

Site: 29 RICHARDS CLOSE, WELLINGTON, TA21 0BD

Application number: 43/17/0133

Proposal: Replacement of garage and shed with the erection of 1 No. dwelling in the garden to the side of 29 Richards Close, Wellington

Appeal Decision: Costs Decision 04 Oct 2018

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Site: OLANDS, BURN HILL, MILVERTON, TAUNTON, TA4 1JP

Application number: 23/17/0020

Proposal: Erection of 4 No. dwellings with garaging and associated works with extension to primary school car park facilities at Olands, Burn Hill, Milverton

Appeal Decision: Dismissed

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Site: HILLSIDE, EAST NYNEHEAD ROAD, NYNEHEAD, WELLINGTON, TA21 0DD

Application number: 26/17/0013

Proposal: Erection of 1 No. dwelling with detached double garage and associated works in the garden to the side of Hillside, East Nynehead

Appeal Decision: Dismissed

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Site: 30 LAWN ROAD, STAPLEGROVE, TAUNTON, TA2 6EH

Application number: 34/18/0007

Proposal: Erection of ground floor extension on the west elevation and alterations to roof to create dormer bungalow at 30 Lawn Road, Staplegrove

Appeal Decision: Dismissed

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Site: POETS VIEW COTTAGE, BISHPOOL LANE, SPAXTON, BRIDGWATER, TA5 1DS

Application number: 06/17/0045

Proposal: Erection of two storey extension to side, single storey extension to side and rear and conversion of outbuilding to additional accommodation at Poets View Cottage, Bishpool

Appeal Decision: Dismissed

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# Costs Decision

**by Jonathan Price BA(Hons) DMS DipTP MRTPI**

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

**Decision date: 4<sup>th</sup> October 2018**

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**Costs application in relation to Appeal Ref: APP/D3315/W/18/3195540  
29 Richards Close, Wellington, Somerset TA21 0BD**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mitchell Developments Limited for a full award of costs against Taunton Deane Borough Council.
  - The appeal was against the refusal of planning permission for demolition of existing garage and shed and erection of new house in the garden of 29 Richards Close, Wellington.
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## Decision

1. The application for an award of costs is refused.

## Preliminary Matter

2. The appeal letter stated that this costs application would be the subject of a separate decision, and therefore was not issued concurrently. The Inspector who decided the appeal is no longer available and this application has been passed to me. As the planning merits of the proposal have already been determined, this costs application is decided on the existing evidence and a further site visit has not been carried out.

## Reasons

3. Advice over the award of planning appeal costs is set out in the Government's Planning Practice Guidance (PPG). It states the established premise that parties to an appeal normally meet their own costs. However, where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs. Unreasonable behaviour in this context may be procedural, relating to the appeal process, or substantive, relating to issues arising from the merits of the appeal.
4. The applicant refers to paragraphs 186 and 187 of the previous National Planning Policy Framework (the Framework) concerning decision-making. The revised Framework, published by Government on 24 July 2018, makes little material change to this earlier content. The part quoted is replaced by paragraph 38 which continues to encourage local planning authorities to approach decisions on proposed development in a positive way and to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. However, I consider it remains reasonable for local planning authorities to make a judgement over whether a proposed development would achieve such aims.

5. The substance of the decision was partly over the harm the proposal would cause to the character and appearance of the area. Whilst a revised scheme might have overcome the further reasons, relating to living conditions for future and neighbouring occupiers, this would not have altered the harm the Council had found in respect of character and appearance. The PPG gives examples<sup>1</sup> of the types of behaviour that may give rise to a substantive award of appeal costs against the Council. The Inspector had arrived at a contrary judgement to the Council and allowed the appeal. However, based on the behaviours cited in the PPG, I do not consider that the Council had in this case prevented a development which should clearly have been permitted, based on policy and other material considerations, or had failed to substantiate the reasons for refusal.
6. There is nothing to show the Council had failed to give the proposal suitable consideration or had made basic errors in its assessment. Therefore I do not consider there to be any fault in the Council's decision in a substantive sense for a finding of unreasonable behaviour to be justified for this reason.
7. The PPG also requires that local planning authorities behave reasonably in relation to procedural matters at the appeal<sup>2</sup>, for example by complying with the requirements and deadlines of the process. Lack of co-operation with the other party is one reason given as potentially resulting in an award of costs. The applicant's case mainly relates to this, whereby it was felt that insufficient opportunity had been given for pre-application negotiation, with the Council appearing under pressure to issue a decision to meet the statutory target date.
8. The evidence is that there was no clear avenue for amending the proposal to overcome the Council's character and appearance concerns. Nevertheless, the applicant had been advised of the officer's recommendation and could have withdrawn the proposal and sought negotiations over a revised application, rather than at that stage pursuing an appeal. On this basis, I do not find there to be a sufficient case made that the Council had behaved unreasonably in a procedural sense.

