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## Appeal Decision

Site visit made on 6 August 2019

**by S Thomas BSc (hons) MSc MRTPI**

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

**Decision date: 20 November 2019**

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**Appeal Ref: APP/R3325/W/19/3229866**

**Rose Cottage, School Lane, Tatworth and Forton, Chard TA20 2SA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr & Mrs Manning against South Somerset District Council.
  - The application Ref 18/03923/FUL, is dated 4 April 2018.
  - The development proposed is retirement housing development of 4 no bungalows; improvements to existing access and existing parking facilities.
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### Decision

1. The appeal is dismissed and planning permission is refused.

### Application for costs

2. An application for costs was made by Mr & Mrs Manning against South Somerset District Council. This application will be the subject of a separate Decision.

### Procedural Matters

3. The submitted plans with the appeal included a plan reference SP01-G. As part of the Council's suggested list of conditions this included reference to a plan entitled SP01-H. Clarification has been sought in respect of plan SP01-G, the Council and the appellant have confirmed that plan SP01-G was incorrect and formed part of the previous withdrawn planning application at the site. Accordingly, SP01-H is the correct plan submitted as part of this planning application, and for completeness is the one on which I will base my decision.
4. Whilst the Council did not determine the application within the prescribed period, it has subsequently identified its main concerns to be the impact on the character and appearance of the area, including the Conservation Area and setting of a grade II listed building, impact on trees, general visual amenity and highway safety.

### Main Issues

5. The main issues are the effect of the proposed development on (i) the character and appearance of the area including the Tatworth Conservation Area; (ii) the setting of Lakehayes, a Grade II Listed Building; and (iii) highway safety and parking

## Reasons

### *Effect on the character and appearance of the area and Conservation Area*

6. The appeal site is a paddock situated to the rear of Rose Cottage and is accessed via the existing access lane serving both Rose Cottage and the neighbouring property, Alberta. These properties front onto School Lane. The paddock is slightly undulating and formed by trees on its boundaries. It provides a pleasant backdrop to Rose cottage and is viewed in the context of the other open land surrounding the site. The appeal site including the host dwelling forms the southern boundary of Tatworth Conservation Area, a designated heritage asset.
7. The general character of School Lane is of linear built form with properties fronting immediately on to it or set slightly back. The appeal site is set back to the rear of Rose Cottage in an area that provides an important part of the green backdrop to this settlement. The development of this site would result in its urbanisation which would appear incongruous with the pattern of development. I note that proposed hedgerow planting would limit views into the site, and this could be secured by means of a suitably worded condition. However, the widening of the access road and reducing the height of the boundary wall required to achieve adequate visibility splays would lead to increased views into the site, which would result in adverse visual effects.
8. The Conservation Area is formed by the church and its grounds to the northern edge providing a pleasant gateway into the area. To the east of the Conservation Area I noted some white thatched cottages which contribute to the overall historic character. School Lane has an attractive appearance resulting from the various historic buildings bordering the lane including Rose Cottage. The area to the west of the Conservation Area is characterised by open fields providing an attractive backdrop to the settlement. From the available evidence, it appears that the intrinsic character of the surrounding landscape has remained largely unchanged over time. This open land therefore makes a significant positive contribution to the character of the conservation area.
9. The trees bordering the site make an important contribution to the character and appearance of the Conservation Area. Their significance is protected by virtue of their location within the Conservation area. In considering the case of both parties in terms of whether harm would result to the trees, I acknowledge the appellants case that the development has been arranged to minimise disturbance and no trees will require felling. I also recognise that the additional hedge planting proposed would enhance green infrastructure and biodiversity on site.
10. However, it is clear that the tree constraints plan and the proposed site layout plan are at odds with one another and there would be conflict between the trees and the proposed development. On the northern boundary trees T10 and T11 would be significantly close to and overhanging gardens of Plots 3 and 4. Similarly the Root Protection Zones of the trees extend into domestic gardens and appear to conflict with the development footprint. On the southern boundary the trees T3/T4/T5 and their root protection zones encroach into and overhang the domestic gardens of plots 1 and 2. Given those factors, there is likely to be pressure

from future residents for inappropriate works to these trees, including felling and potential impacts on root protection areas could harm the trees' future health. This situation would be unacceptable notwithstanding the proposed measures that aim to safeguard the trees rooting areas. Accordingly, based on the available evidence, there is likely to be harm caused to existing trees contrary to Policy EQ5 of the South Somerset Local Plan (2015) (Local Plan) which seeks to ensure existing green infrastructure will be protected from the adverse impacts of development.

11. Taking the above matters into consideration, the proposed development would unacceptably urbanise the area including the undeveloped character of part of the Conservation Area. I acknowledge the design intentions of the proposed scheme in an attempt to integrate the dwelling into its setting. I also recognise the challenge of providing appropriate housing for an ageing population. However, for the reasons already identified above, the urbanisation of the site would cause harm to the local environment including to the significance of the Conservation Area.
12. Consequently, it would conflict with Policies EQ2 and EQ3 of the Local plan, which overall, seek to promote local distinctiveness, preserve the district's character and appearance and safeguard the significance of heritage assets. When considering the impact on the significance of a designated heritage asset the National Planning Policy Framework (the Framework) places great weight on the asset's conservation. I conclude that the proposal would fail to preserve the character or appearance of the Tatworth Conservation Area resulting in less than substantial harm to its significance as a designated heritage asset. The Framework says that such harm should be weighed against the public benefits of the proposal. I return to this matter later on in my decision.

#### *Effect on the Grade II Listed Building*

13. Lakehayes is a former farmhouse, dating back to the late 16<sup>th</sup> to early 17<sup>th</sup> century. It is identified as being a substantially intact building with significant historic fabric and form. It is clear from the available evidence that the farmhouse was surrounded by open pasture. However, the evidence before me indicates that a field boundary ran between the appeal site and Lakehayes and this still remains and is lined with dense tree cover. Therefore, the appeal site has always been separated from the Listed building. Taking this into consideration I do not find it to adversely impact on the setting of the listed Building given that the site is reasonably well-screened from it.
14. Notably, immediately adjacent to the listed building is the private garden of Rose Cottage which has a domestic feel. This separates the open pasture from the farmhouse and therefore is not read in context with it.
15. I therefore find the proposal would not result in harm to the setting of the grade II listed building and would not harm its significance as a designated heritage asset. As such it would not conflict with Policy EQ3 of the Local Plan or the Framework.

*Effect on Highways and parking*

16. School Lane is the main road that runs through the village. It is a narrow and winding road in sections. Approaching the school from the south there is a speed control sign and there are speed humps along this lane to control traffic speeds. This indicates that it is frequently used. The carriageway is narrow fronting the proposed access to the site and there are no footways in this section of road. At the time of my site visit the road was quiet although it took place during school holidays. However, given this lane serves the school, I have no doubt traffic flows would be higher during term times.
17. In respect of the proposed site access, adequate visibility to the north can be achieved as the applicant proposes to lower the boundary wall which is within their control. However, required visibility to the south is restricted as the boundary wall here is in separate ownership. Whilst this matter could technically be addressed by means of a Grampian condition, Planning Practice Guidance (PPG) says that such conditions should not be imposed where there are no prospects of the actions being implemented within the time limit of the planning permission. I have no satisfactory evidence to indicate that those prospects exist.
18. On my site visit I noted that visibility to the south is restricted. This was confirmed as cars approached from the south. Similarly approaching the site from the south, it would be difficult to see cars pulling out of the junction. Whilst I note the submitted accident data and reference to several existing access points from dwellings in the area, each application is dealt with on its own individual merits. This does not alter my view that the intensification of use of this junction without acceptable visibility would cause harm to highway safety.
19. Turning to parking arrangements; 8 parking spaces are proposed. The Council indicate, based on 2-bedroom properties, that their optimum parking provision in line with their adopted guidelines would be 10-11 spaces. The appellant indicates that as they are 1 bed properties with another room identified as an adaptable room for lifetime living this would give rise to a need for only 2 spaces per dwelling and no visitor requirements. However, there is no mechanism available to prevent these other rooms from being used as bedrooms, for example, by visiting family members. The appellants propose to keep half of the spaces unallocated by restricting cars to one car per dwelling by condition. However, it is not clear how such a condition would work in practice and would be a restriction on the person rather than the property. Consequently, the proposed condition is neither reasonable or enforceable and would not meet the relevant tests in the Framework and PPG.
20. I acknowledge parking guidelines are just that and account should be taken of site-specific factors. I see no evidence that occupation of these properties by older people would mean they are unlikely to have more than one car. They are likely to be dependent on a car due to the rural nature of the settlement. Further it is not unreasonable to assume that there will be increased healthcare requirements and the need for visits from health providers to provide care. This will increase the need for parking provision to cater for these visits. Whilst visits could be combined between residents

it will still give rise for a need for additional visitor parking provision. This is pertinent given the narrowness of School lane and further parking along this narrow carriageway would introduce a hazard to pedestrians and drivers. Accordingly, I conclude there is a deficiency in parking provision.

21. Accordingly, I find the proposal would cause unacceptable harm to highway safety resulting from substandard visibility and inadequate parking. As such it would be in conflict with Local Plan policies TA5 and TA6 which overall, seek to safeguard the safety of road users and pedestrians and provide adequate parking. The proposal would also conflict with the transport objectives in the Framework.

### *Planning Balance*

22. The Council is unable to demonstrate a 5 year supply of housing and therefore paragraph 11 of the Framework is engaged. However, having regard to footnote 6 of the Framework, I have found that the proposal would fail to preserve the character or appearance of the Tatworth Conservation Area resulting in less than substantial harm to this designated heritage asset. I give great weight to the asset's conservation and turn now to consider any public benefits of the proposal.
23. The proposal would provide 4 dwellings which would assist in contributing to the housing shortfall, although given the small nature of the scheme, this contribution would be limited. Further, the dwellings are proposed to be for retirement housing which will contribute to meeting needs for the ageing population. Similarly, the types of dwellings proposed will bring some minor economic benefits through potential healthcare work, and property maintenance to assist the residents who would occupy them. Additional properties will provide additional support for local services within Tatworth and South Chard. However, whilst acknowledging these positive benefits, given the harm I have found to the character and appearance of the Conservation Area, there is a clear reason to refuse permission.
24. In addition to the above considerations, I have also found that there would be harm to highway safety. The proposal is contrary to a number of Local Plan policies and the Framework. Accordingly, I see no reason to take a decision other than in accordance with the development plan.

### **Conclusion**

25. For the reasons given above the appeal is dismissed.

*Stephen Thomas*

INSPECTOR