

# APPEAL DECISIONS – 9 JANUARY 2020

**Site:** 1A Long Street, Williton, TA4 4QN

**Proposal:** Installation of bird deterrent spikes in thatch roof at 1A Long Street, Williton (retention of works already undertaken)

**Application number:** APP/W3330/Y/19/3235492

**Reason for refusal:** Dismissed



The Planning Inspectorate

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## Appeal Decision

Site visit made on 10 December 2019 by **H Porter BA(Hons) MScDip IHBC**

an Inspector appointed by the Secretary of State

Decision date: 13 December 2019

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### Appeal Ref: APP/W3330/Y/19/3235492 1A, Johns Chip Shop, Long St, Williton, Somerset

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr John Newsome against the decision of West Somerset Council.
  - The application Ref 3/39/19/010, dated 15 March 2019, was refused by notice dated 3 July 2019.
  - The works are retaining bird deterrent spikes on roof ridge.
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#### Decision

1. The appeal is dismissed.

#### Main Issue

2. The main issue is whether the works have preserved the Grade II listed building, its setting or any features of special architectural or historic interest which it possesses.

## Reasons

3. The appeal site is part of the Grade II listed building known as Nos 1 & 3 Long Street. The appeal building is a short terrace of thatched cottages that round the corner of Long Street in the centre of Williton. The appeal concerns the end of the terrace property, which has a ground floor shopfront, a former bakery, now a fish and chip shop.
4. The statutory list description identifies the building as being a shop and cottage dating from the 17<sup>th</sup> century. The building is listed for its group value (GV) as being of special architectural interest as an entity. Some of the key attributes of the building's special interest and significance lie in its age, any surviving historic fabric and the manner of its execution. The consistency and authenticity of material treatment, distinguished by the softly-moulded thatched roof, reflect the local vernacular and contribute to the building's local distinctiveness.
5. I saw during my site visit that the works have already been undertaken and have involved the installation of metal bird spikes along the thatched roof ridge of the appeal building. The spikes run between two chimney stacks and then approximately two thirds the length of the ridge to the next stack along in the terrace group. Notwithstanding the individual spikes are relatively fine, they are noticeable, particularly from the raised ground of the public car park opposite the appeal site.
6. The introduction of bird spikes to the ridge of the appeal building has introduced a non-traditional material, which has undermined the consistency and authenticity of materials that are intrinsic to the listed building's significance. Moreover, the bird spikes terminate part way along the ridge of the listed building. While this probably reflects the extent of the building under the appellant's control, it serves to emphasise an inconsistency. As a consequence, the building's group value as an entity has been weakened.
7. In light of the above, I find that the bird spikes have failed to preserve the special interest and significance of the listed building and have caused harm. Given the scale and nature of the works, the degree of harm to the heritage asset has been less than substantial. Paragraph 196 of the National Planning Policy Framework, revised February 2019 (the Framework), requires this to be weighed against the public benefits of the proposal, including securing the asset's optimum viable use.
8. The works have been undertaken in order to deter seagulls and crows, and to prevent them from causing damage to the thatch, which has been replaced relatively recently. Given that only part of the terrace's thatched roof has the spikes, this calls in to question whether the metal spikes are necessary. Even if birds were causing serious damage, there is nothing to indicate that metal spikes along the ridge are the only way to prevent bird attack or that they are the least harmful way of securing the conservation of the listed building. I recognise that repairing thatch might be costly, and that the appellant has invested substantially in the up-keep of the building since taking ownership of it. However, this does not justify making changes to the building that have failed to preserve its significance and special interest, nor does it indicate that those changes are necessary to secure the building's optimum viable use.

9. Although I have found the overall harm to be substantial in this case, public benefits do not outweigh the harm. The works have failed to preserve the listed building, and its features of special architectural interest, contrary to the clear expectations in Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990. There is also conflict with the historic environment policies within the Framework and with Policies NH1 of the West Somerset Local Plan to 2032, November 2016, insofar as it seeks to sustain or enhance heritage assets and their settings.

## Conclusion

10. Bearing in mind the considerable importance and weight I must afford to the desirability of preserving a listed building, I conclude that the appeal should be dismissed.

*H Porter*

INSPECTOR

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**Site:** 20 The Brambles, Wellington, TA21 9PS

**Proposal:** Erection of a two storey side and front extension at 20 The Brambles, Wellington

**Application number:** APP/W3330/D/19/3240539

**Reason for refusal:** Allowed



The Planning Inspectorate

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## Appeal Decision

Site visit made on 25 November 2019

**by Thomas Bristow BA MSc MRTPI**

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

**Decision date: 13 December 2019**

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### Appeal Ref:

**APP/W3330/D/19/3240539 20 The  
Brambles, Wellington TA21 9PS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs Sutton against the decision of Somerset West and Taunton Council.
- The application Ref 43/19/0076, dated 27 August 2019, was refused by notice

dated 15 October 2019.

- The development proposed is described on the application form as 'extension above and in front of garage adjacent existing house. To form additional bedroom and ensuite, alterations to ground floor and conversion of part of garage to Kitchen'

## Decision

1. The appeal is allowed and planning permission is granted for the development proposed, as described in the banner heading above, at 20 The Brambles, Wellington TA21 9PS, in accordance with the terms of the application Ref 43/19/0076, dated 27 August 2019, subject to the conditions below.

## Preliminary matters

2. On 1 April 2019 Taunton Deane Borough Council merged with West Somerset Council, forming Somerset West and Taunton Council. However, until superseded, the existing development plan documents of the former Councils remain extant. Each proposal must be determined on its merits in accordance with the development plan, unless material considerations indicate otherwise.
3. The development plan in this instance includes policies of the Taunton Deane Site Allocations and Development Management Plan (adopted December 2016, the DMP). DMP policy D5 requires that extensions to dwellings integrate appropriately with local character and amenity. Those are aims common to paragraph 127 of the National Planning Policy Framework ('NPPF'), and also reflected in the National Design Guide.

## Main issue

4. Against the context above, the main issue is the effect of the development proposed on local character and appearance.

## Reasons

5. No 20 is a terraced dwelling, part of an established residential area at the fringes of Wellington. I understand properties here were constructed at broadly the same time following grant of planning permission in 1994 (Ref 43/94/0112). The area therefore has an ordered, planned layout. Nearby properties are typically relatively modest two storey dwellings reflecting a similar style to, and incorporating similar external materials as, No 20. Consistency is visually pleasing, and the proposal would inevitably result in a degree of change. In brief the proposal is to create a two storey side extension to No 20, projecting towards No 18, in place of an attached garage.
6. Nevertheless there is some variety in the type, scale and design of nearby properties. No 20 is the end of a terrace including Nos 22 and 24, and there are both semi-detached properties and detached properties relatively close by (Nos 35, 37, 14 and 12). Some houses face the street side-on rather than with a frontage to it, including No 31 broadly opposite. The set-back of properties from the pavement varies, and there are variously attached and detached garages. There is a stepped building line along this stretch of the Brambles, responding to the curve of the street. I also saw how a number of houses in this location had been altered over time. No 24 now features a two storey side extension in place of an original garage, as does No 12.<sup>1</sup> The area is therefore capable of accommodating some change without undermining its essential character.

7. The extension proposed is proportionate to No 20 as it stands; its width would be around half that of the existing property, and its maximum roof height would be slightly lower than the existing ridgeline. It would also be set back about one metre from the foremost elevation of No 20. The resulting increase in visual bulk would also be partially offset by the proposal being in place of an existing garage. The proposal would represent a relatively minor addition to the street scene, particularly when viewed in the context of the stepped building line here and the varied form and scale of nearby properties (several of which, as noted above, have been extended over time). The proposal would result in a broadly symmetrical principal elevation, and in terms of detailing and external materials would tie in well with the existing property and aesthetic of the area. I therefore conclude that the scheme would integrate appropriately with local character and appearance in accordance with the relevant provisions of DMP policy D5 and NPPF paragraph 127.

## Other matters

8. The garage associated with No 22 falls between, and is attached to, that of No 20 on one side and No 18 on the other. There is space for off-street parking in front of it, as is the case of neighbouring garages. I appreciate the concerns of the occupants of No 22 that the creation of a wall along the common boundary would impede their ability to park and enter or exit a vehicle. However the foremost elevation of No 20 is well set back from the pavement edge, and the extension proposed would in turn be set a further metre in. Any enclosing effect would therefore be limited. The proposal would not alter ownership boundaries, nor result in a relationship that would differ significantly from that which may occur at present (for example if a vehicle were to be parked next to off-street provision associated with No 22, or if items were to be stored in that location from time-to-time).<sup>2</sup>

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<sup>1</sup> Related to planning permissions Ref 43/07/0180 and 43/15/0007 respectively.

<sup>2</sup> Albeit I note that permitted development rights related to gates, fences and walls were removed via condition attached to the 1994 permission referenced above.

9. I have set out above how other properties in the area have incorporated original garages within subsequent extensions. I have also explained that it is the particular nature of the proposal and its surroundings that means the proposal would integrate appropriately with local character, and how each proposal must be considered on its merits. There is therefore no real prospect of this appeal setting an unwarranted precedent in respect of character and appearance, or to the detriment of an appropriate level of parking here (subject to conditions as set out below). No other matters are therefore of such significance so as to alter my conclusion regarding the overall acceptability of the proposal, as reasoned in respect of the main issue in this case.

## Conclusion

10. For the above reasons, having taken account of the development plan as a whole, the approach in the NPPF, and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

## Conditions

11. In addition to requiring commencement within the relevant statutory period, I have imposed conditions requiring compliance with the supporting plans and that matching materials are used in the extension as in the existing building. Those are

necessary so that the proposal is implemented as assessed above and integrates suitably with local character and appearance. The appellants have explained that they intend to make provision for parking of a vehicle within the garage as altered by the development proposed. Consequently it is reasonable, including with regard to ensuring appropriate off-street parking in the area relative to existing levels of provision with regard to with DMP policy D5 (C.), to impose a condition requiring that such provision remains available. In imposing conditions I have had regard to the relevant provisions of the NPPF and of statute. In that context I have amended the wording of conditions proposed by the Council without altering their aims.

*Thomas Bristow*  
INSPECTOR

## SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with approved plans 0035/PL00, 0035/PL03 and 0035/PL04.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) The space proposed for vehicular parking within the development hereby permitted, served by the 'relocated garage door' as annotated on approved plan 0035/PL03, shall be kept available for such purposes at all times.

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**Site:** Land West of Embercombe House, off Combe Close, Bicknoller, TA4 4EP

**Proposal:** Outline planning application with all matters reserved except for access for the erection of 4 No. detached dwellings

**Application number:** APP/W3330/W/19/3236323

**Reason for refusal:** Dismissed



The Planning Inspectorate

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## Appeal Decision

Site visit made on 10 December 2019

# by H Porter BA(Hons) MScDip IHBC

an Inspector appointed by the Secretary of State

Decision date: 18 December 2019

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## Appeal Ref: APP/W3330/W/19/3236323

**Land west of Embercombe House, Comb Close, Bicknoller, Somerset TA4 4EP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Sally Ann Heller against the decision of Somerset West and Taunton.
  - The application Ref 3/01/19/001, dated 10 March 2019, was refused by notice dated 18 June 2019.
  - The development proposed is outline application for residential development for four number dwellings all details reserved other than access.
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## Decision

1. The appeal is dismissed.

## Procedural matters

2. The application was submitted in outline, with all matters except for access reserved for future consideration.

## Main Issues

3. The main issues in this appeal are:
  - whether the appeal site offers a suitable location for the proposed development, having regard to whether there would be safe and easy pedestrian access to services and facilities; and the Council's settlement strategy policies;
  - the effect of the proposed development on the character and appearance of the area, including its effect on the Quantock Hills Area of Outstanding Natural Beauty (AONB).

## Reasons

### *Location*

4. The appeal concerns a part of field laid to rough pasture land situated at the edge of the village of Bicknoller. Policy SC1 of the West Somerset Local Plan to 2032, November 2016 (the LP), defines Bicknoller as a 'primary village', where limited housing development within 50 metres of the built-up area of the village can be acceptable subject to it being, amongst other things, well-related to existing essential services and social facilities within the settlement, to which there would be safe and easy pedestrian access.
5. Bicknoller is a relatively small village in a rural location that offers some basic local services such as village hall and community shop, church, and a public house. While they are not particularly far from the appeal site, the routes to these services and social facilities are extremely narrow in parts, lack footways or street lighting, and are bounded by high hedges or boundary walls.

6. Moreover, the limited range of the services and facilities that Bicknoller offers would conceivably necessitate regular access to essential services and facilities further afield. A bus route runs along the A358, ostensibly providing a regular service to larger settlements including Taunton, Minehead and Williton. However, the closest bus stops to the appeal site would involve walking or cycling along the narrow, unlit and winding Dashwoods Lane.
7. Although the intervening distances between the appeal site and the services and facilities in Bicknoller, or to the A358 bus stops, are not long, the nature of the routes involved would be a disincentive to journeying along them on foot, especially during darker winter months or in inclement weather. That there have been no recorded incidents does not attest to a safe highway network for pedestrians or indicate new development should be permitted. Indeed, the specific characteristics of Dashwoods Lane and routes towards the village from the appeal site suggest that pedestrian access from the appeal site to essential services and community facilities in Bicknoller would be neither safe nor easy.
8. The location of the appeal site would consequently limit opportunities to regularly access services and facilities by sustainable transport modes. Rather, the majority of journeys to, for example, schools, supermarkets and employment, would be taken by private car trips. Therefore, the appeal site does not offer a suitable location for the proposed development, having regard to whether there would be safe and easy pedestrian access to services and facilities. Conflict therefore arises with Policies SD1, SC1 and TR2 of the LP and the National Planning Policy Framework, Revised February 2019 (the Framework) that, amongst other things, seek to ensure development is sustainable, and fosters a safe built environment, with accessible services, and is located to maximise the attractiveness of modes of transport other than by the private car.

#### *Character and appearance*

9. Bicknoller is a small village situated in rural surroundings within the Quantock Hills Area of Outstanding Natural Beauty. Currently, the sporadic nature of development along with the greenery and openness at the outer edges of Bicknoller are important transitional areas between the settlement and the more rural AONB context beyond.
10. The appeal concerns a portion of a large paddock located at the southwestern edge of Bicknoller. On the approach to the village along Dashwoods Lane, the appeal site provides a link with the wider verdant landscape and extends this right up to the developed edge of the village. Similarly, on leaving the village by the same route, the soft, green and informal characteristics of the appeal site alleviate the transition between the more regular concentration of built form in Bicknoller and the countryside surroundings. Therefore, it is the characteristically open, green and undeveloped nature of the appeal site that is of value to both the character and appearance of the area and the AONB landscape.
11. The illustrative block plan shows the proposal would introduce four detached dwellings and associated garaging onto the northernmost corner of the appeal site. The dwellings would be arranged around a shared access driveway off Combe Close. Notwithstanding the reserved matters, the proposed development would consolidate built development along Combe Close up to Dashwoods Lane and fundamentally weaken the green outer edge of the village. Irrespective of the quality of the detailed design or landscaping at reserved matters stage, or that no existing hedgerows or mature trees would be affected, the imposition of four



dwelling onto the site would have a harmful urbanising impact. Exacerbated by hard-landscaped areas and inevitable plot- subdivisions, the proposal would stand out as a domestic intrusion, which would erode the soft, informal qualities of the existing field and the verdant, spacious landscape setting it provides at the village edge.

12. Ultimately, the location of the appeal site in the open countryside and AONB sets a high bar where new development is strictly controlled by local and national planning policies. I cannot agree that the impacts of new development can be lessened by good design or mitigated. On this basis, the proposed development would cause harm to the character and appearance of the area. Moreover, although relatively localised in its extent, there would also be small residual harm to the landscape and scenic beauty of the AONB. Conflict therefore arises with LP Policies SC1 and HN14 insofar as they seek to ensure proposals conserve or enhance the natural beauty of the AONB, and complement the character of the existing settlement. There would also be conflict with the Framework policies that afford great weight to conserving landscape and scenic beauty in AONBs.

#### *Other matters*

13. In support of the appeal, my attention has been drawn to a recently approved development in the neighbouring village of West Quantoxhead. That site may well be similarly located within 50 metres of the built-up area of a primary village in the AONB and comparatively further from essential services and facilities or bus stops. Whilst I do not know the specific planning considerations that lead to that approval being granted, the location plan provided shows that site to be more of a gap in an otherwise regular concentration of houses, where the lane is wider and where front driveways would offer pedestrians refuge. The site-specific circumstances are therefore not usefully comparable and do not justify allowing the harmful development in this case, which has been decided on its own merits.

## **Conclusion**

14. I do not find there to be any material considerations sufficient to outweigh the conflict with the development plan and Framework taken as a whole. For the reasons given above, I therefore conclude that the appeal should be dismissed.

*H Porter*

INSPECTOR

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**Site:** 7 Temple Fields, Watchet, TA23 0JH

**Proposal:** Erection of single storey dwelling and demolition of garage

**Application number:** APP/W3330/W/19/3237040

**Reason for refusal:** Dismissed



## Appeal Decision

Site visit made on 10 December 2019

**by H Porter BA(Hons) MScDip IHBC**

an Inspector appointed by the Secretary of State

**Decision date: 18 December 2019**

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### **Appeal Ref: APP/W3330/W/19/3237040**

#### **7 Temple Fields, Watchet, Somerset TA23 0JH**

- 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 Keith Norman against the decision of West Somerset Council.
  - The application Ref 3/37/18/008, dated 24 April 2018, was refused by notice dated 15 April 2019.
  - The development proposed is erection of single-storey dwelling (2 bed) with demolition of extg. garage to facilitate additional carparking.
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## Decision

1. The appeal is dismissed.

### **Procedural matter**

2. The Town and Country Planning (Development Management Procedure) (England) Order 2015, Schedule 4 lists those statutory bodies who LPA are obliged to consult about certain types of development. Town Councils are not referred to, indicating that consultation with them is at the LPA's discretion. The LPA have given an assurance that the Town Council (TC) were consulted at the application stage, although it is equally apparent from the TC letter of 6 June 2019 that, for whatever reason, they did not receive the details and therefore did not comment on the development. However, there is clear evidence that the TC were consulted by the LPA at the appeal stage as their contact details are listed on the list of consultees accompanying the appeal notification letter dated 14 October 2019.
3. Even if the TC were unaware of the proposed development at application stage, the fact that the LPA refused the development in the first instance and subsequently included the TC among the appeal consultees indicates to me that the TC have not suffered prejudice and have been given the opportunity to participate in the appeal process. I am therefore satisfied that the LPA has fulfilled its primary responsibility to ensure that the TC (and others) have been notified about the appeal and been given the opportunity to comment. On that basis, in my view, it is reasonable to proceed to determine the appeal.

## Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area; the effect on the living conditions of future occupiers of the proposed dwelling, in respect of outlook and disturbance; and the effect on highway safety.

## Reasons

5. The appeal site terminates the narrow single-track route of Temple Fields, inside the built-up area of Watchet. No. 7 is a chalet-style bungalow dwelling that occupies the upper end of a sloping plot. The appeal concerns the lower portion of the plot, which is separated from the main dwelling and its garden by a high retaining wall, and contains a single-storey garage.
6. No. 7 and its neighbour are situated on the steep hillside where there is a group of mid-to-late 20<sup>th</sup> century dwellings occupying relatively large plots. As the hillside slopes down towards the town, there are instances of short terraces distinguished by a common age, plot rhythm and design.
7. The proposal is to construct a two-bedroomed bungalow on the lower, undeveloped portion of No. 7's curtilage. The proposed layout, following demolition of the existing garage shows space for parking up to four vehicles on the concrete apron that extends from the site access off Temple Field, which would be shared between the new dwelling and No. 7.
8. The proposed new dwelling would be sited relatively close to three of its site boundaries. Although there are modest bungalow dwellings with small gardens in the vicinity, the appeal proposal would be oriented awkwardly so that there is no obvious differentiation between the front and rear of the garden plot around it. As a consequence, and in spite of the overall building design being broadly in-keeping with its surroundings, the proposed dwelling would appear uncomfortably squeezed-in and an incongruous addition in the context of a more spacious development pattern that characterises dwellings on the rise of the hillside. The proposed development would therefore be uncharacteristic and detrimental to the character and appearance of the area. While reasonably localised in its extent, the impact would be noticeable from the public footpath that runs alongside the appeal site.
9. There may well be examples of dwellings with smaller overall external provision, but the constraints of the site and orientation of the building on the plot mean that any meaningful outdoor provision would be dominated by the proximity of close-board fencing and high hedgerow boundaries or the hard-surfaced car parking area. Indeed, the largest part of the garden would lack a sense of privacy and seclusion owing to the shared nature of the parking. The combination of these factors leads me to conclude that the proposed development would fail to provide an acceptable standard of accommodation for its future occupants, which would cause harm in respect of living conditions.
10. Vehicular access to the appeal site and to No. 7 would be via Temple Fields, which is an extremely narrow route. While the Appellant is of the opinion that there would be enough space for four cars to park and turn, my own observations of the site and its constraints causes me to doubt this. Technically, four cars could be squeezed in side-by-side on the plot. However, given the proximity of the

site's southern boundary, it would be extremely difficult for a car parked in spaces 1 and 2 to manoeuvre in or out if the other two spaces were already occupied.

11. Even if four cars were able to be parked on the site, I believe if all spaces were occupied simultaneously, it would be difficult to manoeuvre within the site and exit in a forward gear. In all likelihood, drivers would be inclined, as I was, to reverse out of the site onto Temple Fields at the point where the public footpath begins. There are clear signs not to park on the shallow turning area along Temple Fields, but the proposed development would intensify the use of a route which is already awkward. Whilst I note comments that the footpath is not well used, its proximity casts doubt over whether a suitable, safe access to the site can be achieved for all people, notably pedestrians using the footpath.
12. While there is no policy objection to the principle of a new dwelling on the appeal site, in light of the foregoing, the combination of the site layout, parking and access arrangements fails to satisfy the environmental strand of sustainable development. Conflict therefore arises with Policies SD1 and NH13 West Somerset Local Plan to 2032, November 2016 and the National Planning Policy Framework, Revised February 2019 (the Framework). Amongst other things, these seek to ensure a high standard of design which makes a positive contribution to the local environment; a high standard of amenity for existing and future users; and safe and suitable access to the site can be achieved for all users.
13. I have given careful consideration to the arguments made in support of the appeal, including those by local residents and the Town Council. Whilst I appreciate there would be benefits associated with the provision of a new dwelling, proximate and walkable to the services and facilities of Watchet, the benefits of the scheme do not outweigh the conflict with the development plan and Framework read as a whole. Nor does the way in which the Council handled the original application lead me to alter my overall conclusion.
14. For the reasons given above, I therefore conclude that the appeal should be dismissed.

*H Porter*

INSPECTOR

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