



Appeal Decisions

Site visit made on 18 June 2024

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2024

Appeal A Ref: APP/D0121/W/24/3342062

Sloughpitt Farm, Sandford Road, Winscombe BS25 1JF

- 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 Mrs A Suik against the decision of North Somerset Council.
 - The application Ref is 23/P/1983/FUL.
 - The development proposed is conversion of 1no. existing dwelling into 2no. semi-detached cottages. Conversion of existing outbuilding and garage into 2no. bungalows. Works to include; demolition of existing link-extension and store at the East edge of the existing dwelling.
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Appeal B Ref: APP/D0121/W/24/3342063

Sloughpitt Farm, Sandford Road, Winscombe BS25 1JF

- 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 Mrs A Suik against the decision of North Somerset Council.
 - The application Ref is 23/P/2772/FUL.
 - The development proposed is conversion of 1no. dwelling into 2no. Semi-detached cottages. Works to include; Demolition of existing rear and side extensions, raising of ridge height of proposed new cottage to match existing building and fenestration alterations at all alterations including the removal, replacement and installation of windows/doors.
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Decision

Appeal A Ref: APP/D0121/W/24/3342062

1. The appeal is dismissed.

Appeal B Ref: APP/D0121/W/24/3342063

2. The appeal is dismissed.

Main Issues

3. The main issues in regard to both Appeal A and Appeal B are:
 - the effect of the proposals on the character and appearance of the area;
 - whether the proposals provide satisfactory living conditions for future occupants, in regard to privacy, external amenity space, outlook, daylight and noise from the adjoining site; and
 - the effect of the proposals on the living conditions of existing occupants at 'New Bungalow', 68 Sandford Road and Combe Barn, in regard to privacy.

4. There is an additional main issue in regard to Appeal A which is the effect of the proposal on highway safety, in regard to parking for the existing and proposed dwellings.

Reasons

Character and Appearance

5. The appeal site consists of the Sloughpitt Farm farmhouse, a fully enclosed pool house, which is currently linked to the farmhouse, and a double garage. Neighbouring residential properties on the wider site include Coombe Barn to the south and The New Bungalow, attached to the pool house to the east. There is also a commercial use to the east which is used for storage purposes. Whilst there is some variation in the local area, immediately to the north, along Sandford Road, the more established existing residential built form is less dense, with the dwellings, predominately detached bungalows, being sited in larger plots with larger gardens at the front and/or rear of the properties.
6. Whilst the appeal site is already in residential use, the existing arrangement of the built form is typical of a farmyard arrangement, with the primary larger detached dwellings and associated outbuildings/garaging, such as the double garage and pool house, which are secondary in their scale and use and have a close relationship with their host dwellings.
7. The proposals, by virtue of their siting and layout, would result in a constrained form of development. It would be a contrived arrangement of residential units in order to try and avoid harm to the living conditions of existing neighbouring occupants, whilst also trying to accommodate the parking and outdoor amenity space. Rather than 'readily assimilating into the village', the proposals would result in a cramped development, harming the more established plot configuration in the immediate area. Even Appeal B, which involves just the conversion of Sloughpitt Farmhouse from 1 dwelling to 2 semi-detached dwellings, by virtue of its semi-detached form, would be out of character to the immediate local context. Consequently, both proposals would be incongruous to the immediate local character and harmful to the character and appearance of the surrounding area.
8. Furthermore, the additional domestic paraphernalia associated with the concentration of residential uses would add to the incongruity and cramped arrangement of the proposals. Whilst it is appreciated that the original farmhouse needs modernising, this would not outweigh the harm to the character and appearance of the area outlined above.
9. Therefore, I conclude that the proposals would harm the character and appearance of the area. They would be contrary to Policy CS12 of the North Somerset Core Strategy (Core Strategy) (January 2017) and Policies DM32, DM37 and DM39 of the North Somerset Council Development Management Policies Sites and Policies Plan (Part 1) (Sites and Policies Plan) (July 2016). These policies, in combination, seek to achieve high quality design with proposals of all scales required to demonstrate sensitivity to the local character, and the setting, and enhance the area taking into consideration the existing context. Any proposal for new dwellings on infill, backland plots, garden land or other sites within predominantly residential areas will only be permitted if it does not adversely affect the character of the area. Policy DM39

also requires the conversion of dwellings and other buildings to not have a harmful effect on the character of the local area.

Living Conditions for future occupants

Privacy and External Amenity Space

10. In regard to Appeal A, given the constrained nature of the appeal site, the plots would have relatively small amenity areas which would be cramped and overlooked, resulting in an oppressive standard of accommodation. However, it is slightly unclear what areas would be demarcated for the private external spaces to be associated with each new dwelling. Based on the lack of clarity on the private garden areas associated with the proposed residential units, and the cramped nature of the site, I cannot be satisfied that sufficient external amenity space would be provided.
11. Furthermore, due to the tight relationship of the buildings on the site, there would be a high degree of intervisibility between the proposed windows serving the proposed dwellings and the likely private garden space associated with the new residential units. In particular, the conversion of the pool house would result in a pair of double doors opening out on to a space to the west of the building, which would be directly overlooked by the rear windows of the sub-divided farmhouse. In addition, the likely private garden space associated with the garage conversion (the land immediately to the west of the pair of double doors), would be overlooked from the front windows of the eastern semi-detached unit within the existing farmhouse, as well as being overlooked by the existing windows on the northern elevation of Coombe Barn.
12. Additionally, the appellant states that The New Bungalow has no windows overlooking the appeal site. However, I saw on site that there was a window on the western elevation of The New Bungalow which would be positioned directly on the shared boundary with the proposed dwelling in the pool house. Whilst the proposed layout plan¹ for Appeal B shows a close boarded fence of 1.8m along this boundary, it is unclear how this would work alongside the existing window of The New Bungalow. However, without the fence, this window would directly overlook the external space to the north of the pool house conversion, which could be used as their private garden area.
13. Whilst it has been put to me that any potential harm to privacy could be dealt with by 'conditioning the use of obscure glazing and landscaping', no details, including boundary treatments, have been shown on the proposed layouts, apart from the 1.8m fence referred to earlier. Therefore, based on the evidence before me, I cannot be satisfied that the future occupants of the proposals would be provided with satisfactory living conditions in regard to privacy associated with any private garden areas.
14. Due to the indirect positioning of the windows associated with the new dwellings, whilst the proximity and relationship of some of the windows wouldn't be ideal, it is considered that any intervisibility between windows would be at such an obscure angle that they would provide the future occupants of the proposals with sufficient levels of privacy inside the proposed dwellings. However, due to the cramped nature of the site, the proposals would be unable to achieve an acceptable level of privacy internally, notably within

¹ Drawing Ref 0219E

the new dwellings within the farmhouse and the dwelling within the pool house, due to the future occupants of these dwellings having to walk directly in front of the windows associated with the other new dwellings, offering direct opportunities for overlooking, harmful to the privacy of the future occupants.

15. In regard to Appeal B, which relates to just the conversion of the farmhouse, the proposed semi-detached property to the western half would have an acceptable private garden area, which has been identified on the proposed layout plan. However, the new dwelling in the eastern half of the house would be served by 2 smaller garden areas, one to the front and one to the rear, with the pool house (which would be retained under Appeal B) taking up the majority of the rear garden area. The strip of garden to the rear of the pool house would be directly overlooked by the window of The New Bungalow referred to above. Furthermore, the 'garden' area shown to the front of the eastern dwelling would be used for the western dwelling to access their parking spaces. Therefore, I am concerned that neither 'garden' area would provide the future occupants of the dwelling in the eastern half of the farmhouse with satisfactory living conditions, in regard to external amenity space or privacy associated with their private garden area.
16. I note that the appellant argues that Winscombe has 'various flats and terraced houses that have zero or very small garden areas'. However, I have not been provided with any specific examples that would be directly comparable to the proposals before me now. Furthermore, the appellant also states that 'modern lifestyles do not require outside areas to be available at all times' and that 'a lot of homeowners and tenants do not want gardens', with outside areas seen as a 'liability not as an asset'. However, this allegation would not outweigh the insufficient information on private garden areas and the lack of privacy associated with them.
17. Therefore, for the reasons set out above, I am not satisfied that the proposals would provide satisfactory living conditions for future occupants, in regard to privacy and external amenity space.

Outlook and Daylight

18. The pool house building is located only a few metres from the window and patio doors of the proposed new dwelling in the eastern half of the farmhouse. The ridge of the pool house is approximately the same height as the eaves of the main farmhouse. The pool house building would be retained under both proposals, either converted or left as a pool house. The new openings that would serve the eastern half of the sub-divided farmhouse would look directly towards the pool house. Due to the proximity and scale of the pool house building, this would severely restrict the amount of natural daylight reaching these windows. No evidence has been submitted by the appellant which demonstrates that this dwelling would be served by adequate daylight.
19. In addition, the proximity of the pool house would also have an unacceptable overbearing effect upon the outlook from the windows on the northern elevation of the eastern half of the farmhouse. This would be exacerbated by the fact that the outlook out to the south of the eastern semi-detached property would be out over the access to the parking associated with the western semi-detached unit, as well as the garage conversion under Appeal A, as future occupants of these properties would have to drive directly in front of the lounge/diner windows of the eastern semi-detached unit in order to reach

their respective parking areas. Therefore, it is considered that the eastern dwelling in the sub-divided farmhouse, would not be provided with satisfactory living conditions in regard to outlook and daylight.

20. Furthermore, the bedrooms of the converted pool house would only be served by rooflights to provide natural daylight to the 2no. bedrooms. Given the lack of a daylight assessment, I cannot be satisfied that they would be provided with an adequate level of natural daylight. Furthermore, the only outlook from the bedroom would be via the rooflights. Due to their position and height within the roofslope, this would result in a restricted outlook, creating an enclosing and oppressive effect in the proposed bedrooms. Consequently, future occupants of the converted pool house would not be provided with satisfactory levels of outlook or daylight.
21. Finally, in view of my conclusions above in regard to privacy and the ability of neighbouring occupants to walk directly in front of the windows associated with the other new dwellings, offering direct opportunities for overlooking, this could 'result in the occupants having to close curtains and blinds to prevent their privacy being compromised', as alleged by the Council, resulting in a further restriction of outlook and daylight. The appellant has not convinced me otherwise.
22. Consequently, future occupants of the proposals, most notably those of the converted pool house and the eastern dwelling in the sub-divided farmhouse, would not be provided with satisfactory levels of outlook or daylight.

Noise

23. The appeal site lies close to buildings in commercial use, most notably the buildings within the same courtyard that are used for storage purposes by Coombe Farm Storage Solutions. In addition, further to the east lies a Royal Mail Sorting Office, which the Council advises opens at 0400hrs. The Council are concerned that no noise survey has been undertaken to demonstrate that any noise associated with the adjacent commercial uses would not be materially harmful to the living conditions of future occupants.
24. Sloughpitt Farm farmhouse is already in residential use. The Council advise that there is an occupancy restriction² for 'The New Bungalow', restricting it to someone 'solely or mainly employed in the commercial/ industrial use'. However, I have not been told that the existing farmhouse, which would remain in residential use, has any such restriction. Therefore, it would be unreasonable to require a noise assessment in relation to the farmhouse.
25. Appeal A would introduce additional residential units in the vicinity of the storage buildings, with the garage conversion being situated directly opposite. At the time of my site visit, which I acknowledge is only a snapshot in time, the storage use was quiet, with very little noise or activity associated with it. Whilst there would be some noise associated with the loading and unloading of items from the storage unit, it is unlikely that this would happen during hours where any future occupants would be more sensitive to any noise disruption.
26. The Council has noted that the sorting office site generates a 'high level of noise'. However, they have not expanded upon the sources of this noise. I consider that the main source of disturbance associated with the sorting office

² Application ref 01/P/0482/F

is likely to be the comings and goings associated with the post vans and the loading and unloading of post. Nonetheless, the access to the sorting office is to the south of the site, a sufficient distance from the proposed dwellings. It is acknowledged that there would be some noise associated with any sorting machinery within the buildings. However, the sorting office buildings themselves are positioned behind the large building used for storage purposes, which would screen the majority of any disturbances associated with the sorting office itself.

27. Therefore, I do not consider that the living conditions of future occupants would be materially harmed by the noise of the nearby commercial uses.

Conclusions on Living Conditions for Future Occupants

28. In conclusion, for the reasons given above, whilst I have found no harm to the living conditions of the future occupants in respect of noise, both proposals would fail to achieve satisfactory living conditions for future occupants, in regard to privacy, external amenity space, outlook and daylight. They would both be contrary to Policies DM32, DM37 and DM39 of the Sites and Policies Plan. These policies, in combination, seek to ensure that the design and layout of proposals should not prejudice the living conditions of future occupants, with regards to, amongst others, loss of privacy, overlooking or overbearing impact. A satisfactory standard of accommodation and living conditions should also be provided. The proposals would also be contrary to paragraph 126 of the National Design Guide which requires well-designed homes to provide a good standard and quality of internal space.
29. Policy CS3 relates to the environmental impacts of development and was cited in the refusal reasons for both appeals, as was the Noise Policy Statement for England. However, given that I have found no harm in respect of noise associated with the commercial uses adjacent, any alleged conflict with Policy CS3 and the Policy Statement would not be determinative in these circumstances.

Living Conditions for Existing occupants

30. The sub-division of the farmhouse would involve raising the ridge height of the eastern half, which is currently either single storey or 1 and a half storeys high. At present, the first floor of the eastern half of the dwelling is only served by a small dormer, positioned high up in the roofslope, and one small rooflight to the rear, and 2 slightly larger dormers to the front. The existing fenestration on this section of the dwelling would be replaced with much larger first floor windows to both the front and the rear.
31. 68 Sandford Road is the neighbouring property to the north of the appeal site. It is a bungalow with a window facing towards the shared boundary with the site. The boundary treatment is currently a breeze block wall, alongside established, overgrown vegetation.
32. Paragraph 3.2 of the Supplementary Planning Document Residential Design Guide – Section 1 (the SPD) states that, 'The privacy of neighbouring properties will normally be preserved by maintaining a distance of at least 21 metres between a proposed upper floor window and existing habitable room windows. In addition, a distance of no less than 7 metres should normally be

maintained between a proposed upper floor window and the rear boundary of the property if it adjoins a neighbouring rear garden.

33. The distance between the proposed rear windows in the altered farmhouse and No 68 would fall significantly short of the 21m set out in the SPD. I saw that there was already a small degree of overlooking of No 68 which exists from the farmhouse. However, due to the increase in the size and number of windows introduced into the rear of the eastern half of the farmhouse, No 68 would be subject to an unacceptable increase in the level of overlooking in close proximity to the shared boundary with their dwelling and the window along the boundary, from an additional residential unit. This would be materially harmful to the existing level of privacy currently enjoyed by the occupants of No 68.
34. The appellant has suggested a planning condition to require the use of obscure glazing on the offending windows, in the event that there would be any loss of privacy. However, given that one of the 'offending' windows would serve a bedroom, and would be the only window to serve this room, it would not be appropriate to obscure glaze it in these circumstances.
35. The existing pool house to be converted adjoins The New Bungalow. As acknowledged above, there is an existing window, which the Council allege serves a bedroom, which lies directly on the boundary with the pool house. As I have limited information as to how this boundary would be marked out, the introduction of an additional residential unit in close proximity to a neighbouring window would harm the current levels of privacy enjoyed by the occupants of The New Bungalow.
36. The Council state that there were 2 windows which linked the pool house to The New Bungalow. However, my site visit confirmed that these windows no longer exist and were now blocked off. Therefore, any alleged harm as a result of these 2 windows would not be determinative in these circumstances.
37. Coombe Barn is situated to the south of the farmhouse. There are currently both first floor and ground floor windows in the elevation which look towards the farmhouse. I observed that direct overlooking towards Coombe Barn is already possible via the existing windows in the front of the farmhouse. Whilst the new windows would be larger, the level of overlooking would be the same and they would serve the same rooms as the windows do now, i.e. bedrooms. Therefore, whilst the new windows to the front elevation of the farmhouse would fall short of the distance in the SPD, any additional overlooking of Coombe Barn would not be materially harmful to the current levels of privacy enjoyed by the occupants of Coombe Barn.
38. I note the lack of objections to the proposals from the existing occupants of No 68 and The New Bungalow. However, this does not alter or outweigh the harm I have identified above.
39. Therefore, for the reasons given above, whilst the living conditions of the existing occupants of Coombe Barn, in respect of privacy, would not be materially harmed, the proposals would be harmful to the living conditions of the existing occupants of The New Bungalow and 68 Sandford Road, with regard to privacy. They would be contrary to Policies DM32 and DM37 of the Sites and Policies Plan and the SPD. In combination, these policies and guidance seek to ensure that the design and layout should not prejudice the living conditions for adjoining occupiers through loss of privacy, overlooking,

