

# Appeal Decision

Site visit made on 20 August 2024

**by R Kent BA (Hons) MTP DipM MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 September 2024**

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**Appeal Ref: APP/E3335/D/24/3343887**

**Wheatfield House, Spearcey Lane, Staplehay, TAUNTON, TA3 7HJ**

- 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 Brimble against the decision of Somerset Council.
  - The application Ref is 42/24/0008.
  - The development proposed is two storey extension to the front of the dwelling.
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## Decision

1. The appeal is allowed and planning permission is granted for a two storey extension to the front of the dwelling at Wheatfield House, Spearcey Lane, Staplehay, Taunton TA3 7HJ in accordance with the terms of the application, Ref 42/24/0008 subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with drawing nos 3237-PL-01 Rev A and 3237-PL-02 A.
  - 3) The external materials of the extension hereby permitted shall match those used in the existing dwelling.
  - 4) The extension hereby permitted shall not be occupied until the first floor windows on the east and west elevations have been fitted with obscured glazing, and no part of those windows that are less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

## Preliminary Matters

2. The list of submitted plans includes two plans titled "Proposed floor plan, elevations and sections" referenced 3237-PL-02 and 3237-PL-02 A, respectively. Plan 02-A dated 11.03.24 includes additional details of windows and material and I have determined the appeal on the basis of that plan.

## **Main Issue**

3. The main issue in this case is the effect of the proposal on the character and appearance of the existing dwelling and its surroundings.

## **Reasons**

4. The appeal property is a detached chalet bungalow with a single storey, flat roof extension to the rear. It has a flat roof double garage at the front with vehicular access via a sloping drive shared with the adjoining dwelling, No 46, which has two storey elements to the front and rear. The site is situated to the rear of existing houses in a backland location with a mix of house styles surrounding it.
5. The proposed two storey extension would project forward of the front of the dwelling and close the space between it and the garage block. It would have a pitched roof and a gable end similar in appearance to that at No 46 but project further from the front of the building than that at No 46. Whilst longer, it would nevertheless appear similar to No 46 and would be in keeping with it. The proposal would be glimpsed from the road through gaps between houses on Spearcey Lane but would not be prominent from the road and would not harm the character or appearance of the road. There is a mix of bungalows, chalet bungalows and two-storey dwellings in the vicinity of the site. The proposed development would not be out of keeping with this mixed character.
6. Coupled with the garage, the proposal would form an 'L' shape with the existing dwelling. This angled relationship of the extension to the existing frontage means the extension would not visually dominate the appearance of the building and would appear subservient to it in scale and design. The extension would have the same roof height as the existing dwelling and, as it would be offset to one side of the front elevation, the appearance of the western half of the front of the chalet bungalow would remain unchanged thereby retaining much of its existing character. The proposed use of bricks and roof tiles to match the existing building would also ensure that the proposals complement the appearance of the dwelling and do not harm it.
7. Policy H1 of the Trull Neighbourhood Plan to 2028 (TNP) is referred to in the reason for refusal. This is a general policy which provides support for the provision of small scale renewables but is not relevant to the assessment of the scale, design or appearance of the proposals. Whilst not referred to in the reason for refusal, the Council's officer report refers to a District Design Guide. Although not part of the development plan, the Somerset West and Taunton Design Guide 2021 gives advice on residential alterations and extensions. For the reasons given, I do not consider that the proposals would harm the character or appearance of the existing dwelling or its surroundings and therefore they would comply with the guidance.
8. For these reasons, the proposals would not harm the character and appearance of the existing dwelling or its surroundings. It would comply with Policy D5 of the Taunton Deane Adopted Site Allocations and Development Management Plan 2016 regarding extensions to dwellings; Policy DM1d of the Taunton Deane Core Strategy 2011-2028 which seeks to prevent harm to the character and appearance of buildings; and Policy H2 of the TNP which seeks to ensure alterations to existing dwellings are in keeping with their

surroundings. It would also comply with the policies in the National Planning Policy Framework (the Framework) which seek to achieve well-designed and beautiful places.

## **Other Matters**

9. Reference has been made to various other issues which are also addressed in the Council's officer report. The distance between the proposal and the adjoining properties on its eastern side is sufficient to prevent a harmful overbearing effect to the occupants of those properties. Whilst the proposal may obstruct some direct evening sunlight to part of the garden when the sun is in the west, there are already substantial trees and bushes along that boundary which already limit evening light. I therefore do not consider that the appeal proposal would have a more harmful impact than the existing situation. I note that the Council did not consider there to be an unacceptable loss of sunlight and have no reason to come to a different conclusion. The first floor windows in the east elevation of the proposal would serve bathrooms and are proposed to be obscure glazed and top-hung. I am satisfied that subject to a condition requiring their retention this would prevent a harmful loss of privacy to the occupants of Little Garth and Farnese. The west facing windows would look across the front of No 46 which has a side facing first floor window in its eastern elevation. The privacy of the occupants of No 46 and the properties beyond, however, could be protected by the use of obscure glazing as suggested by the Council. The distance between the proposed extension and the properties to the north, coupled with the intervening vegetation, would be sufficient to prevent an unacceptable loss of privacy to the occupants of those dwellings.
10. The Silver Birch tree in the garden of Little Garth is not subject to a Tree Preservation Order and has been assessed by the Council as being of poor quality. I note that the Appellant commissioned a tree assessment which concluded that whilst some tree roots are likely to be affected by the proposed works, this would be unlikely to kill or badly damage the tree. Whilst the extent of the potential root damage is not agreed between the parties, the Council's officer report concludes that the tree would be likely to survive the excavation works necessary for the foundations of the extension. I have no evidence to come to a different conclusion and do not consider that the proposals would conflict with the Framework's policies to conserve and enhance the natural environment. For the same reason, I have seen no evidence that the proposals would have an adverse effect on any birds or other wildlife which may inhabit the tree.
11. It is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property. Therefore, I can give no weight to suggestions of an adverse impact on a property's value as a result of the development.
12. The Council is satisfied that the proposal would not have an adverse impact on the Somerset Moors and Levels Ramsar site either alone or in combination and I have no evidence to arrive at a different conclusion.
13. While I understand that my decision will be disappointing for some local residents, the information before me does not lead me to conclude that these

other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.

### **Conditions**

14. In addition to the standard commencement condition, a condition requiring compliance with the submitted plans is necessary for reasons of certainty. A further condition requiring the proposed materials to match the existing house is also necessary in the interests of the character and appearance of the area. For the reasons given, a condition requiring obscure glazing to the east and west facing upper floor windows is reasonable to maintain the living conditions of the occupants of neighbouring properties. I have not however been given details of the suggested "Pilkington Level 5 or equivalent" measure of obscure glazing and have therefore amended the wording of the condition to require details to be submitted prior to the installation of the windows. The Council also suggests that those windows be non-opening below 1.7m when measured upwards from finished floor level of the rooms the windows serve. I agree that such a restriction is reasonable to protect the living conditions of occupants of relevant neighbouring properties. A condition is suggested to retain existing planting along the eastern boundary at a minimum height of 2 metres. Whilst the existing vegetation helps to screen the site from the neighbouring dwellings, for the reasons given, I am satisfied that the development would not have an adverse impact on the living conditions of the dwellings on the eastern side of the site. I therefore do not consider it is necessary to impose such a condition in order to make the development acceptable in planning terms.

### **Conclusion**

15. The proposed development would comply with the development plan. Material considerations do not indicate that a decision should be made other than in accordance with it. For the reasons given above the appeal should be allowed.

*R Kent*

INSPECTOR