of future occupiers should not be supported. The proposal would have two bedrooms and so could potentially be occupied by a small family, thereby having a greater requirement for outdoor space than might be the case for a smaller property.
8. I have already found that the proposal would be cramped. For the reasons already given, the frontage would provide little practical space for amenity purposes. Even including the strip of land to the north of the proposed dwelling, the amenity spaces to the side and rear would be narrow and constrained, including by their L-shape and being partly taken up by landscaping and bicycle storage. Accordingly, their size and shape would limit their practical usability.
9. As a matter of planning judgement, I am not convinced that the proposal would provide adequate outside space. The appellants have referred to an approved dwelling at Escott Close, Bridgwater, said to have a small garden. However, I have few details of this case, and so it does not justify the proposed arrangement. I conclude that the proposal would not provide adequate living conditions for its occupiers with regard to outdoor amenity space. It would therefore conflict with SLP Policy D25, to which I give significant weight.

Living conditions – Nos 92 and 94

10. The rear gardens of Nos 92 and 94 are small relative to their historic plot size. This fairly recent arrangement may have been intended primarily to create the plot. However, the proposed division broadly represents the existing situation and I have little evidence to suggest that the existing properties will be provided with their original gardens in the future.
11. Although modest, the rear gardens as currently arranged provide secluded green space for the enjoyment of their occupiers. Moreover, although partly in use for vehicle parking, both Nos 92 and 94 are also served by reasonably large front gardens, with vegetation providing some screening and privacy within these areas. Given the available space to the front and rear, as a matter of professional opinion, both existing properties would have an adequate level of outside space.

12. For these reasons, the proposal would not have an unacceptable effect on the living conditions of the occupiers of Nos 92 and 94, with regard to outdoor amenity space. It would therefore comply with SLP Policy D25 in respect of this matter. However, this does not change my conclusion regarding the second main issue.

Other Matters

13. Construction of the proposal would make a positive economic contribution, for instance to the local building industry. Its future occupiers would also make social and economic contributions to the area. The proposal would result in the efficient use of land, close to services and facilities, and could be delivered quickly. The National Planning Policy Framework seeks to significantly boost the supply of homes. However, as a single dwelling, these benefits would be modest and so I give them limited positive weight.
14. The site is close to 90 Broadway, a Grade II listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest. The Council did not identify any harm to the listed building or its setting, and I see no reason to disagree. This matter is therefore neutral in the planning balance.

Planning Balance and Conclusion

15. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR