



Appeal Decision

Site visit made on 1 April 2025

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2025

Appeal Ref: APP/E3335/W/24/3357537

6 Brook Lane, Catcott, Bridgwater, Somerset TA7 9HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Mr and Mrs Cox against the decision of Somerset Council.
- The application Ref 14/24/00005 sought approval of details pursuant to condition No. 1 of Outline planning permission Ref 14/21/0004, granted on 22 July 2021.
- The application was refused by notice dated 4 October 2024.
- The development proposed is the erection of 2no. dwellings.
- The details for which approval is sought are access, appearance, landscaping, layout and scale.

Decision

1. The appeal is dismissed.

Background and Main Issues

2. Outline planning permission was initially granted for two dwellings at the site¹. All detailed matters were reserved for future consideration. Condition 2 of that permission, relating to the approved plans, was subsequently varied resulting in a fresh outline permission². The appeal application was then submitted, providing details in respect of the access, appearance, landscaping, layout and scale. I will consider the appeal on this basis.
3. The main issues are the effect of the proposal on: (a) the character and appearance of the area, (b) the living conditions of the occupiers of number 6 Brook Lane (No. 6) with regard to outlook and open space, and (c) the living conditions of the occupiers of numbers 9 and 11 Brook Lane (Nos. 9 and 11) in respect of privacy.

Reasons

Character and Appearance

4. The site consists of garden land serving No. 6, a bungalow. The land slopes upwards from the lane and the proposed entrance. The village contains a variety of different dwelling types and designs, including bungalows with rooflights and some two-storey dwellings. Around the appeal site, properties consist largely of bungalows, such as at Nos. 6, 9 and 11.

¹ LPA reference 14/20/0003

² LPA reference 14/21/0004

5. The proposal seeks to erect dwellings with front roof dormers and a front gable feature which would also incorporate first-floor windows. This design would have less bulk and lower eaves than a full two-storey property. The proposed dwellings would have eaves heights similar to Nos. 6, 9 and 11. However, there is no dispute that the overall height of the proposed dwellings would be around two metres taller than, for example, No. 9. Given the appreciable difference in height, and the first-floor design features, the proposed dwellings would appear excessively tall and out of place, including when seen from Brook Lane.
6. The two dwellings would be positioned in a tandem arrangement, with their widths largely filling those of each plot. When taken with their height, this would result in a cramped and overdeveloped layout relative to the spacious, more generous plot sizes of dwellings nearby, including Nos. 6, 9 and 11. Consequently, in the context of their surroundings, the location and scale of the dwellings would appear incongruous.
7. The position of the proposed dwellings is said to be very similar to the indicative footprints shown on the plans submitted at outline stage. That said, the layout and scale of the dwellings was not under consideration at that time. Indeed, an informative on the outline Decision Notices advised that the ridge height was likely to be limited to a single storey at reserved matters stage. As such, the outline consents do not provide a reason to justify the detailed proposal before me.
8. For the reasons given above, the proposal would harm the character and appearance of the area, conflicting with Policy D2 of the Sedgemoor Local Plan (SLP), adopted February 2019, which requires development to reflect and respond positively to the local characteristics of the site. I give substantial weight to this conflict.

Living Conditions of No. 6

9. The site has rising ground levels. No. 6 has ground floor windows that would face onto the proposed dwellings, particularly Plot 2. The plan approved at outline stage divides the site in the same way as now proposed, including in respect of the outdoor space to No. 6. Outline consent has already been granted for two dwellings on the site, and so some loss of outlook to No. 6 is perhaps inevitable. There is no dispute that Plot 2 would have an overall height similar to No. 6. Plot 1 may be at a higher level, as suggested by the parties, though the identical finished AOD floor levels for both plots suggest otherwise.
10. Nevertheless, the proposed dwellings would have roof slopes of expansive mass and scale. There would be a relatively close distance between the closest facing window of No. 6 and the large roof slopes of the proposed dwellings. As such, I am concerned that they would have a dominating and overbearing effect on No. 6. For this reason, the proposal and its scale would harm the living conditions of the occupiers of No. 6 with regard to outlook. It would therefore conflict with SLP policy D25, which requires consideration of such impacts. This carries substantial negative weight in the planning balance.

Living Conditions of Nos. 9 and 11

11. Both of the proposed dwellings would have first-floor bedrooms served by front windows facing towards Nos. 9 and 11. The dwellings would be positioned at a fairly close distance to the boundary with these properties. If unrestricted, the first-

floor windows would allow occupiers of the proposal to see down into the private rear gardens of Nos. 9 and 11. The existing fencing would be too low to screen these views. As such, if not restricted, the proposal would introduce a new and harmful degree of overlooking to the occupiers of these properties.

12. Bedroom 2 in each of the proposed dwellings would be served by another window, facing to the side, providing an additional source of light and outlook to its future occupiers. Consequently, the front Bedroom 2 windows could be obscure glazed and fixed shut, to provide privacy to Nos. 9 and 11, whilst still providing adequate living conditions to occupiers of the proposed bedrooms. However, Bedroom 1 in each plot would have no alternative source of light or outlook. Requiring these windows to be obscure glazed and fixed shut would result in poor living conditions for the occupiers of the proposed dwellings, and so would not be reasonable.
13. Accordingly, the proposal would have a harmful effect on the living conditions of the occupiers of Nos. 9 and 11 in respect of privacy. It would therefore conflict with SLP Policy D25, which seeks to avoid unacceptable impacts, including in respect of this issue. I give this substantial negative weight in the planning balance.

Other Matters

14. Construction of the proposal would make a positive economic contribution locally, for instance to the building industry. Its future occupiers would also make social and economic contributions. The proposal would result in the efficient use of land, close to services and facilities. However, planning permission has already been granted for two dwellings at the site, and so the proposal before me would result in few additional benefits to that which has already been approved.
15. The site lies within the Somerset Levels and Moors Ramsar site, protected pursuant to the Conservation of Habitats Regulations 2017. Had I found no harm in respect of the main issues, as competent authority I would have carried out an Appropriate Assessment in respect of the potential effects on the Ramsar site. Nevertheless, as the proposal is being refused for other reasons, this matter need not be considered any further in this case.
16. The appellants have expressed concerns about the handling of the application by the Council, including its delegated powers. Whilst this must have caused the appellants some frustration, this does not materially affect my consideration of the planning merits of the appeal proposal.

Planning Balance and Conclusion

17. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR