



Appeal Decision

Site visit made on 28 November 2024

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2024

Appeal Ref: APP/V3310/W/24/3347366

17 Liberty Place, Bridgwater, Somerset TA6 5JF

- 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 Theo Michael (TLC Developments Ltd) against the decision of Somerset Council.
 - The application Ref is 08/24/00088.
 - The development proposed is described on the application form as, "Proposed 2no semi detached (2 bed) dwellings on same footprint as previously permission dwelling ref 08/21/00140".
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Decision

1. The appeal is dismissed.

Preliminary matter

2. A revised National Planning Policy Framework (the Framework) was published in December 2024. Having regard to the main issues in this appeal as set out below, the Framework does not raise any new matters which are determinative to the outcome of this appeal.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether or not the proposed development would provide satisfactory living conditions for the future occupiers of the dwelling proposed for plot 1, with particular regard to internal space and private amenity space; and
 - whether or not the proposed development would provide satisfactory living conditions for the future occupiers of the dwelling proposed for plot 2, with particular regard to noise and disturbance.

Reasons

Character and appearance

4. The appeal site comprises a parcel of land and an access way leading to it stemming from Mallard Way in Bridgwater. Residential dwellings predominate in the vicinity of the site. These tend to benefit from fair-sized private amenity areas to their front and rear, which gives the area a sense of spaciousness.

5. At the time of my site visit one of the dwellings approved via a previous grant of planning permission¹ was under construction on site. The proposed development would create 2 dwellings on the same footprint as the approved dwelling.
6. The proposed development would result in slightly less built form on site when compared with the approved scheme, as no porch is proposed. Nevertheless, the proposed development would sub-divide the plot in comparison with the approved scheme, resulting in a different layout and an increased quantum of development on site.
7. Due to the constrained size of the site, the limited amount of private amenity space proposed around each dwelling, and that much of the site would be taken up by the 4 proposed parking spaces, each of the proposed 2 dwellings would appear cramped within their plots. This would not reflect, but rather would undermine, the spaciousness of the area referred to above. Harm to the character and appearance of the area would thereby result.
8. Few details have been provided to substantiate the claim that the size and proportions of the proposed dwellings would be more in-keeping with many of the dwellings in the area than the already permissioned chalet bungalow. Even if that were the case, and the layout and footprint of the approved bungalow would be unusual in its context, as a single dwelling on site it would not appear cramped within its plot, in contrast to the proposed development of 2 dwellings. Hence, this matter does not change my findings on this main issue.
9. I therefore find that the proposed development would have an unacceptable and harmful effect on the character and appearance of the area. It would conflict with Policy D2 of the Sedgemoor Local Plan 2011-2032 (adopted 2019) which provides that, amongst other things, development will need to contribute towards high quality sustainable and inclusive design that responds positively to and reflects the particular local characteristics of the site and the identity of the surrounding area.

Living conditions – Plot 1

10. The appellant has asserted that the dwelling proposed for plot 1 would meet the relevant requirements of the Technical housing standards². However, as no figures relating to the sizes of the proposed bedrooms have been provided, it is unclear whether these would be either single or double bedrooms. The appellant's Appeal Statement refers to each dwelling being occupied by 4 persons, whereas the appellant's Final Comments refers to 3 persons. This casts doubt on the veracity of the 70 square metres figure applied by the appellant with regards to the minimum gross internal floor areas and storage set out in Table 1 of the Technical housing standards.
11. Moreover, the Council have claimed that the appellant's figures have not taken account of the requirements of the Technical housing standards in relation to headroom. Annotated plans have not been provided to clarify how the requirements of the Technical housing standards have been applied for each of the rooms for the dwelling proposed for plot 1 in this respect. It is therefore unclear how the 70 square metre figure has been arrived at, bearing in mind

¹ 08/21/00140

² Technical housing standards – nationally described space standard (March 2015 (amended 19 May 2016))

the requirements of the Technical housing standards with regards to headroom.

12. Taking all of the above into account, it has not been demonstrated that the requirements of the Technical housing standards would be met for the dwelling proposed for plot 1. As the gross internal floor area specified in the Technical housing standards is expressed as a minimum, this indicates that the proposed development would likely provide a poor standard of living conditions for the future occupiers of the dwelling proposed for plot 1.
13. The appellant has proposed adding an extra 10 square metres private amenity space to the 38 square metres already proposed. In this regard, I acknowledge that it is reasonable to expect the permissioned dwellings to the south-west of the site to have a larger amenity space than the proposed 2 bedroom dwellings. Nevertheless, even with this extra amenity space, this area would still constitute a narrow strip of land situated directly in-between the side wall of the proposed building and the fence on the northern boundary of the site. As such, it would comprise a cramped space which would not be a pleasant area for relaxing or sitting out. Accordingly, it would do little to support the health and well-being of the future occupiers of the dwelling proposed for plot 1.
14. The rear garden provided in the approved Ashleigh Mews scheme comprised a roughly rectangular area, as did the private amenity areas to the rear of the approved dwelling for the scheme at 9-11 High Street, Burnham-on-Sea, rather than an especially narrow strip of land as proposed here. This is also the case for a large number of the plots involved in the Bridgwater College scheme, with many of the plots in that scheme having a different layout with differing shapes of private amenity spaces compared with the proposed development. As none of these examples are directly comparable with the proposed development, they do not change my findings on this main issue.
15. I therefore find that the proposed development would not provide satisfactory living conditions for the future occupiers of the dwelling proposed for plot 1, with particular regard to internal space and private amenity space. It would conflict with Policy D2 of the Local Plan which provides that, amongst other things, all new developments should deliver places that are enjoyable to use, and with Policy D25 of the Local Plan which provides that, amongst other things, development proposals that would unacceptably impact upon the residential amenity of any potential future occupants of proposed dwellings will not be supported.

Living conditions – Plot 2

16. The proposed parking area would be situated in close proximity to the entrance to the proposed dwelling for plot 2, and directly in front of the window serving its kitchen. The future occupiers of the proposed dwelling would consequently be subject to undue levels of noise and disturbance arising from the comings and goings of vehicles in very close proximity to their living spaces. Whilst the future occupiers may opt to use electric or hybrid vehicles, this would be subject to personal choice and cannot be mandated.
17. The appellant has stated that the correct level of parking as per the Council's recommended parking requirements would be provided on site, and that the proposed parking entails a benefit of the proposed development, in contrast to

the Ashleigh Mews scheme where no parking was provided. This is acknowledged, but these factors would not alter the effect of the proposed development with respect to noise and disturbance, which would arise due to the layout of the proposed development.

18. The Bridgwater College scheme involved a much greater amount of dwellings than is proposed in this appeal, meaning that the parking layout is significantly different to that proposed here. As the Officer's Report for that scheme has not been provided, the Council's assessment in relation to matters of noise and disturbance is not before me. As it has not been demonstrated that this scheme is directly comparable with the proposed development, and on the basis of the limited information before me the Council's logic in approving that scheme is unclear, it does not change my findings on this main issue.
19. I therefore find that the proposed development would not provide satisfactory living conditions for the future occupiers of the dwelling proposed for plot 2, with particular regard to noise and disturbance. It would conflict with Policy D25 of the Local Plan which provides that, amongst other things, development proposals that would unacceptably impact upon the residential amenity of any potential future occupants of proposed dwellings will not be supported.

Other Considerations and Planning Balance

20. The proposed dwellings would be located in an accessible area, close to a range of services and facilities and public transport links. Of note, the proposed development would be situated in the Principal Town as per the Spatial Strategy for Sedgemoor as set out at Policy S2 of the Local Plan. The proposed development would minimise the need to travel and encourage any journeys by alternative modes of travel by maximising opportunities for walking, cycling and the use of public transport, as required by Policy S4 of the Local Plan. Similarly, it would provide increased opportunities to walk or cycle as required by Policy S5 of the Local Plan.
21. The proposed development's conflict with the development plan policies referred to under each main issue however indicates that the proposed development would not support Strategic Priority 2 of the Local Plan, to deliver development that is of high quality and respectful of its context. The range of adverse impacts identified, across all 3 main issues, means that the proposed development would conflict with the development plan when considered as a whole. This is a matter which strongly indicates that planning permission should not be granted for the proposed development.
22. The proposed development would garner support from the Framework in terms of its contribution towards the Government's objective of significantly boosting the supply of homes, and from economic benefits associated with providing work for construction professionals and via the sales phase. All these considerations would however not be significant, given the limited quantum of development proposed. In summary, none of the other considerations indicate that this appeal decision should be taken otherwise than in accordance with the development plan.

Conclusion

23. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR