



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: 02 August 2024

Appeal Ref: APP/E3335/W/24/3342895

Land to the rear of 14 Wyndham Road, Taunton, Somerset TA2 6DX

- 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 and Mrs P Metherall against the decision of Somerset Council.
 - The application Ref is 38/23/0073.
 - The development proposed is described as demolition of dwelling and erection of a replacement one-bed single-storey dwelling on land to the rear of 14 Wyndham Road, Taunton.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the proposal from the Council's Decision Notice, which identifies it more clearly than the description used in the application form. This was agreed between the appellants and the Council during the course of the planning application and so I am satisfied that no prejudice would result.

Main Issues

3. 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 future occupiers, with regard to privacy, light, outlook and outdoor space, and
 - the effect of the proposal on the living conditions of the occupiers of 14 Wyndham Road (No. 14), with regard to privacy, light and outlook.

Reasons

Character and Appearance

4. Wyndham Road is a cul-de-sac consisting predominantly of two-storey detached dwellings in linear rows fronting the road. Most dwellings in the road have a reasonable degree of spaciousness between them, providing a low-density suburban character. External facing materials are predominantly of brick and render, with clay tile roofs. The site consists of what was historically the reasonably-sized garden of No. 14, also a detached two-storey dwelling. To the rear of the host dwelling is a single-storey timber cabin, with a shallow roof.

5. Although used initially as an ancillary building to No. 14, a 2021 Certificate of Lawful use¹ (CLUED) confirmed that the cabin had an existing lawful use as a separate dwelling (the CLUED dwelling). The proposal seeks to demolish it and erect a larger, replacement dwelling on the opposite side of the rear garden. It would have a contemporary design with a steep gable roof, finished in material appearing as corrugated metal.
6. The backland location of the proposal, well behind the rear building line of the row including No. 14, means that it would not reflect the existing pattern of development. The proposal would cover a sizable part of the existing rear garden, largely filling the width of its plot, with a steep roof. These factors, together with the close proximity of No 14 and the boundary treatments necessary for privacy would result in a constrained, 'hemmed in' appearance.
7. The proposed external materials seek to acknowledge the cabin, whilst raising standards in the area, including in respect of energy efficiency. However, the roof material would conflict markedly with the local vernacular. Despite screening from hedging and fencing, and the site levels, the proposal would be visible in the street scene and from nearby dwellings.
8. Terminating views are already provided by existing dwellings in Wyndham Road and so the proposal would not be beneficial in this respect. Instead, it would appear cramped, overdeveloped and out-of-place, including in comparison with the low-key cabin appearance of the CLUED dwelling. As a result, a planning condition requiring different external materials would not overcome my concerns. For these reasons, I conclude that the proposal would harm the character and appearance of the area.
9. As such, the proposal would conflict with Policy DM1 of the Taunton Deane Core Strategy (TDCS), adopted September 2012, Policy D7 of the Taunton Deane Site Allocations and Development Management Plan (SADM), adopted December 2016, as well as the Council's Design Guide Supplementary Planning Document (SPD), adopted December 2021. These require a high standard of design that responds to site context and local distinctiveness, without causing harm to the street scene. It would similarly conflict with the aim of the National Planning Policy Framework (the Framework) for development to be sympathetic to its surroundings. I therefore give this conflict significant weight.

Living conditions – the proposed dwelling

10. SADM Policy D12 and its justification states that every dwelling should have the benefit of individual or communal private amenity space. It requires a private garden for houses of 2+ bedrooms and shared private garden for one-bedroom flats and bedsits. The proposal is described and shown on the plans as being for a one-bed unit and would have its own garden area.
11. However, the supporting text to SADM Policy D12 makes clear that the shape, size and practical usability of the space are also considerations. There is no dispute that the internal size of the proposal would be large enough to accommodate up to three bedrooms, based on the minimum sizes within SADM Policy D10. The accommodation is intended to be occupied by the appellants, a couple with no dependants. Nevertheless, it is common ground that dwellings

