
Appeal Decision

Site visit made on 12 December 2024

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2025

Appeal Ref: APP/E3335/W/24/3347836

4 The Mead, Rode, Frome, Somerset BA11 6PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J & R Hill of Furlong Developments Ltd against the decision of Somerset Council.
 - The application Ref 2023/2103/FUL, dated 30 October 2023, was refused by notice dated 1 May 2024.
 - The development proposed is erection of 2 no. semi-detached houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published during the consideration of this appeal on 12 December 2024. The references in my decision to the paragraphs in the Framework relate to this new document.
3. For reasons of precision and clarity, I have taken the address of the site and the description of development from the Council's Decision Notice.

Main Issue

4. The main issue in this appeal is the effect of the proposed development upon the character and appearance of the area.

Reasons

5. The appeal site comprises the side garden area of an existing semi-detached dwelling, and forms part of a corner plot, which mirrors the layout of the dwelling on the opposite side of the road. This creates a spacious, open character at this location. This contrasts with the remainder of The Mead, where dwellings are set within more regular shaped plots, with less space between them. The appeal property, along with neighbouring dwellings are set back from the road and follow a distinct line. The position of the dwellings reinforces the spacious character of the area and gives this part of The Mead a regular and uniform pattern. The front boundary of the appeal site comprises a stone wall which also runs in front of the neighbouring properties and is punctuated by small gaps to allow for access to off-road spaces.
6. The proposed development would be located within the side garden area of the appeal property and comprise a pair of semi-detached, two storey dwellings.

They would be accessed from the front and would be similar in terms of their height and scale to those around them. They would however be positioned closer to the road than the host property, beyond the established building line. As a result, when viewed from along the street, the proposal would introduce a form of development that would fail to respect the context, layout and character of the surrounding area. Furthermore, when viewed along the street there would be less generous spacing between the host dwelling and the new dwellings. As such, this would result in a cramped appearance, indicative of overdevelopment. The proposal would therefore not be compatible with the surrounding spacious, open character and the regular, uniform pattern of development. As a result, it would fail to respond to the local character or reflect the identity of the surroundings.

7. Vehicular access and car parking for the proposed dwellings would be provided to the front. The provision of car parking to the front of properties is commonplace for surrounding dwellings and has been included in a number of recently completed developments nearby. I also note that the host property has a gravel driveway to the side. That said, the proposed development would result in the provision of a large area of off-street parking, which would result in the loss of a substantial proportion of the existing stone boundary wall to accommodate these parking spaces. Given the contribution the stonewall makes to the overall character and appearance of the area, I consider that, as a result of its loss and its replacement with an open paved parking area, the proposed development would fail to maintain and enhance the local identity and distinctiveness of the area.
8. Whilst the proposed finished materials may be different to those used on surrounding dwellings, I do consider them to be so harmful as to warrant withholding planning permission for this reason alone. In any event, had I found the development to be acceptable, then the matter could have been addressed via a planning condition.
9. For the above reasons, I therefore conclude that the proposed development would harm the character and appearance of the area and, in this respect, would be contrary to Policies DP1, DP7 and DP9 of the Mendip District Local Plan Part 1: Strategy and Policies and the National Planning Policy Framework (the Framework). These policies, amongst other things seek to ensure that new development contribute positively to the maintenance and enhancement of local identity and distinctiveness and that in terms of their scale, mass, form and layout, new developments are appropriate within their context.

Other Matters

10. The appellant submits that the Council are presently unable to demonstrate a 5-year supply of housing land and as a result, considers that the planning balance as set out in Paragraph 11 (d) should apply. No details have been provided by the Council to refute this, therefore I have dealt with the appeal on this basis. I therefore consider that the balance, as set out in Paragraph 11 (d) of the Framework applies in this case.
11. Paragraph 11 of the Framework states that where the most important policies are out of date, 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 whole, or where specific policies in The Framework, indicate that development should be

restricted. In this respect, I have found that the proposed development would not conflict with policies in the Framework that protect areas or assets of particular importance as set out in footnote 6 of the Framework.

12. The proposed development would contribute two dwellings towards the existing housing stock and is located within an accessible location, within the settlement boundary. Whilst this would be a benefit, given the very limited scale of the contribution, the adverse impacts the proposed development would have upon the character and appearance of the area, significantly and demonstrably outweigh this limited benefit.
13. Furthermore, I note that the Council raise no other issues in relation to ecology, highways and impact on neighbouring occupiers, amongst other things. However, as these are requirements of policy and legislation, the absence of harm in respect of these matters are neutral factors that weigh neither for nor against the development.
14. Drawing all this together, whilst the proposal would deliver benefits, principally in the form of two new homes, given the limited scale of the contribution, I find that the adverse impact of the proposed development upon the character and appearance of the area, significantly and demonstrably outweighs these benefits.

Conclusion

15. For the above reasons I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR