



Appeal Decision

Site visit made on 16 August 2018

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2018

Appeal Ref: APP/R3325/W/18/3197423 2 Monmouth Road, Yeovil BA21 5NL

- 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 F Harris against the decision of South Somerset District Council.
 - The application Ref 17/04437/FUL, dated 13 November 2017, was refused by notice dated 24 January 2018.
 - The development proposed is described as Domestic.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The planning application described the proposal solely as 'Domestic'. It is clear from the submitted information that the erection of a dwelling has been applied for; both the Council and Appellant refer to such in the submitted documentation. I have therefore considered the appeal on this basis.
3. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework). Comments were sought from the Council and the Appellant; the Appellant has provided comments which I have considered. Both main parties have been provided with the opportunity provide comments and so no injustice has been caused to any of the appeal parties. I have considered the appeal on the basis of the revised Framework.

Main Issue

4. The main issue is the effect of the development on the living conditions of the occupiers of 2 Monmouth Road with particular regard to outdoor amenity space.

Reasons

5. The proposed dwelling would be located to rear of the existing property of 2 Monmouth Road (No 2) and would occupy much of the garden space associated with this existing dwelling. An area of garden would remain to the side of No 2 that is currently utilised as a driveway. This area is bordered by Monmouth Road as well as a lane which serves as an access for other nearby dwellings. The lane would also provide the only access to the proposed dwelling.

6. The proposed scheme follows the dismissal of a previous appeal on the site and seeks to overcome the shortcomings identified by the Inspector in that appeal. Rather than the vehicular access to the proposed dwelling taking up a portion of the existing dwelling's garden area, the scheme now proposes that access be gained from the existing access lane which lies to the north of the site. This would allow for a greater garden area to be retained than that which was proposed within the previous scheme.
7. There would be a narrow strip of garden to the east of the existing dwelling. It is acknowledged that the proposed house would not have its door on the elevation next to rear of the host property any more. However, I agree with the findings of the previous Inspector that this area would not provide much space, would have limited light and would be overshadowed for much of the day. Additionally the space to the front of the existing bungalow is not adequately private and it is subject to noise from activities in Monmouth Road.
8. The existing area of garden to the north of the existing dwelling would be reduced in size slightly from that which currently exists due to the proposal to widen the adjacent access lane and chamfer the boundary at the north-west corner of the site. Nevertheless this retained garden area would be of a sufficient size to allow occupiers of the dwelling to sit outdoors, store refuse, hang out washing, etc. This area would therefore in my view be adequate, when considered in terms of size alone.
9. Nonetheless, whilst the new access would be further away from the host bungalow than before, the previous Inspector's concerns related to the quality of the space provided. Despite the size of the retained garden area being increased, I find, as did the previous Inspector, that the retained area of garden would be close to the adjacent highway, footway and access lane. Whilst in the context of the existing use of the lane the appeal proposal may not increase the use greatly users of the garden would be very much aware of the movement of both vehicular traffic and pedestrians very close to their only meaningful outdoor amenity space. The disturbance, including the associated noise, from the comings and goings of vehicular traffic and pedestrians associated with the proposed dwelling coupled with vehicular and traffic movements along Monmouth Road would diminish the quality of this space to an unacceptable degree. The presence of boundary features along the site boundaries would do little to ameliorate the effect of this disturbance.
10. I note details have been provided of the original scheme for the development of the existing dwelling, which do not show the inclusion of the existing garden to the rear of No 2. However, in my view the circumstances that would result, should the appeal succeed, would differ from those present at the time that planning permission was granted for the existing dwelling. The details provided of the original scheme show an outbuilding located in the area where the new dwelling is now proposed. However, the relationship between the proposed dwelling and No 2 would differ from that between the outbuilding which previously existed and No 2. The size and position of the proposed dwelling would also differ from that of the outbuilding. In addition the current scheme proposes a reduction in the depth of garden area to the east of No 2 from that which was originally approved. Therefore in my view the situation that would result from the proposed development would not be the same as that which existed at the time the original scheme was granted planning permission. The

original grant of planning permission for No2 does not therefore justify allowing the appeal scheme.

11. Whilst I recognise that the scheme has been amended, I still find that the current proposal would have an unacceptable effect on the living conditions of the occupiers of No 2 with particular regard to amenity space. This would not comply with policy EQ2 of the South Somerset Local Plan (2015), which seeks to protect the residential amenity of existing properties. The policy from the Framework regarding developments achieving a high standard of amenity for existing users would also not be met.

Other matters

12. I note the appellant has provided details of a scheme at Sherborne Road where identified highway benefits were taken into account by the Council when making a decision on that case. I have had regard to the benefits that would arise from the appeal scheme in terms of highway safety. However, there is no evidence before me demonstrating that the existing access arrangements pose any significant risk to highway safety. As such these benefits have limited weight, which in any event do not outweigh the harm I have identified above relating to living conditions.
13. The appellant states that that the Council is not able to demonstrate a 5 year supply of deliverable housing sites, but the Council have not clarified this. However, even if it is the case that there is no 5 year housing land supply, overall I find that the adverse impact of the proposed development would significantly and demonstrably outweigh the limited benefits that would arise from the contribution of a single dwelling to housing supply when assessed against the policies in the Framework taken as a whole.

Conclusion

14. It is concluded that the appeal should not succeed.

Martin Allen

INSPECTOR