¹ LPA reference 38/21/0023/LEW

- should be adaptable to changing needs over time. Future occupiers of the proposal could well include, for example, a small family.
12. The proposal includes only narrow side and rear outdoor amenity areas. It would have a larger gravelled area to the front, but this would also be small and would have little privacy, being visible from Wyndham Road as well as from adjacent dwellings. As a result, the practical usability of these spaces would be limited. Accordingly, as a matter of planning judgement, they would provide a poor standard of outdoor space for future occupiers of the proposal, particularly given the size of its internal space.
 13. The proposed dwelling would have windows on all four elevations. However, the tight nature of the plot means that the light and outlook available from the windows and amenity areas would be restricted by boundary treatments. Outlook to the front would also be dominated by the mass, close proximity and higher position of No. 14.
 14. The closest ground-floor rear window of No. 14 has been blocked-up, avoiding overlooking from it into the outside spaces serving the proposed dwelling. Despite this, views down into these areas would be available from the rear decking of No. 14, with only the small rear patio area providing any privacy outdoors. For these reasons, the proposal would have a poor degree of light, outlook and privacy.
 15. The proposal would provide a garden exclusively for No. 14 and the proposed dwelling, representing a benefit compared to the current arrangement. That said, the garden could instead be divided in an L-shape providing a similar benefit in this respect, using permitted development rights. This would retain a small private area to the end of the cabin for occupiers of the CLUED dwelling. Consequently, the existence of the CLUED dwelling does not provide sufficient reason to justify the proposal in respect of this issue.
 16. For the reasons given above, I conclude that the proposal would not provide adequate living conditions for its future occupiers with regard to privacy, light, outlook or outdoor space. As a result, it would conflict with SADM Policy D12, as well as TDCS Policy DM1 which requires the amenity of individual dwellings to be not harmed. Similarly, it would conflict with the aim of the Framework for a high standard of amenity for future users. SADM Policy D7 relates to design quality and so I have found no breach of this policy in respect of this issue, and no specific conflict with the SPD has been identified. Nevertheless, I give significant weight to the conflict I have found.

Living Conditions – No. 14

17. The proposal would result in built form being located close to the rear elevation of No. 14 and its remaining garden. However, following the blocking-up of one window, only the northern end of its rear elevation has windows, which are away from the proposed dwelling. As such, the proposal would not result in a worsening of the light, outlook or privacy available to its occupiers from the remaining windows. The mass and height of the pitched roof of the proposal would not be so tall as to unacceptably overshadow the remaining rear garden area of No. 14.
18. The CLUED dwelling is prominent from the rear windows and decking of No. 14. Therefore, its removal would result in a modest benefit to the outlook of the

occupiers of No. 14. It would also result in the creation of a separate outdoor area for the property. Nevertheless, these benefits could also be achieved by the appellants simply choosing to remove the cabin or, as I have already found, by sub-dividing the garden.

19. As such, the proposal would not have a harmful effect on the living conditions of the occupiers of No. 14, with regard to privacy, light or outlook. It would therefore comply with TDCS Policy DM1 in this respect. Similarly, it would not conflict with the aim of the Framework for a high standard of amenity for existing users. I have found no conflict with SADM Policy D7 or the SPD as already stated in respect of the second main issue. However, also for the reasons given above, the effect on the living conditions of the occupiers of No. 14 would be a neutral rather than a positive factor in the planning balance.

Other Considerations

20. Subsequent to the refusal of the appeal application, the Council granted planning permission² for the erection of a replacement dwelling in a similar location to the proposal, but of a different size and design. I see no reason to doubt that this could be implemented and so it represents a realistic available fallback.
21. The fallback would be set back further from Wyndham Road compared with the proposal. As such, views into the front garden of the proposal from the rear windows of No. 14 would be slightly greater. Against that, the fallback would provide additional space to No. 14, resulting in a less cramped appearance. The proposal would have a marginally larger rear patio area than the fallback. However, the fallback would have a smaller internal floorspace and so it may well have fewer occupiers or less need for open space compared to the proposal.
22. The fallback would have a flat roof, intended to reflect adjacent garage buildings. They may be of little architectural merit, but the subservient height and appearance of the fallback would better reflect the backland location of the proposal, where smaller, ancillary structures are to be expected. The use of render for the external finish of the fallback would also be better than a corrugated metal appearance, having regard to the materials used in the locality. For these reasons, I conclude that the fallback would be preferable to the proposal, and so it does not provide a reason to grant permission.
23. 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. The proposal would result in more efficient use of land, close to services and facilities and could be delivered quickly. It would be built to high environmental standards and is for a self-build dwelling, thereby adding to their supply. However, as just a single replacement unit, I give these benefits only limited weight. In light of my findings in respect of the design, form and layout of the proposal, Framework Paragraph 139 does not provide support for it.
24. The site lies within the catchment area of the Somerset Levels and Moors Special Protection Area and Ramsar site (the SPA), protected pursuant to the Conservation of Habitats Regulations 2017 as amended. Had I found the

² LPA reference 38/24/0027

proposal acceptable in other respects, as competent authority I would have carried out an Appropriate Assessment of the potential effects on the SPA. However, as I have found otherwise, this matter need not be considered any further in this case.

Planning Balance and Conclusion

25. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case, and the weight which I ascribe to them, 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