### **Conclusion**

9. For the reasons explained I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Consequently, this application for costs is refused.

*Jonathan Price*

INSPECTOR

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<sup>1</sup> Paragraph: 049 Reference ID: 16-049-20140306

<sup>2</sup> Paragraph: 047 Reference ID: 16-047-20140306



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## Appeal Decision

Site visit made on 4 September 2018

**by Steven Rennie BA (Hons) BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 4 October 2018**

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**Appeal Ref: APP/D3315/W/18/3203147**

**Site at Burn Hill, Milverton, Taunton, Somerset TA4 1JP**

- 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 Ippee Design Ltd against the decision of Taunton Deane Borough Council.
  - The application Ref 23/17/0020, dated 23 June 2017, was refused by notice dated 10 November 2017.
  - The development proposed is for a residential development with primary school car park extension.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issues are whether the development is in an appropriate location for a residential development; and whether the development would preserve the setting of the listed building known as Olands House.

### Reasons

#### *Location of Development*

3. The proposed development of dwellings is on a site outside of the defined settlement boundary of Milverton. Although the site is close to this boundary it is within the 'open countryside' as defined by policy SP1 (Sustainable Development Locations) of the Council's Adopted Core Strategy. In accordance with adopted Core Strategy policy DM2 new residential development is only supported in the countryside if it is for affordable housing, which this development is not. Consequently, there is an in principle conflict with the development plan.
4. It is recognised that this site is adjacent to the settlement boundary of Milverton. It is also not an isolated site, being adjacent to a school and the residential Olands House and its grounds. However, the site is not well connected to the village core as the highway from the proposed access to the village centre (Burn Hill – B3187) does not include sufficient footpaths or lighting. The same is true for the highway Butts Lane to the north of the site, which also connects with the village centre. There is a path that leads from the school through a small area of woodland towards the village centre but it is unclear whether this would be available for future occupants of the proposed

dwelling at all times or whether it is regularly well lit in the evenings and night. Therefore, I would regard it likely that there would be a reliance on the use of private vehicles to access services and facilities from this site.

5. As such, the proposed development would not provide a suitably accessible location for a new dwellings having regard to planning policies that seek to create sustainable patterns of growth. Consequently, the proposal would be contrary to the National Planning Policy Framework's (the Framework) aims of minimising the need to travel and supporting the transition to a low carbon future. Whilst the appellant's comments regarding the organic development of the village are noted, this must be achieved in a sustainable way with accessible residential developments.
6. In conclusion, although not an isolated site and adjacent to the settlement boundary of Milverton, the proposed development would represent the introduction of residential development into a countryside location which is inappropriate as it is not an accessible location in the terms within the Framework and would undermine the sustainable pattern of growth for settlements set out within the Council's Development Plan.
7. I have taken into account the proposed additional car parking as a part of the proposed development which would be used by the adjacent school. Whilst this would have some benefit this would not be sufficient justification to outweigh the harm outlined above.
8. In this regard, the development would be contrary to policies SP1 and DM2 of the adopted Taunton Deane Core Strategy 2011-2028 and policy SB1 of the adopted Taunton Deane Site Allocations and Development Management Plan (December 2016). These policies seek to, amongst other things, prioritise accessible and sustainable locations for development, restrict development in the countryside to ensure a sustainable approach and maintain the quality of the countryside.
9. I acknowledge the comments regarding the Butts Way development and its proximity to the village centre of Milverton. However, I do not have full details of this development or associated planning applications. As such, I cannot fully compare this development with that proposed with this scheme and this matter does not alter my opinion on the main issue.
10. I have had regard to the Milverton Parish Council comments 'Response to the Council's Site Allocation and Development Management Plan' prior to its adoption. I have also taken into account the comments made by the Parish Council to this proposal. The Parish Council make clear that their comments relating to site allocations should not be taken as support for this proposal and they support the adopted policies of Taunton Deane Council. As such, I give previous comments by the Parish Council relating to the Development Plan little weight when considering this proposal.

#### *Effect to setting of listed building*

11. The site is to the south of Olands House, which is an early 19<sup>th</sup> Century Grade II listed building. This is a large residential building, originally a house which would have been set in landscaped gardens. This heritage asset is prominent within its setting on the edge of the village. The appeal site is an area of open land which forms part of the verdant setting of Olands House. There are clear

- views of the site from the south elevation of Olands House across towards the hedgerow screen adjacent to the school car park.
12. I regard the predominantly open and undeveloped area to the south of Olands House to positively contribute to the setting and significance of this listed building, reflecting the openness and rural historic layout of the house. Whilst this land may have been a playing field it does not appear to have been used as such for some time. In any case, it is likely that a playing field would have maintained a sense of openness to this part of the listed building's setting.
  13. Whilst there may not be specific mention of this part of the setting within the listed building description, this does not negate its importance. The listed description does not include all aspects of the heritage asset that contributes towards its significance.
  14. The introduction of the dwellings as proposed would erode this spacious and undeveloped area to the south of Olands House, disrupting its historic setting and layout, thereby adversely affecting the significance of this important heritage asset.
  15. I note the proposed landscaping to the north of the site, which would help screen the development from Olands House. However, this would not overcome the loss of openness to this part of the setting of the listed building, but would rather result in it being more enclosed as a result of the landscaping. I understand that there could be tree planting on the site without the need for planning permission which could alter the setting of Olands House, but my decision is based on the current situation. Furthermore, it is my view that permanent buildings would likely have more of an impact to the setting of the listed building than new planting or an alternative agricultural use of this site.
  16. I acknowledge the comments that the setting of Olands House may have been already compromised with the school development and car park for example. However, this does not mean that further development that adversely affects the setting of this listed building should be accepted. I also note the development of the buildings around Olands House. Although these appear to be mainly the change of use of old associated buildings rather than the introduction of new buildings.
  17. The proposed development would harm the setting of the listed building. Nevertheless, the harm would be less than substantial and in accordance with paragraph 196 of the National Planning Policy Framework (the Framework), that harm should be weighed against any public benefits of the proposal. There would be some public benefit in providing additional housing which could in some way support the vitality of the village, together with the economic benefits of the construction phase. I also acknowledge that there would be some benefit derived from the additional car parking for the school. However, these would not offset the identified harm, to which I must attach considerable importance and weight.
  18. I understand that there has been planning permission for a wind vane in the vicinity of the appeal site which has not been erected. However, this is a very different form of development than that proposed in this case. I also do not have full details of the vane. I therefore attached this background little weight. Nonetheless, each case should be considered on its own merits.

19. The Framework also advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
20. The appellant has drawn my attention to paragraph 194 of the Framework in respect to registered parks and gardens. I am not aware of any such designation at this site, but this does not mean that the site is not of significance as part of the setting of the listed building. Furthermore, I am not aware of any reason why there would be an issue relating to the viability or 'viable value' of the listed building and so see no reason why there would be a loss of its protected status. I have considered this appeal as being a development proposed within the setting of an important heritage asset.
21. Furthermore, the statutory duty in Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act requires the decision maker to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
22. Considering all the above, the proposed development would fail to preserve or enhance the setting of the listed building. The proposal therefore is contrary to policies DM1, DM2 and CP8 of the Taunton Deane adopted Core Strategy 2011-2028. These policies seek to, amongst other things, ensure against unacceptable harm to the character of an area or building, and protect the interests of historic assets, including those in the open countryside.

### **Other Matters**

23. The matter of the soundness of the Development Plan has been raised by the appellant. However, whilst I acknowledge the information received I do not have sufficient detail to consider whether the site should have been included in the settlement boundary or not as part of the process of adopting the Development Plan. As a matter of fact, the development plan puts the site outside of the development boundary. However, I have accepted that the site is adjacent to the settlement boundary but the circumstances of the site with the poor level of accessibility that can be provided to future residents' means that I have identified harm relating to the site's location.
24. I acknowledge the comments regarding local housing needs and the importance of small sites being developed. However, I understand that the Council can demonstrate sufficient housing land supply and the provision of new dwellings does not outweigh the harm I have identified above.
25. I have had regard to the appellants' concerns regarding communication from the Council during the planning application process, but that does not affect my assessment of the planning merits of the scheme before me.
26. There has been an issue relating to land ownership and rights of access raised with the submitted documentation by various parties. However, I do not have sufficient information to make any informed decision as to these matters and given that the appeal is failing, these are of limited consequence. They also have very little bearing on the planning merits of the case.



## Conclusion

27. For the reasons given above, the appeal should be dismissed.

*Steven Rennie*

INSPECTOR



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# Appeal Decision

Site visit made on 28 August 2018

**by A Spencer-Peet BSc.(Hons) PGradDip.Law PGDip.LP**

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

**Decision date: 8<sup>th</sup> October 2018**

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## **Appeal Ref: APP/D3315/W/18/3203331 Hillside, East Nynehead, Wellington TA21 0DD**

- 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 Wadham against the decision of Taunton Deane Borough Council.
  - The application Ref 26/17/0013, dated 2 December 2017, was refused by notice dated 23 March 2018.
  - The development proposed is new dwelling at Hillside.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is whether or not the proposal would be in a suitable location for a new dwelling, having regard to the principles of sustainable development.

## Reasons

3. Policy SB1 of the Taunton Deane Adopted Site Allocations and Development Management Plan (hereinafter referred to as 'the SADMP') confirms that development outside of the boundaries of certain designated settlements, as set out in Policy SP1 of the Adopted Taunton Deane Core Strategy (hereinafter referred to as 'the Core Strategy'), will be treated as being in open countryside, in order to maintain the quality of the rural environment and ensure a sustainable approach to development. The appeal site is located at the periphery of East Nynehead, which is not a settlement which has been designated under Policy SP1 of the Core Strategy.
4. Accordingly, Policy DM2 of the Core Strategy sets out those forms of development which would be considered appropriate in the open countryside. It is apparent that the appeal proposal does not relate to any of the criteria



~~provided under this policy which, through the application of restrictions, seeks to protect and enhance the quality of the local landscape whilst promoting sustainable patterns of development.~~

5. The appeal site is located at the very edge of East Nynehead, a small rural settlement with no facilities in its own right. The proposed dwelling would be located so as to not be isolated from other dwellings, and would be within walking distance of the main part of the settlement where a parish noticeboard is to be found.

6. As such, the nearest settlement to the appeal site which provides access to services and facilities is to be found approximately two miles away in the town of Wellington. Wellington offers access to a range of shops, health facilities, access to major transport infrastructure and employment opportunities. Further away from the appeal site, and approximately two and a half miles from East Nynehead, the village of Oake provides a limited amount of services in support of the surrounding area.
7. Once outside the main group of dwellings which comprise East Nynehead, the highways become narrow and confined. The roads leading to the nearby settlements and facilities provide no lighting or pedestrian footpaths and, due to their cramped and meandering nature, would make walking or cycling to those facilities generally unattractive particularly during the winter and in adverse weather conditions.
8. I therefore conclude that it is highly likely that future residents of the proposed dwelling would be heavily reliant on using private motor vehicles to serve their everyday needs, and as such the proposal does not accord with the objectives of Policy DM2 of the Core Strategy which restricts development in the open countryside where there is limited or no access to public transport, pedestrian and cycling routes. The proposed dwelling would therefore not be in a suitable location in this respect.
9. Further, and in line with the principles provided within the National Planning Policy Framework, Policy SD1 of the Core Strategy emphasises the presumption in favour of sustainable development. In determining the suitability of a location with regards to sustainable development, a number of mutually dependent dimensions must be considered. As such I am conscious that rural housing can contribute to sustainable development where it will enhance or maintain the vitality of rural communities. However I have not been provided with any information to suggest that an additional dwelling would give significant support to the surrounding rural settlements of Nynehead, Oake or Bradford-on-Tone.
10. Further it has been put to me by the appellant that the proposal will provide a positive benefit in respect of the social dimension of sustainable development, with regards to the provision of an additional property towards the area's housing supply. However I find that any such benefit would be small, relating only to a single dwelling and insufficient to outweigh my finding that it would not be in a suitable location for a dwelling, having regard to the principles of sustainable development as identified above.
11. The appellant has drawn my attention to the effect of the proposal on the quality of the local landscape. In this respect the proposed dwelling would be confined within the existing rear garden and land associated with Hillside. Views of the appeal site would be limited by the high hedges which line this section of East Nynehead, with the proposal being orientated to be in alignment with its neighbour and parallel to the highway. As such, I therefore find that the proposal would not represent significant harm to the quality of the local landscape. However I also conclude that the proposal would not preserve or enhance the local landscape, and thereby would be contrary to Policy CP8 of the Core Strategy. As such, this does not alter my finding that the appeal site would not be a suitable location in respect of access to services and facilities.

12. For the above reasons, the proposal would not be in a suitable location for a dwelling, having regard to the principles of sustainable development. As such, the proposed development would be contrary to Policy SB1 of the SADMP, and contrary to Policies DM2, SD1, SP1 and CP8 of the Core Strategy which seek to restrict and prevent unsustainable development in the countryside.

*Other Matters*

13. The appellant refers to another appeal decision, in respect of a proposed development outside of the designated settlements and which was deemed to be in a suitable and sustainable location. However, I have received no details of that case to enable me to compare circumstances, and as such I have determined this appeal on its own merits.
14. I have also considered the personal circumstances put forward by the appellant in determining this appeal. As such I understand that the proposed dwelling is to be occupied by members of the appellant's family and I acknowledge the desire of the appellant to be close to his grandchildren. In this regard the appellant has further drawn my attention to the belief that the proposal would reduce the number of trips taken by private motor vehicle, as the appellant's grandchildren currently visit on a regular basis from further afield. However, whilst I sympathise with the appellant's desire to be closer to his immediate family, such personal circumstances seldom outweigh general planning considerations. The personal circumstances of the future residents of the proposed dwelling, and their relationship to Hillside, may not always be the same, whereas the development would represent a permanent feature.

**Conclusions**

15. I have found that the proposal would be contrary to the policies within the Development Plan and other material considerations are not sufficient to outweigh that conflict. I therefore conclude, having regard to all matters raised, that the appeal should be dismissed.

*Andrew Spencer-Peet*

INSPECTOR



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## Appeal Decision

Site visit made on 4 September 2018 by **J J Evans BA (Hons) MA MRTPI**

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

**Decision date: 15 October 2018**

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## **Appeal Ref: APP/D3315/D/18/3207001**

### **30 Lawn Road, Staplegrove, Taunton TA2 6EH**

- 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 Dr David Brennand against the decision of Taunton Deane Borough Council.
  - The application Ref 34/18/0007, dated 12 April 2018, was refused by notice dated 11 June 2018.
  - The development proposed is alterations to a single storey house to form a first floor in the roof space by raising the roof and an enlarged kitchen / dining area by extending on the ground floor.
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## **Decision**

1. The appeal is dismissed.

## **Procedural Matters**

2. The replacement National Planning Policy Framework (the Framework) was published on the 24 July 2018. The parties were given an opportunity to comment on the policies within it, and I have had regard to those made in my decision.

## **Application for Costs**

3. An application for costs was made by Dr David Brennand against Taunton Deane Borough Council. This application is the subject of a separate decision.

## **Main Issues**

4. The Council have raised no issue with the ground floor side extension. Given the modest size of this extension, its design and retention of the existing windows, I have no reason to disagree with this. Consequently the main issues are firstly, the effect of the proposed first floor extension on the character and appearance of 30 Lawn Road and the surrounding area; and secondly, the effect upon the living conditions of nearby residents, having particular regard to privacy.

## **Reasons**

### **Character and Appearance**

5. 30 Lawn Road is a detached bungalow within a residential estate comprising similar ages and styles of bungalows and houses. The dwellings in the estate
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are very different to the mix of properties found along Rectory Road, which have a great variety of ages, styles and plot sizes.

6. The appeal property is part of a group of three bungalows to the northern side of Lawn Road. Constructed of brick and render under shallow pitched roofs, these bungalows form a short homogenous row of low profiled buildings. In addition to the repeated forms and sizes of the bungalows, they are centrally positioned within their plots and set back from the road behind regular shaped front gardens. Taken together these bungalows and those to the southern side of the road, give a harmonious appearance to the entrance of the estate that is noticeably different to the dwellings beyond them and also to those in Rectory Road.
7. The provision of a first floor would significantly increase the height and size of the existing bungalow. The tall and steeply pitched roofs would have a strong vertical emphasis that would be at odds with the modest height of the existing building and those nearby. The extended building would have an

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overbearing prominence when compared to the low and shallow pitched roofed bungalows either side.

