



Appeal Decision

Site visit made on 7 August 2018

by **M Allen BSc (Hons), MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 August 2018

Appeal Ref: **APP/R3325/D/18/3204201** **30 Trent Close, Yeovil BA21 5XQ**

- 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 J Casey against the decision of South Somerset District Council.
 - The application Ref 18/00244/FUL, dated 19 January 2018, was refused by notice dated 16 March 2018.
 - The development is the conversion and alteration of an existing garage to provide ancillary accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion and alteration of an existing garage to provide ancillary accommodation at 30 Trent Close, Yeovil BA21 5XQ in accordance with the terms of the application, Ref 18/00244/FUL, dated 19 January 2018, and the plan referenced 3908/A01.

Procedural matter

2. The parties agree that the external alterations to the garage have already been undertaken and so I have considered the appeal on that basis. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework). In relation to the main issues in this appeal, Government policy has not materially changed. As such, the cases of either side have not been prejudiced.

Main Issues

3. The main issues raised are the effects of the development on (i) the character and appearance of the area and (ii) the living conditions of the occupiers of 32 Trent Close, with particular regard to outlook, light and sunlight.

Reasons

Character and appearance

4. The site occupies a position at the end of the residential estate road, which is only generally visible from close quarters. The appeal building is also set back from the edge of the carriageway. Therefore, whilst the building is set forward of the principal elevation of the host dwelling it does not occupy a prominent position within the streetscene. Moreover, although the mansard roof is larger than the previous pitched roof, given that the building is tucked away at the

end of the cul-de-sac, it does not appear overly dominant within the streetscene. Furthermore, whilst the mansard design feature is not otherwise present within the vicinity, the building still retains the overall proportions of a domestic sized single garage and its visual appearance is therefore not wholly at odds with its residential surroundings. I therefore find that the building as altered is acceptable within its context and as such does not have an adverse effect on the character and appearance of the area. Consequently in respect of this issue the development accords with policy EQ2 of the South Somerset Local Plan (2015), which seeks to promote local distinctiveness and to preserve or enhance the character and appearance of the district. The scheme would also not conflict with the design aims of the Framework.

Living Conditions

5. The building is located adjacent to the boundary with the neighbouring property of 32 Trent Close (No 32). There is an area of substantial landscaping to the front of No 32, some of which at the time of my site visit exceeded the height of the appeal building. There is also a significant separation between No 32 and the building (both parties refer to a separation of approximately 11 metres). Given these factors, the building does not have an overbearing effect on the outlook from No 32 and, despite its position to the south of No 32, it does not materially affect sunlight or daylight levels reaching next door.
6. Concern has also been raised by another interested person in respect of the effect on the living conditions of occupiers of dwellings to the east of the site, although this is not referred to in the Council's reason for refusal. However in this respect, the building is set away from the boundaries with these properties and at a sufficient distance so that the building, whilst being visible from these properties, would not result in an overbearing effect or any significant loss of light.
7. Consequently I consider that the scheme would not result in unacceptable living conditions for the occupiers of neighbouring properties and the development accords with policy EQ2 of the South Somerset Local Plan (2015), which seeks to ensure development respects local context, in this respect. The amenity protection aims of the Framework would also be satisfied.

Other Matters

8. I am aware that planning permission was granted to convert the garage and the development was not carried out in accordance with the approved plans. However, the planning system does allow for planning permission to be sought retrospectively. Such schemes should be considered on the basis of their planning merits irrespective of the unauthorised background. Therefore, while local concerns about this aspect of the proposal are noted, they have very little bearing on the outcome of the appeal.

Conditions

9. I have considered the condition suggested by the Council, requiring the building to only be used for purposes ancillary to the main dwelling and that there should be no subdivision of the single dwelling. However, use of the building for purposes other than ancillary to the dwelling, as well as the subdivision of the dwelling so as to create separate planning units would be

development requiring a further grant of planning permission. As such the condition is not necessary.

Conclusion

10. For the reasons above, the appeal should succeed.

Martin Allen

INSPECTOR