



## Appeal Decision

Site visit made on 6 June 2019

**by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS**

**an Inspector appointed by the Secretary of State**

**Decision date: 14<sup>th</sup> August 2019**

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**Appeal Ref: APP/R3325/D/19/3224631**

**1 Church View, Church Street, Kingsbury Episcopi, Martock TA12 6AU**

- 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 and Mrs Westlake against the decision of South Somerset District Council.
  - The application Ref 18/03055/HOU, dated 24 September 2018, was refused by notice dated 20 December 2018.  
The development proposed is described as proposed single storey extension (part existing) to the side and front of dwelling.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The National Planning Policy Framework (the Framework) was revised in February 2019. I have therefore referred to this in the determination of this appeal.

### Main Issue

3. The main issue is the effect on the character and appearance of the area, where it relates to the conservation area and the setting of nearby listed buildings.

### Reasons

4. Kingsbury Episcopi is an historic village, where Church Street is a residential street leading from the village centre towards the Grade I Listed St Martins Church.
5. The appeal site lies within a conservation area which includes the entirety of Church Street. It is also situated adjacent to Penny Cottage, which is a Grade II Listed, two storey, thatched dwelling. The area has a strongly rural feel, with a pleasant informal layout which follows the main roads that meander through the village. The individual dwellings are generally characterised by smaller two storey cottages containing a mix of thatched and clay tile roofs and brick, lias stone and colour washed brick as external facing materials. Some are set behind front gardens and others are back of footpath. The area has a generally open quality.

6. Church View is a terrace of C19th houses that lie perpendicular to Church Road. At the end of the terrace, No1 Church View is a two storey house of lias stone and render with a converted loft, together with a single storey extension. The house has two small areas of garden, to the front and side, together with a single parking space.
7. The appeal proposals would result in single storey extensions to the front and side elevation of the host dwelling in order to improve the area of accommodation and meet the needs of the appellant's family.
8. Although the single storey extension may not have been present on the building in its original form, it appears to be a long-established feature of the dwelling and adds to its character. The projection of the proposed extension to the front would be greater than this. The remainder of the extension would wrap around the building.
9. The statutory duty within Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas, applies. This is a matter of considerable importance and weight.
10. There is also a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 placed upon me, given that the appeal proposals would affect the setting of a listed building. In this case, I am therefore required to have special regard to the desirability of preserving the setting of Penny Cottage, in this case.
11. A significant vegetative boundary is present along western and northern boundary of the appeal site, which does provide some screening to the property from various public viewpoints. This being the case, the extension would not be readily visible from some of the public domain. It would however be easily seen from Church Road heading west and in particular, the height to the apex of the proposed extension would be higher than that of the existing extension, adding significant mass. Whilst I consider the design of the proposals would be subservient to the host dwelling, the scale of development would result in an unacceptably prominent addition to the street scene.
12. Such a view forms part of the surroundings in which Penny Cottage and the wider conservation area are experienced and I consider that the proposals would result in less than substantial harm to both heritage assets.
13. In light of the harm I have identified and in line with the requirements of Paragraph 196 of the Framework, I have considered whether there are any public benefits that would outweigh that harm.
14. There are clear benefits to the appellants in being able to live in their home for longer with their growing family. However, I do not consider these to be public benefits as such. I note the appellants case that there are economic and social benefits associated with the construction process and future occupation of the property, but these are very limited given the scale of the proposed development.
15. From the appellant's evidence there are no other substantive public benefits that I might be able to consider. I therefore conclude that the development would not preserve or enhance the character or appearance of the conservation

area. It would conflict with the design and conservation aims of Policies EQ2 and EQ3 of the South Somerset Local Plan (2006 – 2028) which seek development that preserves or enhances the character of the conservation area, avoiding adverse harm to the setting of nearby Listed Buildings. I also find conflict with Paragraph 196 of the Framework.

*Other Matters*

16. I also note that both the Planning Officer has expressed a view that some form of single storey extension could be acceptable, and I have taken this into account. However, I must reach my own view on the effect of the development on the character and appearance of the conservation area and setting of the adjacent listed building and no other alternative schemes are before me.
17. I note that the parish council did not object to the proposals and that the Council did not object to the general principle of an extension to the property, nor the effect on the living conditions of neighbouring occupants, or highway matters. These, however, are neutral factors in the overall planning balance.

**Conclusions**

18. For the reasons given above and having regard to all matters raised, the appeal should be dismissed.

*Sian Griffiths*

INSPECTOR