overshadowing or overbearing impact, with the SPD setting out the required distance in order to preserve the privacy of neighbouring properties.

Highways – Appeal A

40. Appendix A of the Parking Standards Supplementary Planning Document (the Parking SPD) (November 2021) states that 1 bedroom units require a minimum of 1 car parking space and that 2 car parking spaces are required for 2 and 3-bedroom units. Principle 4 of the Parking SPD states that in line with the Parking Needs Assessment included within this SPD as Appendix B, the Council will be supportive of low-car development in highly sustainable locations, well served by public and active modes of travel.
41. Appeal A would result in 1 x 1 bedroom unit, 1 x 2 bedroom units and 2 x 3 bedroom units. The proposed layout plan identifies 5 parking spaces. Therefore, against the requirements of the SPD, the proposal would have a shortfall of 2 car parking spaces.
42. The appellant states that 'on the basis that Winscombe is a Service Village, local residents should be relying on local shopping and service facilities and using public transport to move around the area'. However, they have not applied the criteria set out in the Parking Needs Assessment, included in the Parking SPD, in order to support the proposed lower level of parking.
43. There was parking on the access drive leading into the site. However, at the time of my site visit, which I appreciate is only a snapshot in time, this was well used and appeared to be unrestricted. Furthermore, whilst the appellant states that as they also own 'the adjoining yard, additional car parking could be made available if this was considered to be essential'. However, the adjoining yard is outside of the red line on the submitted site location plan and it would not be appropriate, in these circumstances, to make up the shortfall in parking as part of the proposal before me now. Therefore, based on the evidence before me, I cannot be satisfied that the shortfall in parking could be safely accommodated elsewhere, without any harm to highway safety.
44. Furthermore, whilst I observed the bus stop on Sandford Road, and I appreciate that 'property owners and occupiers are being encouraged to use public transport' as alleged by the appellant, I have not been provided with details of the bus services or timetables. Therefore, based on the limited evidence before me, I am not convinced that the appeal site would be highly accessible by alternative modes of transport, and that it would be served by a 'regular bus service', as alleged by the appellant.
45. The Council are concerned about the lack of information in regard to parking for the existing properties. However, my site visit confirmed that Coombe Barn is served by a sizeable driveway to the front and The New Bungalow is served by its own driveway to the east of the bungalow. These areas would both be unaffected by the proposal. Therefore, sufficient parking would be retained for the existing dwellings. Nevertheless, this would not overcome my concerns regarding the lack of parking for the proposed dwellings.
46. Therefore, for the reasons set out above, whilst sufficient parking would be retained for the existing dwellings, the proposal under Appeal A, would harm highway safety, with specific regard to parking provision for the proposed dwellings. It would be contrary to policies DM24, DM28 and DM37 of the Sites

and Policies Plan and the Parking Standards SPD. In combination, these policies seek to ensure that development does not prejudice highway safety, whilst making sure that parking standards are met for proposed properties, with the SPD setting out the minimum level of parking that should be provided as part of development proposals.

