



Appeal Decision

Site visit made on 26 July 2024

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 August 2024

Appeal Ref: APP/E3335/W/23/3334422

80 Sydenham Road, Bridgwater, Somerset TA6 4QH

- 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 A Richardson against the decision of Somerset Council.
 - The application Ref is 08/23/00268.
 - The development proposed is detached dwelling and associated parking and gardens area – amended scheme.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposed development would provide satisfactory living conditions for future occupants in respect of privacy; and
 - whether the proposed development would be overly dominant for future neighbouring occupants.

Reasons

Character and appearance

3. Properties along Sydenham Road and within the immediate locality are Cornish Units with a distinctive appearance, featuring mansard hipped roofs at first floor level. These are arranged as either semi-detached houses or flatted units or short terraces, set back behind front gardens and driveways. There are some variations between properties primarily at ground floor level, including the use of different materials and arrangement of windows and doors, with this differing slightly between house types. Despite these variations, there is a consistency in the distinctive design of these buildings, which is largely attributed to their distinctive roof design and similar proportions. This results in a coherent and uniform appearance.
4. The proposal seeks to construct a detached dwelling in the side garden of Number 80 which forms one half of a pair of semi-detached houses. It would be designed to replicate the character and appearance of the Cornish Units. However, it is proposed as a detached building which would have different proportions to the other properties along the street. The primary difference

- would be in the height of the building, indicated to be some 0.5 metres lower than surrounding properties, the width of the property and the size and arrangement of windows and openings.
5. The different house types are of varying widths, with the flatted units the widest and the terraces narrower. The front elevation would be slightly wider than the neighbouring property. However, as a different dwelling type, being detached rather than a semi-detached property, this in itself would not be a significant concern. Nevertheless, in order to replicate the distinctive design of other properties on the estate, particularly their roofs, the ridge height would be lower than surrounding development.
 6. Houses along the street, whether terraced or semi-detached, have a wide window and front door at ground floor level and two roof level windows in their front elevation. They are consistently aligned providing a distinctive and uniform appearance in views along the street. The scheme proposes a similar arrangement but with an additional ground floor window. No streetscene elevations have been provided. However, the drawings indicate that the windows would be different sizes and positioned lower in the front elevation. This would disrupt the uniformity along the road.
 7. Whilst the materials would be consistent with those in the locality, the proposal, due to its lower height and different size and position of windows, would be out of proportion with neighbouring development. It would therefore be out of place, appearing anomalous in the wider context of the area.
 8. The appeal site does not lie within any specially designated areas or protected landscapes. Nonetheless, the character and appearance of the development should nevertheless reflect that of the local area. In this case, for the reasons I have set out, it does not.
 9. Towards the western end of Sydenham Road there is a brick built detached dwelling which does not match the character or appearance of other development along the road. It is anomalous within the streetscene although closer to the junction with Parkway where the built form becomes more varied. It does not justify the scheme before me.
 10. Consequently, I conclude that the proposal would be harmful to the character and appearance of the area. It would therefore conflict with Policy D2 of the Sedgemoor Local Plan 2011-2032, adopted 2019 (the SLP). This seeks development that responds positively to and reflects the particular local characteristics and identity of the surrounding area.

Living conditions – future occupants

11. Planning permission¹ was granted for a two-storey dwelling which would extend the terrace adjacent to the appeal site (the approved dwelling). Due to the relationship between the terrace and the appeal site, the rear elevation of the approved dwelling, which includes a bedroom window, would face towards the appeal site. It would be a short distance from the shared boundary, indicated to be less than 6 metres at its furthest point, decreasing to 3.75 metres at its closest point. This would give rise to overlooking of the modestly sized garden to the proposed development.

¹ Council Ref 08/22/00169

12. The first floor rear facing window would be a bedroom and less frequently used during the day than a living room. It would nevertheless be possible to gain views directly into the proposed garden from this room. Planting is proposed to the boundary to provide screening. However, to be effective, it would need to be very tall and maintained at that level. It would also take up space within the modest garden proposed, thereby reducing its useable space. This would not be reasonable or enforceable and it would not be appropriate to condition such a requirement particularly on private garden land.
13. I appreciate that there is already a degree of overlooking between some properties within the estate due to the relationship between buildings as well as the use of chain link fencing to boundaries. However, the existence of these, does not justify granting consent for a scheme that would result in poor living conditions for future occupants.
14. The loss of privacy would arise from the proximity to the approved dwelling that has not yet been built. However, planning permission for that scheme remains extant and, if implemented, would lead to an unsatisfactory relationship between properties.
15. I conclude that the proposal would not provide satisfactory living conditions for future occupants in respect of privacy. It would therefore conflict with Policies D2 and D25 of the SLP which seek developments that are enjoyable to use and provide a good standard of amenity for future occupants.

Living conditions – future neighbouring occupants

16. The garden of the approved dwelling would be modest in size, wrapping around the property to the west and the south. The proposed dwelling would be positioned a short distance from the shared boundary where it would be highly visible from and close to this garden. Its proximity would make it appear overly dominant and oppressive for future occupants when using their rear garden.
17. My attention has been drawn to the relationship between other properties on the estate which are positioned close to and at angles to each other. However, these appear to be served by large garden areas and more spaciouly arranged than the scheme proposed here. In any event, even if these properties have a poor relationship with each other, this does not justify allowing further unsatisfactory development.
18. The proposed development would harm the living conditions of future neighbouring occupants due to its overdominance. It would therefore conflict with Policy D25 of the SLP which protects residential amenity, including seeking to avoid development that is overbearing and visually dominant.

Other Matter

19. The appellant has sought to address the Council's concerns by withdrawing a previous scheme and proposing the scheme that forms the basis of this appeal. Whilst the appeal scheme may have overcome some of the Council's concerns, it nevertheless gives rise to unacceptable impacts as I have set out above.

Conclusion

20. The proposed development would be contrary to the development plan and there are no material considerations that outweigh this conflict. Consequently,

with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal should be dismissed.

Rachael Pipkin

INSPECTOR