



Appeal Decision

Site visit made on 22 August 2017

by **JP Roberts BSc(Hons) LLB(Hons) MRTPI**

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

Decision date: 11 September 2017

Appeal Ref: APP/R3325/W/17/3175122

8 and 10 Victoria Avenue, Chard, Somerset TA20 1HE

- 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 David Pape against the decision of South Somerset District Council.
 - The application Ref 16/04822/FUL, dated 17 October 2016, was refused by notice dated 1 February 2017.
 - The development proposed is the erection of a dwelling in the rear garden of 8 & 10 Victoria Avenue, including provision of 2 no. car parking bays (off street) per dwelling.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appellant raised concerns about the manner in which the application was decided, under delegated powers, rather than by reference to Committee. This is not a matter for me to consider, and it does not affect my consideration of the appeal.

Main Issue

3. The main issues are:
 - i) the effect of the proposal on the character and appearance of the surrounding residential area, and
 - ii) the planning balance.

Reasons

Character and appearance

4. The appeal site forms the rearmost part of the back gardens of two dwellings which are part of a regular line of semi-detached and terraced two storey houses, backing onto Stringfellow Park, a large area of public open space. The site falls within the built-up area of Chard where there is no objection in principle to new residential development, as set out in South Somerset Local Plan (LP) Policy SS1.
5. The back gardens along this stretch of Victoria Avenue are long, but fairly narrow, rising towards the rear. Whilst there are some outbuildings in the rear gardens, there are none that are anything like as large as the two-storey

dwelling proposed. The dwelling would, because of its size, and its position on higher ground, appear as prominent and incongruous in a hinterland location, and would relate poorly to the established line of much taller dwellings on Victoria Avenue.

6. Although the site is only visible in a fairly narrow vista along Victoria Avenue, it can be seen clearly from a number of residential properties along the road and from a number of the flats in Victoria Court. There is no boundary planting along the boundary with the adjacent park, and the dwelling would have a comparatively small rear garden and would appear out of place and cramped when seen from the public open space and the well-used footpath that runs parallel with the boundary.
7. The host properties would be left with uncharacteristically small rear gardens, particularly 8 Victoria Avenue which would be notably smaller than that of the adjacent properties. This would add to the incongruity that I have found.
8. Whilst the flats at Victoria Court to the south extend some way into the site, it is a corner property with its own identity and does not intrude into an established line of dwellings with a distinctive character of their own. I consider that the proposal fails to reinforce local distinctiveness or respect local context as required by LP Policy EQ2.
9. I therefore find on the first main issue that the proposal would result in significant harm to the character and appearance of the surrounding mainly residential area, and would conflict with the LP policy referred to above.

Planning balance

10. The appellant contends that the Council cannot demonstrate a 5 year supply of housing land. This has not been disputed by the Council, in which case the provisions of paragraphs 14 and 49 of the National Planning Policy Framework (the Framework) come into play. Their effect is to provide that where a 5 year supply cannot be demonstrated, the policies for the supply of housing are out of date, and therefore permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.
11. There are no Framework policies that indicate that development should be restricted, and therefore the "tilted balance" applies. I have not been told anything about the extent of the shortfall, for how long it has persisted, or what steps have been taken to address it. Although I recognise that cumulatively, small sites such as this can make a valuable contribution towards easing shortfalls, the provision of one dwelling would make the smallest possible contribution. Even so, one further dwelling would bring a social benefit in helping to meet the housing needs of the district.
12. The proposal would also bring with it some economic benefits resulting from the construction and occupation of the new dwelling, but I afford these only modest weight. To be weighed against these considerations is the significant harm I have found to the character and appearance of the area, which leads me to the conclusion that the environmental role of sustainable development would not be fulfilled. This adverse impact would significantly and

demonstrably outweigh the benefits I have identified. When looked at in the round the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including those of the Framework.

Other matters

13. A neighbour has raised concerns about overlooking. The plans show that a first floor bedroom and lounge would have windows in a gable which would overlook windows in Victoria Avenue properties, in No 10 in particular at what I consider to be an unacceptably close distance. However, if the appeal were to have been allowed, a condition to require that they be obscurely glazed up to a height of 1.7m would have been adequate to address the matter.

Conclusion

14. For the reasons given the proposal is unacceptable and the appeal should fail.

JP Roberts

INSPECTOR