



Appeal Decision

Site visit made on 26 November 2019

by **J Gibson BUEP MPIA**

an Inspector appointed by the Secretary of State

Decision date: 13 January 2020

Appeal Ref: APP/R3325/W/19/3235611 66 Behind Berry, Somerton TA11 6JY

- 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 J Hallahan against the decision of South Somerset District Council.
 - The application Ref 19/00489/FUL, dated 19 February 2019, was refused by notice dated 14 August 2019.
 - The development proposed is a single storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice for the proposed development states that planning permission was refused, however proceeds to detail reasoning which suggests the proposal should have been allowed under the superseded South Somerset Local Plan adopted in 2006. The Council have confirmed that the reasoning on the decision notice and Local Plan referenced are incorrect, and the subject of an administrative error.
3. The Council reference the officer report for the application and advise that it accurately details the relevant policies which the proposal was assessed against and their reasons for refusal. Despite the discrepancy on the decision notice, it is my view that the Council clearly intended to refuse the application as detailed in their officer report. Accordingly, I have based my decision on the relevant policies under the South Somerset Local Plan (adopted March 2015) (LP) and the reasons for refusal as detailed in the Council's officer report.
4. The appellant has submitted a revised plan for consideration as part of the appeal in response to the Council's reasons for refusal documented in their officer report. Specifically, the revised plan relocates the proposed dwelling to increase the setback from the boundary shared with 68 Behind Berry, provide additional vehicle turning space within the site and to show where the required bicycle parking would be provided. The Council have provided comments on the revised plan. I am satisfied that the revised plan is not substantially different to what was originally considered by the Council and other interested parties. Therefore, I have based my assessment on the revised plan submitted.

Main Issues

5. The main issues are the effect of the proposed development on:
 - highway safety, with regard for vehicular access and parking arrangements;
 - the character and appearance of the surrounding area; and
 - the living conditions of future occupants, with regard for rear garden provision.

Reasons

Highway safety

6. The appeal site is a semi-detached dwelling which gains vehicular access to Behind Berry along the western boundary shared with No 68. Behind Berry is a busy Class B road which has been described as experiencing regular congestion and vehicle cuing. This is exacerbated along the frontage of the appeal site due to the close proximity of two intersections to the west and the number of existing driveways within this proximity.
7. The appeal proposal seeks to utilise the existing access arrangements and would therefore intensify the number of vehicles entering and exiting the property. Consequently, it is important to understand the likely turning movements of vehicles entering and exiting the site, how these vehicles would manoeuvre internally, and how these arrangements may affect the road network in the interest of highway safety.
8. The revised plan prepared by the appellant for this appeal shows additional turning area for vehicles accessing the proposed dwelling towards the rear. Despite this, the plan offers little detail as to whether the altered turning areas would adequately cater for the necessary turning movements of these vehicles, nor does it show the turning movements of vehicles accessing the parking spaces for the existing dwelling to the front.
9. Based on the evidence provided it appears as though there is a high likelihood for conflict between vehicles associated with each dwelling and the designated parking spaces. The parallel parking space to the side of the existing dwelling appears particularly constrained, and would either require multiple turning manoeuvres to enter and exit in a forward gear or for the vehicle to exit in reverse. The need for vehicles to make multiple turning movements in such close proximity to the vehicle crossover may also lead to cuing along Behind Berry should vehicles be waiting to enter the access driveway. The proposed arrangements therefore pose a genuine risk to users of the road network and to worsening the existing conditions along Behind Berry.
10. Compounding these concerns is the existing boundary treatment between the appeal site and No 68, and along the frontage of No 68, with regard to visibility. The current boundary treatment appears to impede the view of exiting vehicles from oncoming traffic and pedestrians to the west. The width of the proposed driveway would also limit the degree of visibility for vehicle users. Acknowledging the constraints of this boundary treatment and that this falls outside the appellant's red line area, it is considered to contribute towards an unacceptable outcome with regards to highway safety.

11. Accordingly, the proposed dwelling would have a harmful effect on highway safety with regard for vehicle access and parking arrangements. It would conflict with Policy TA5 of the South Somerset LP. This policy, amongst other things, seeks to ensure new development secures a safe and sustainable transport network for all users by addressing any transport implications.

Character and appearance

12. The appeal site comprises a two storey semi-detached dwelling with three bedrooms, a spacious rear garden and a modest landscaped area between the dwelling and the road reserve. This plot design and built form layout predominantly characterises the surrounding pattern of development, particularly along this portion of Behind Berry and along Etsome Terrace. This pattern of development unifies the street scene through a positive rhythm of similarly designed semi-detached dwellings and preserves a sense of space and openness across rear garden areas.
13. The proposed dwelling is single storey in design and would therefore have limited visual effect upon the street scene from its rear garden location. However, the scale of development proposed would significantly exceed the existing built form of rear garden development and would appear discordant with the spacious character of the area. Contributing to this effect is the amount of rear garden area which the proposed dwelling and associated access areas would occupy. Consequently, both the proposed and existing dwellings would be served by significantly smaller rear gardens than is characteristic of the area.
14. The concentration of access and parking areas immediately in front of the existing dwelling would also erode the current pattern of frontage landscape areas. These landscaped areas currently soften the appearance of residential development along the street scene to contrast with the stone building materials of the dwellings. The paved parking and access areas would dominate the front façade of the existing dwelling and introduce a hardscape environment which would be less complimentary of the existing built form.
15. I note that there are examples of smaller residential plots in the wider area. However, it is my view that the appeal site more closely relates to the development pattern extending from Behind Berry and along Etsome Terrace. The examples of smaller plots form a layout which is appropriate for their context and arrangement along the local road network, but would appear cramped and overdeveloped in relation to the appeal site along Behind Berry.
16. Accordingly, the proposed dwelling would harm the character and appearance of the surrounding area. It would therefore conflict with Policy EQ2 of the South Somerset LP. This policy seeks, amongst other things, to ensure that development is of a high quality design that preserves or enhances the local distinctiveness and character and appearance of the district.

Living conditions

17. The design of the appeal proposal would result in the majority of the existing rear garden area being taken up by the proposed dwelling and associated access and parking arrangements. Consequently, the rear garden serving the existing three bedroom dwelling would be significantly reduced in size.

18. In my view the proposed rear garden area for the existing dwelling would be harmfully undersized for a three bedroom dwelling. Acknowledging the scale of the existing dwelling I am not satisfied that the area provided would result in quality private outdoor space that meets the needs of the likely types of future occupants. Further, based on observations during my site visit, the existing degree of overshadowing from the southward facing dwelling would subsequently be more harmful acknowledging the narrowed depth of the rear garden.
19. I note that the garden area for the proposed dwelling would be equally constrained in size and orientation. However, given the intended use of the proposed dwelling by the appellant and that it only comprises of two bedrooms I am comfortable with this arrangement in this instance.
20. Accordingly, the appeal proposal would harm the living conditions of future occupants with regard for the rear garden area provision. It would conflict with Policy EQ2 of the South Somerset LP which seeks, amongst other things, to ensure that development is of a high quality design with appropriate amenity space for future residents.

Other Matters

21. Concerns were raised by the neighbouring occupant at No 68 with regard to privacy, based on the orientation and proximity of the proposed dwelling along their side boundary. The appellant's revised plan seeks to address this concern by increasing the setback between the proposed dwelling and the shared boundary. I note that the proposed dwelling would be single storey, would be wholly screened by the proposed (and existing) boundary treatment, and would only have windows servicing the bathroom and kitchen facing No 68. On this basis, and notwithstanding the revised plan, I am satisfied that the proposed dwelling would not result in the unacceptable loss of privacy for the occupiers of No 68.
22. I note the appellant's reasoning for the design and layout of the proposed dwelling, however such personal circumstances seldom outweigh valid planning considerations.

Planning Balance

23. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, I have assessed the appeal proposal against the South Somerset LP as the relevant development plan. Based on the evidence provided, I identified significant harm with regards to highway safety, and from the combined harm to the character and appearance of the surrounding area and the living conditions of future occupants.
24. The Council have identified that they cannot currently demonstrate a five year housing land supply. As such, Footnote 7 of Paragraph 11(d) of the National Planning Policy Framework (the Framework) applies, and the relevant housing supply policies of the development plan should not be considered up-to-date. I have therefore attributed moderate weight to the positive, albeit modest, contribution the appeal proposal would make towards the district housing supply.

25. When assessed against the policies in the Framework taken as a whole the adverse effects of the proposal would significantly and demonstrably outweigh the benefits. The Framework upholds the need to ensure development does not result in unacceptable impacts to highway safety, is sympathetic to local character, and achieves a high standard of amenity that functions well for future users. Therefore the proposal would not be a sustainable form of development and the conflict with the development plan is not outweighed by the other material considerations, including the Framework.

Conclusion

26. For the reasons given above I conclude that the appeal should be dismissed.

J Gibson

INSPECTOR