
Appeal Decision

Site visit made on 28 February 2017

by Paul Griffiths BSc(Hons) BArch IHBC

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

Decision date: 23 March 2017

Appeal Ref: APP/R3325/W/16/3161551

Land off Higher Kingsbury Close, Milborne Port DT9 5JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr I Skinner against the decision of South Somerset District Council.
 - The application Ref.16/02370/OUT, dated 27 May 2016, was refused by notice dated 18 October 2016.
 - The development proposed is described as 'outline planning application for residential development consisting of 3 dwellings, with all matters reserved, except for means of access'.
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Preliminary Matters

1. The originating application was made in outline but contrary to the description of development set out above, the original application form clearly indicates that approval was sought for access and scale. Moreover, drawing jw583-200 rev.H clearly shows a proposed layout of the dwellings as well as their scale, and the means of access, and is not marked as illustrative. In that overall context, I have dealt with the appeal on the basis that outline planning permission was sought for 3 dwellings, along with approval of access, layout, and scale, with appearance and landscaping reserved for future determination.
2. The proposal at issue is said to be a reaction to a previous scheme for 10 dwellings on the appeal site refused outline planning permission, and subsequently dismissed at appeal¹. I was the Inspector responsible for that decision, dated 15 July 2015, following a site visit conducted on 2 July 2015.

Decision

3. The appeal is dismissed.

Main Issue

4. This is the effect of the proposal on the living conditions of occupiers of Nos.4 and 5 Higher Kingsbury Close through noise and general disturbance from traffic generated by the proposed development.

Reasons

5. Nos.4 and 5 sit astride one leg of the turning head at the end of Higher Kingsbury Close that would be used to gain access to the proposed development.

¹ APP/R3325/W/15/3004449

6. LP² Policy EQ2 says that development proposals will be considered against, a number of criteria, including respect for local context. Moreover, such development should protect the residential amenity of neighbouring properties. This approach accords with the core principle of the Framework³ that a good standard of amenity should always be sought for all existing and future occupants of land and buildings.
7. As I found previously, the occupiers of Nos.4 and 5 currently experience little in the way of passing traffic. The introduction of an access road, running between them, to serve the three dwellings proposed, would therefore lead to a significant increase in passing traffic, and associated noise, and disturbance, including, at times, from vehicle headlights. Given the restricted width of the existing turning head that would be used as the basis for the proposed access road, this traffic would pass Nos.4 and 5 at very close quarters.
8. I appreciate that the impact would be less than that I found unacceptable in relation to the 10 dwelling scheme I previously considered. Nevertheless, it is my judgement that the noise and disturbance that would flow from the 3 dwelling proposal at issue would still have a significant detrimental effect on the living conditions of the occupiers of Nos.4 and 5, contrary to LP Policy EQ2, and the core principle of the Framework referred to. I acknowledge the economic and social benefits involved in bringing forward new housing but in my view, the adverse impact I have identified renders this proposal unacceptable too.
9. For the reasons given above I conclude that the appeal should be dismissed.

Paul Griffiths

INSPECTOR

² The South Somerset Local Plan (2006-2028)

³ The National Planning Policy Framework