

## **Appeal Decisions – 26 April 2017**

**Site: LAND ADJACENT TO ACORNS, MOUNTFIELDS ROAD, TAUNTON**

**Proposal: Erection of 2 No. dwellings with associated parking and works on land adjacent to Acorns, Mountfields Road, Taunton**

**Application number: 38/16/0342**

### **Reasons for refusal**

1. Erection of 2 No. dwellings with associated parking and works on land adjacent to Acorns, Mountfields Road, Taunton

**Appeal decision: Allowed**

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## Appeal Decision

Site visit made on 27 March 2017

**by Veronica Bond LLB (Hons), Solicitor (non-practising)**

an Inspector appointed by the Secretary of State for Communities and Local Government

**Decision date: 12 April 2017**

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**Appeal Ref:  
APP/D3315/W/16/3165675 Acorn,  
Mountfields Road, Taunton TA1  
3DG**

- 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 Hyde against the decision of Taunton Deane Borough Council.
  - The application Ref 38/16/0342, dated 31 August 2016, was refused by notice dated 24 November 2016.
  - The development proposed is the construction of 2 new dwellings with associated parking.
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### Decision

1. The appeal is allowed and planning permission is granted for construction of 2 new dwellings with associated parking at Acorn, Mountfields Road, Taunton TA1 3DG in accordance with the terms of the application, Ref 38/16/0342, dated 31 August 2016, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) No development shall commence until the following revised drawings have been submitted to and approved in writing by the Local Planning Authority:

Drawing numbers 16.17.02A; 16.17.03A; 16.17.04A; and 16.17.05A

The development hereby permitted shall be carried out in accordance with the approved revised Drawings 16.17.02A; 16.17.03A; 16.17.04A; and 16.17.05A and with Drawing Number 16.17.01.

- 3) The external surfaces of the development hereby permitted shall be constructed in the materials set out in the application details.
- 4) The development shall not be occupied until full details of the proposed boundary treatments on the northern and western boundaries of the site, including a plan indicating existing and additional boundary treatments, the positions, design, materials and type of boundary treatment to be erected, have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be completed before the buildings are occupied or in accordance with a timetable previously agreed in

writing with the Local Planning Authority and shall thereafter maintained as such.

- 5) The development shall not be occupied until the car port areas allocated for parking on the approved revised plan 16.17.02A have been properly consolidated, and further details of the additional 4 parking spaces (2 per

dwelling) in the front courtyard area, haven been submitted to and approved in writing by the Local Planning Authority, and marked out as approved. The Car port and courtyard parking spaces (6 parking spaces in total including the car ports) shall thereafter be kept available at all times for the parking of vehicles in in connection with the development hereby permitted.

## Procedural Matter

2. I have noted that Drawing Numbers 16.17.02A; 16.17.03A; 16.17.04A; and 16.17.05A include some minor discrepancies related to the proposed car ports. The site plan does not show the roof form of the car port to Plot 2 correctly and this car port is not shown on the on the south elevation drawing. The car port to Plot 1 is also not shown on the east elevational drawing. The intentions as regards these aspects are apparent to me based upon the application plans and documentation taken together. As such, I consider that this matter can be dealt with by a condition requiring corrected versions these drawings to be submitted. Given the nature of these amendments and clarity and consistency of the plans otherwise, and taken together and application documentation, I do not consider that any party would be prejudiced by my imposing this condition.

## Application for costs

3. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

## Main Issue

4. The main issues are: whether the appeal site would represent a suitable location for the new residential development proposed, with particular regard to local policy seeking to direct development within settlement limits, and the effect on the character and appearance of the area.

## Reasons

### *Suitable location*

5. The appeal site is located within the Vivary Green Wedge and, when the application was decided, was outside the settlement limits and so in the open countryside for the purposes of Policies CP8 and DM2 of the Adopted Taunton Deane Core Strategy 2011-2028 (September 2012) (CS). As such, the proposed development was considered to be in conflict with these policies.
6. Since the date of the Council's decision, it has adopted the Site Allocations and Development Management Plan (adopted December 2016) and the appeal site is now within the development limits. Accordingly, there is no conflict with the requirements of either Policy CP8 or DM2 of the CS.
7. As regards the location of the site within the Vivary Green Wedge, given that a very large development has been permitted adjacent to the appeal site, there would be no conflict either with the underlying aims of Policy CP8 connected to retaining green wedges and open breaks between settlements.
8. I therefore conclude on the first main issue that the appeal site would represent a suitable location for the new residential development proposed, with

particular regard to local policy seeking to direct development within

settlement limits. There would be no conflict in this regard with the requirements of Policies CP8 or DM2 of the CS as outlined.

#### *Character and appearance*

9. The appeal site is currently an area of open, primarily grassed, land which sits behind an existing barn conversion and adjacent to the dwelling at Pool Farm. A large development has been permitted very nearby. The proposed dwellings would reflect the footprint and design of the existing barn conversion and would be read in the context of existing development. Permission was granted recently on site for what the Council considers to be an identical development, and the appellant indicates to be very similar to the appeal proposal. In this context, the proposal would adequately respect the existing character of the area.
10. On the second main issue, I find that the proposal would not have any adverse effect on the character and appearance of the area. It would accord with the requirements of Policy DM1 of the CS in this regard, related to ensuring that the appearance and character of the area are not unacceptably harmed by the new development.

### **Other Matters**

11. Concerns were raised by the occupants of Pool Farm as to the effect of the proposed development on the living conditions of the occupants of that property in respect of privacy and noise and disturbance. The Council has not raised any issue in this regard and the relative positions of the proposed development and the Pool Farm dwelling would prevent any harmful loss of privacy. Noise and distance also would not be at an unacceptable level bearing in mind the small scale and residential nature of the development proposed.

### **Conclusion and Conditions**

12. The appeal site would represent a suitable location for the new residential development proposed and would not result in any harm as regards the character and appearance of the area. For the above reasons, the appeal succeeds.
13. I have imposed the standard time limit condition and specified approved plans, including as revised for the reasons given in my procedural matter above, in the interests of certainty. External materials are required to be as specified, and boundary treatments to be agreed in the interests of achieving a satisfactory visual appearance. Parking arrangements are secured by condition in order to ensure that the proposed development has appropriate off street parking provided. Conditions are slightly amended from those proposed in the interests of clarity and to ensure that reference is made to the correct plans.

*Veronica Bond*  
INSPECTOR