



Appeal Decision

Site visit made on 10 December 2024

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2025

Appeal Ref: APP/E3335/D/24/3350295

45 Church Road, Wembdon, Bridgwater, Somerset TA6 7RP

- 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 Joseph Casson against the decision of Somerset Council.
 - The application Ref is 51/24/00006.
 - The development proposed is single storey rear extension and detached garage.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been substantially amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on the living conditions of the occupiers of 43 and 47 Church Road, with particular regard to outlook;
 - Whether the proposed development would provide acceptable living conditions for the occupants of the appeal property, with particular regard to external space; and
 - The effect of the proposed development on highway safety, with particular regard to the adequacy of parking.

Reasons

Character and appearance

4. The appeal property is a mid-terrace dwelling within a residential area of Wembdon. The terrace of houses is accessed off Church Road but are set well back from the road with long front gardens. Several of the other dwellings within this terrace have detached garages at the roadside end of these long gardens. The rear of the terrace is close to a public right of way running from Blakes Road

into a nearby field. On the opposite side of Church Road is a children's playground and sports pitches.

5. Policy D2 of the Sedgemoor Local Plan – Adopted Version, February 2019 (the LP) seeks to ensure that all development promotes high quality and inclusive design which creates visually attractive places and buildings through, amongst other matters, responding to and reinforcing local context, character, scale, and distinctiveness of place.
6. Policy WB1 of the Wembdon Neighbourhood Development Plan, adopted May 2019 (the NP) reflects Policy D2 in seeking to ensure that development contributes positively to the character of the existing built form and atmosphere of the village.
7. The proposed rear extension would extend the full width of the appellant's ownership to both sides of their property and for the full width of the existing house. It would also extend most of the depth of the existing rear garden and, although proposed with a flat roof, would sit just below the lowest edge of the first floor windows of the existing dwelling.
8. I saw at the time of my visit that there are clear views of the rear of the existing property from the public right of way as the footpath lies on a higher ground than the properties. Moreover, the fence along the rear boundary of the appeal site is only 1m tall. The proposal is a large extension to the rear, not a relatively small extension. Due to its size, height, massing, and materials, the extension would be prominent in views from the public right of way. The scale and massing of the extension would not be subservient to the original dwelling and would be excessively large and bulky. Even though the proposed materials match the existing single storey lean-to, the scale of the proposed extension would result in the materials being dominant on the rear of the terrace of houses. The proposed rear extension would, therefore, be harmful to the character and appearance of the existing dwelling, the terrace, and the area, especially as viewed from the public right of way.
9. Other houses within the terrace have been extended, however, these, in the most, have been through single storey extensions that, even where they extend up to the rear boundary, do not fill the full width of the plot. Moreover, the extensions referred to by the appellant at 35 and 37 Church Road are lean-to extensions with matching roof and wall materials. The two storey extension on the neighbouring property is pitched roofed and red brick. Nevertheless, although it is a large extension to the rear it is, from the appellant's evidence, of some age and, as such was likely constructed before the adopted policies against which I am considering the appeal.
10. That the host dwelling is not statutorily listed, within a conservation area or area of special local character also would not justify the harm to the character and appearance of the area.
11. Although the appeal proposal would extend up to the side boundaries, I noted these are currently timber fencing. Consequently, I have no compelling evidence that the rear extension would result in the loss of any sandstone boundary walls. The appellant's statement of case has advised that circa 1.5m of the existing back yard would be retained. Although this was not indicated on the submitted plans, this would allow for the retention of the stone steps from the appeal site to the public right of way.

12. With regard to the proposed garage, several of the neighbouring properties have detached garages at the Church Road end of the long front gardens. These garages are a mix of timber, blockwork, and brick, pitched and flat roofed, with single doors, personal doors, or double doors. Overall, there is no consistent approach to the appearance or size of the detached garages. The scale, design, and materials of the proposed garage would, therefore, be in keeping with the other garages in the immediate area, even though it would be finished in different materials to the main dwelling.
13. For the reasons given, although I find no harm from the character and appearance of the garage, and no substantive evidence of loss of sandstone walls, I find that the proposed rear extension would have a harmful effect on the character and appearance of the area. It is, therefore, contrary to Policy D2 of the LP and Policy WB1 of the NP. Collectively these policies seek to ensure that development responds positively to, and reflects the local characteristics, and the character of the existing built form and atmosphere of the village.

Living conditions – neighbours

14. The rear extension would extend up to the boundary with both neighbouring properties, 43 and 47 Church Road. 43 Church Road (No. 43) has a two storey extension sharing the boundary with no windows in the side elevation. Consequently, subject to accommodating the existing vents, the appeal proposal would not cause any harm to the living conditions of No. 43.
15. 47 Church Road (No. 47) has a single storey lean to on the rear elevation which is similar to the existing extension on the appeal property but slightly longer and with a higher roof level. No. 47 also has a similar, small, rear yard area.
16. The rear extension proposed would extend up to the side boundary, for most of the length of the yard area, and would also sit at a higher ground level than the existing extension. This would result in the proposed extension sitting approximately one metre above the boundary fence with No. 47, immediately on the boundary, and for most of the length of the rear garden. The proposed rear extension, even at only one metre higher than the fence, would be overly dominant as viewed from the rear yard of No. 47.
17. Albeit the effect on No. 47 is not to the same extent that the extension at No. 43 dominates the rear yard of the appeal property, the proposal would result in an overbearing outlook for the occupants of No. 47, especially given the small rear yard area. That the occupiers of the neighbouring property did not object would not set aside the need to consider whether the proposal affects the living conditions of that property. Moreover, that No. 47 has a long front garden would not justify the adverse effect on the outlook from the rear.
18. For the above reasons, I find that the proposed rear extension, due to its scale and depth would have an adverse effect on the living conditions of the occupants of 47 Church Road, with particular regard to outlook. The development would, therefore, not comply with the requirement of Policy D25 of the LP which, amongst other matters, seeks to resist development that unacceptably impacts upon the amenity of occupants of nearby dwellings.

Living conditions – occupiers

19. The appeal property has a small rear external area, it is hard surfaced and enclosed by the rear of the dwelling, neighbouring extensions, and fencing. The property also has a long external area to the front of the dwelling, off Church Road. The proposed rear extension would fill most of the rear external area.
20. Nevertheless, the property would retain the long front garden area. Although this is not wholly private garden area as the fence boundary with the neighbour on one side is only low, there is a high fence on the opposite boundary. The front garden is also not highly visible from beyond this neighbour, or from outside the terrace due to existing boundary treatments and garages on neighbouring properties. The front areas of the terraces are not open in nature.
21. Although the garden area would be overlooked by the neighbouring property, the appellant could, subject to the appropriate consent, seek to erect a section of higher fence near the front elevation to provide a more private area. Furthermore, in my judgement, the front garden area to the property is currently more private than the rear yard area which is overlooked by users of the public right of way.
22. For these reasons, I find that the proposal would not result in unacceptable living conditions for the occupants of the appeal property, with particular regard to external space. The proposal would, in that regard, comply with the requirements of Policy D25 of the LP, in that the development would not unacceptably impact upon the residential amenity of the future occupants of the development.

Highway safety

23. The proposed garage, as indicated on the submitted plans, would take up the whole of the existing area used by the appeal property for parking, which would currently accommodate at least two cars, side by side. Although this would also be similar to other garages on Church Road these, in the most, are set back from the road and the access driveway off Church Road and, therefore, provide a parking space outside of the garage.
24. The proposal would only provide garage space for one car. Although the plans include garage doors on both ends of the building, tandem parking is rarely used due to the inconvenience for residents. The need to open and close two garage doors would add to that inconvenience and it would, in my judgement, be highly unlikely to be used as such.
25. However, at my visit I saw that there is on-street parking available on Church Road, opposite the access driveway to the terrace. The parking of vehicles along this short section, where the road is of sufficient width for two cars to pass, or for a vehicle to pass a parked car, would not cause unacceptable hazards to highway users. The proposal would only result in the loss of one off-street parking space and, therefore, the potential increase in vehicles parked on the public highway would be limited. Moreover, I have no compelling evidence that there is insufficient capacity on the road for the limited increase in on-street parking that would result from the appeal proposal.
26. The loss of one off-street parking space would result in the development not providing two parking spaces for the existing two bedroom dwelling. Consequently, the appeal would not achieve the parking standards set out in Policy WB3 of the

NP. However, I have not been provided with any compelling evidence that the requirement for two parking spaces should be applied to existing properties.

27. For the above reasons, I find that the proposed development would not cause adverse highway safety implications, with specific regard to the adequacy of parking. I, therefore, find that the appeal proposal would comply with the highway and parking requirements of Policy D14 of the LP and the general thrust of Policy WB3 of the NP which, taken together, seek to prevent development that would have a significant transport impact, and ensure that the expected nature and volume of traffic and parked vehicles generated by the development would not compromise the safety and/or function of the local road networks.

Conclusion

28. For the reasons given above, even though the appeal proposal would not result in harm to the living conditions of the occupants of the appeal property, or harm to highway safety, with regard to the adequacy of parking within the site, I have found that the proposal would result in harm to the character and appearance of the area and the living conditions of the occupiers of 47 Church Road, with particular regard to outlook.
29. Consequently, the appeal proposal would be contrary to the development plan as a whole, including the Neighbourhood Plan. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

K Townsend

INSPECTOR