8. I appreciate there are a variety of different ages and styles of mostly houses along Rectory Road, and also further along Lawn Road. Nevertheless No 30 is part of a group of bungalows at the entrance to the estate that have a planned cohesion, sharing similar styles, materials and forms. Although the proposal would use materials to match those in the host building, the size and form of the extension would make No 30 noticeably taller and different, thereby unacceptably eroding this cohesion.
9. The appellant has drawn my attention to a number of nearby properties that have been extended, to an appeal decision for a bungalow in Bournemouth (ref: APP/G1250/D/17/3184070), and also to a permission for a large housing estate to the rear of Lawn Road. However, details of the latter have not been provided, and from my site visit I saw agricultural fields to the north of Lawn Road. As regards the Bournemouth case from the evidence provided it is not directly comparable as this property is within an area of individually styled dwellings of varying forms. Of the other extensions cited they are for nearby houses rather than bungalows and as such are very different to the appeal scheme, thereby limiting the weight I can attribute to them.
10. Thus, the first floor extension would unacceptably harm the character and appearance of 30 Lawn Road and the surrounding area. This would be contrary to Policy DM1 of the Taunton Deane Core Strategy (2012) (CS) and Policy D5 of the Taunton Deane Adopted Site Allocations and Development Management Plan (2016) (DMP). These seek, amongst other things to prevent harm to the character and appearance of a host building and that of an area, reflecting objectives of the Framework.

### Living Conditions

11. There is already a degree of overlooking occurring between the occupiers of some of the surrounding houses and bungalows. 28 Lawn Road is next to a house, and the rear garden of this bungalow is overlooked by the users of the first floor rooms of the neighbouring property. Moreover, the semi-detached houses to the rear of No 30 also have first floor windows that provide elevated views of nearby gardens. As regards these properties, the proposed bedroom

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window would not significantly increase the level of overlooking that currently occurs.

12. However, to the western boundary of the appeal property the rear garden of 32 Lawn Road is enclosed and private. Although there is a house to the rear of this bungalow, its first floor side windows are some distance away and obscure glazed, thereby minimising overlooking. I appreciate there has been no objection to the extension from the existing neighbours. Notwithstanding this, the proposed first floor rear bedroom window would provide its users with close views into the garden of No 32, and this would unacceptably erode the privacy enjoyed by current and future occupiers.
13. The appellant has referred to the principle of loft conversions within the existing roof structure being permitted development. Nevertheless, I have no evidence before me that the loft could be converted to provide habitable accommodation under such rights.
14. Thus, the proposed extension would unacceptably harm the living conditions of nearby residents, contrary to the requirements of DMP Policy D5. Like the Framework, this policy seeks amongst other things, to protect the residential amenity of the occupiers of other dwellings.

### Other Matters

15. The appellant has raised a number of issues regarding the Council's handling of the application, including the assessment of the scheme and inconsistent officer opinions. I appreciate such matters

— would be of concern but they have to be pursued by other means separate from the appeal process and are not for me to consider with regard to the planning considerations of this case.

## **Conclusion**

16. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

*J J Evans*

INSPECTOR



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# **Appeal Decision**

Site visit made on 28 August 2018 **by A Spencer-Peet BSc.(Hons) PGradDip.Law  
PGDip.LP**

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

**Decision date: 16<sup>th</sup> October 2018**

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## **Appeal Ref: APP/D3315/D/18/3204563 Poets View Cottage, Bishpool, Spaxton, Bridgwater TA5 1DS**

- 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 Chris Morton against the decision of Taunton Deane Borough Council.
- The application Ref 06/17/0045, dated 18 December 2017, was refused by notice dated 22 March 2018.
- The development proposed is erection of a two storey extension to side, single storey extension to side and rear and conversion of outbuilding to additional accommodation.

## Decision

1. The appeal is dismissed.

### Preliminary Matters

2. In the heading above I have used a version of the description of the proposed development based on that from the appeal form rather than the planning application form as it provides a briefer yet more comprehensive summary of the development proposed.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area, with particular reference to the Quantock Hills Area of Outstanding Natural Beauty (the AONB).