Other Matters

47. The appellant has expressed concerns regarding a lack of communication with the Council during the application process, and states that some of the reasons for refusal could have been addressed had there been some communication. The appellant is also concerned that no site visit was made by the Council before determination of the application. Whilst these matters would have caused the appellant some frustration, they do not materially affect my consideration of the planning merits of the appeal proposals.
48. The appellant has drawn my attention to the cover of the SPD, which shows a converted outbuilding standing alongside a dwelling. They argue that 'this converted outbuilding stands closer to the adjoining dwelling than the former pool house or garage are positioned to the former farmhouse on the appeal site'. However, I have no details of what site this photograph relates to. Nevertheless, the fact that apparently similar development exists is not a reason, on its own, to allow unacceptable development. I have considered these appeal proposals on their own merits and concluded that they would cause harm for the reasons set out above.
49. The appellant has queried the relevance of Policy DM39 of the Sites and Policies Plan on the basis that the appeal site does not lie within an Area of Restricted Subdivision. However, the policy is also applicable outside of the Areas of Restricted Subdivision, within settlement boundaries. As both proposals are within the settlement boundary of Winscombe, Policy DM39 would be applicable to both proposals before me.
50. The Council has referred me to 2 other appeal decisions³ in support of its case. Whilst the contents of these decisions are noted, I have considered these appeal proposals on their own merits and circumstances and concluded that they would cause harm for the reasons set out above.

Planning Balance and Conclusion

51. The main parties agree that the Council is unable to demonstrate a five-year, supply of deliverable housing sites. Whilst the Council's emerging Local Plan is now at Regulation 19, meeting the requirements of paragraph 226 of the National Planning Policy Framework 2023 (the Framework), given that their latest supply position is 3.5 years, paragraph 11 of the Framework is still engaged. This states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or there are specific policies in the Framework which indicate that development should be restricted.
52. The proposals would harm the character and appearance of the area, would harm the living conditions of the existing occupants of The New Bungalow and 68 Sanford Road, with regard to privacy, and would fail to provide satisfactory

³ APP/D0121/W19/3242053 and APP/D0121/W/22/3308912

living conditions for future occupants, with regard to privacy and outlook. In regard to Appeal A, the proposal would also harm highway safety, with specific regard to parking provision for the proposed dwellings. It would lead to conflict with elements of the Framework, specifically where it recognises that planning decisions should ensure that developments are sympathetic to local character, including the surrounding built environment. The Framework also requires a high standard of amenity for existing and future users and supports the refusal on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The harms would be significant and long lasting. They would accordingly attract substantial weight.

53. Both proposals would make a small contribution towards the provision of housing, consistent with the Government's stated aim in the Framework of significantly boosting the supply of homes. It is acknowledged that the Framework supports development which provides an appropriate mix of housing types for the local community and that it recognises the important contribution that small sized sites and windfall sites makes towards meeting the housing requirement in the area. I also note the support for the re-use of previously developed land and the sustainable location of the proposals.
54. I acknowledge that the proposals would improve the appearance of the existing buildings on site, complete with proposed landscaping, and that this would improve the quality of the surrounding area. There would also be economic benefits contributing to building a stronger, responsive and competitive economy, supporting growth with construction and post-construction benefits. The proposals would encourage development and associated economic growth with future occupants contributing to the local economy and continued viability of services in the local area. Together these benefits carry moderate weight in favour of the development.
55. With the above in mind, it is sufficiently clear that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Both appeal schemes would not therefore benefit from the presumption in favour of sustainable development.
56. Therefore, in conclusion, whilst acceptable in some regards, the proposals conflict with the development plan as a whole and there are no material considerations, including the Framework, which outweigh that conflict.
57. For the reasons given above, and having regard to all other matters raised, I conclude that Appeal A is dismissed, and Appeal B is dismissed.

Laura Cuthbert

INSPECTOR