



Appeal Decision

Site visit made on 17 March 2025

by D R Kay BA Dip.Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 8th April 2025

Appeal Ref: APP/E3335/W/24/3356134

31 Stockhill Road, Chilcompton, Radstock, Somerset, BA3 4JL

- 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 D Fishlock against the decision of Somerset Council.
 - The application Ref: 2023/0385/FUL.
 - The development proposed is Erection of One Detached Dwelling & Relocation of Parking for Host Dwelling.
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Decision

1. The appeal is allowed, with the effect that planning approval is granted for erection of one detached dwelling and relocation of parking for host dwelling at 31 Stockhill Road, Chilcompton, Radstock, Somerset, BA3 4JL, in accordance with the terms of the application ref: 2023/0385/FUL, dated 28 February 2023, subject to the attached schedule of conditions.

Main Issue

2. The main issue is the effect of the proposals on the character and appearance of the area.

Reasons

3. The appeal site is situated to the rear of the host property 31 Stockhill Road, in an area which is part of the existing garden of the host property, and part in an open area of land beyond. The adjoining area of open land has extant approval for the erection of two detached dwellings under planning application 2021/2044/FUL. The appeal proposal would occupy a site between the host property and the two approved detached dwellings, in an area of the site that previously received approval at the same time as the two new dwellings, for the erection of a large double garage serving the host property.
4. The gap between the gable of the appeal proposals and the adjacent approved dwellings would be consistent, which would result in a future group of three dwellings being viewed together. There would be a larger gap between the three dwellings and the host property because of the garden of the host property creating separation. The proposed dwelling would be one and a half storeys in height, the upper floor being partially within the eaves. This would limit the potential visual impact of the proposals and would provide a stepping of ridge levels from the host property to the adjacent approved dwellings, limiting the effect of development on the area.

5. Whilst the gap between the host dwelling and the proposed new dwelling is smaller than would have previously been the case between the host property and the previously approved two dwellings, the difference is not so great that the proposals begin to visually coalesce. This view would also only be seen by anyone travelling north-east on Stockhill Road, which is also heavily screened by dense hedgerows on the eastern side of the road. The proposals would be screened by both the host dwelling and the other properties on Stockhill Road, to anyone travelling south-west on Stockhill Road. Accordingly, views of the proposals are significantly restricted.
6. The appeal site is situated within the development limits of Chilcompton, in a sustainable location, where there is support for sustainable development from Core Policy 1 of the Mendip District Local Plan 2006-2029 (2014) (Local Plan).
7. Section 12 of the Framework also supports the creation of well-designed places through the design of high-quality, beautiful and sustainable buildings, paragraph 135 requiring decisions to ensure that developments will function well, add to the overall quality of the area, and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. The proposed dwelling is of a high-quality design, is in a sustainable location, has a layout which provides good amenity for future occupants, and has appropriate and effective landscaping which also provides acceptable parking provision.
8. For the above reasons I conclude that the proposals would not cause harm to the character and appearance of the area. It therefore follows that they accord with Policies DP1 and DP7 of the Local Plan, which, amongst other things, require development to positively contribute to the maintenance and enhancement of local identity and support high quality design that is of a scale, mass, form and layout appropriate to the local context.

Other Matters

9. The Council have identified that their most recent statement on housing land supply indicates it can demonstrate 3.67 years supply, which is below the 5-year supply requirement. Accordingly, paragraph 11(d) of the National Planning Policy Framework is engaged for decision making. There is no evidence to suggest that the policies in the Framework that protect areas or assets of particular importance as referenced in paragraph 11(d) (i) or Footnote 7 are relevant in this case. Therefore, the test set out in paragraph 11(d)(ii) would apply.
10. Comments have been received from a resident raising concerns. I have addressed most of these above, but in relation to concerns regarding the effect of the proposals on loss of sunlight to the rear garden of number 27 Stockhill Road (No.27), I conclude that because of the orientation, distance and relative difference in heights between the proposed dwelling and the garden of No.27, the proposals would have little impact on No.27.

Conditions

11. Condition 1 is required to comply with the requirements of Section 91 of the Town & Country Planning Act 1990. Condition 2 is required for the avoidance of doubt and in the interests of proper planning. Condition 3 is required to ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon. Condition 4 is to ensure the privacy of the future occupants of the host dwelling.

Conclusion

12. For the reasons set out above, I conclude that the appeal proposals would not be contrary to the development plan as a whole. As such, it is unnecessary to further consider the question of housing supply and presumption in favour of sustainable development contained in national policy, as this would not alter the outcome of my determination against the development plan. Therefore, the appeal should be allowed.

D R Kay

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin no later than three years from the date of this approval.
2. The development permitted shall be carried out in accordance with the details shown on the following approved plans: Site Location Plan, Proposed Site Plan 2214/03A, Proposed Floor & Roof Plans 2214/05A, Proposed Elevations 2214/06A, Proposed Contextual Elevations 2214/04A, and Surface Water Drainage Design, Additional Dwelling J-3017/3002A.
3. Prior to the occupation of the development hereby approved the parking and manoeuvring areas shown on approved plan 2214/03A must have been constructed. Thereafter, these areas must, in perpetuity, be maintained, kept free from obstruction, and made available for the turning and parking of vehicles.
4. The dwelling hereby permitted shall not be occupied until the west facing windows to the Bedroom 1 en-suite and Bedroom 2 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 windows are installed and once installed the obscured glazing shall be retained thereafter.