### Reasons

4. Poets View Cottage is a modest sized dwelling which forms half of a pair of rural workers' cottages, and which is located in open countryside isolated from any settlements or services. The area surrounding the appeal site is characterised by hedge lined single track lanes which follow the contours of the open slopes and wooded valleys of the AONB, with the appeal site and its neighbouring stone finished cottage contributing to the distinctive rural setting.
5. As such, in accordance with the statutory duty set out in Section 85 of the Countryside and Rights of Way Act 2000, I have had regard for the special qualities and significance of the AONB, in terms of the natural beauty of the landscape and open undeveloped countryside providing dark skies at night. Furthermore, and in line with the objectives of the National Planning Policy

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Framework, I have attributed great weight to matters concerning the conservation and enhancement of the landscape and natural beauty of the AONB, in reaching this decision.

6. The appeal site is positioned on a valley slope, and is elevated above the level of the single track lane which runs past the front of the property. The roadway here is confined by high hedges, with part of the appeal site being visible from the immediate highway due to its elevated position. The proposed development is for a two storey extension to the side of the main dwelling, which in turn would have a wrap-around single storey extension to the property. By extending the house in this manner, existing free-standing outbuildings would be incorporated into the footprint of the dwelling. The exterior of the extensions would be finished in natural stone to match the main building.
7. Policy D5 of the Taunton Deane Adopted Site Allocations and Development Management Plan provides that extensions to dwellings will be permitted in principle, but subject to certain restrictions. As such I note that the appeal scheme would extend the original building by a considerable amount, and to an extent where the two storey extension would not appear subservient to the host building. Indeed, given its scale and siting the proposed development would, to a large extent, appear as an additional cottage and certainly undermine the attractive symmetry of the host pair of semis. Consequently, the proposal is in conflict with Policy D5 of the Taunton Deane Adopted Site Allocations and Development Management Plan, with particular reference to the scale of the proposed development.
8. In light of the above, I have further considered the effect of the proposal on the character and appearance of the wider landscape. Consequently, despite the use of sympathetic materials and its



set back from the roadway, the scale and bulk of the proposal would be a prominent feature on the landscape, and would appear overly dominant relative to the immediate neighbouring cottage. Whilst views of any new development in this location and position would be largely obscured for users of the lane immediately to the front of the property, the proposed development would be likely to be highly visible within the wider landscape due to the elevated level of the property on the hillside. I acknowledge that the proposed development would occupy only a small part of the entire hillside. Nonetheless, given the prominence of the proposed extended dwelling in comparison to its neighbour, the resulting development would draw the eye, and would thereby adversely affect the natural quality and beauty of the surrounding landscape.

9. In further consideration of the design, the proposed size and scale of the glazed folding doors to the front of the extension would be likely to result in an unacceptable increase in the levels of light pollution within the area. This harm would be exacerbated by reason of the position of the appeal site and its paired cottage, isolated on the slope of a substantial open hillside, and which would therefore be visible across the wider countryside. In this regard I have considered the details put forward by the Appellant, of properties within the AONB for which large glazed units have been permitted. However I have not been provided with any specific details of those matters, and cannot be sure that the circumstances, especially in terms of the relationship of the host building to the surrounding topography, are comparable to the case here.

10. I have also considered the Appellant's statement that the proposed development would allow him, and other members of his family, to work from home, thereby reducing the environmental impact of traveling to and from a separate place of work. Whilst I find this to be a materially positive element of the proposal, I do not consider that this potential benefit would outweigh the harm caused by the development. As such, and in consideration of the above, I conclude that the proposed development would be contrary to Policy CP8 and Policy DM1 of the adopted Taunton Deane Core Strategy Development Plan, with particular reference to the harm caused to the natural and environmental assets of the area.

### **Other Matters**

11. The evidence includes details of other residential development and proposals in the area surrounding the appeal site and elsewhere, including numerous appeal decisions. While I have taken other development into account in respect of its influence on the character and appearance of the area, each proposal falls to be assessed primarily on its own merits and, in any event, I am not aware of all the circumstances associated with those other cases.
12. Furthermore I understand the wishes of the Appellant to provide additional space for his family, including for visiting friends and relatives. However such personal circumstances seldom outweigh general planning considerations, given that circumstances may change over time, whereas the development and the associated harm would be permanent. As such, I have attributed limited weight to these personal circumstances in determining this appeal.

### **Conclusion**

13. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Andrew Spencer-Peet*

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INSPECTOR