



Appeal Decision

Site visit made on 20 November 2018

by Thomas Bristow BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd November 2018

Appeal Ref: APP/D3315/W/18/3205186

115 Darby Way, Bishops Lydeard, Taunton TA4 3BD

- 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 Andy Harris against the decision of Taunton Deane Borough Council.
 - The application Ref 06/17/0030, dated 18 August 2017, was refused by notice dated 26 February 2018.
 - The development proposed is described on the application form as '1 no. detached 2 bed dwelling, with in curtilage parking for two cars and the creation of 1 no. additional parking space for existing dwelling 115 Darby Way'.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. There are revised plans before me which were not initially submitted in support of application Ref 06/17/0030. However those plans are principally to clarify parking arrangements, do not alter the proposal significantly, and I am satisfied that there has been appropriate opportunity for any interested party to comment on the present scheme.
3. Each proposal must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan includes policies of the Taunton Deane Core Strategy (adopted 11 September 2012, the 'CS'), of the Bishops Lydeard and Cothelstone Neighbourhood Plan (adopted 12 July 2016, the 'NP'), and of the Site Allocations and Development Management Plan (adopted 13 December 2016, the 'SADMP').

Main issue

4. The main issue is the effect of the development proposed on the character and appearance of the area.

Reasons

5. The proposal is to erect a detached dwelling in the comparatively generous side garden of No 115, and to provide dedicated parking for the host property. The appeal site is at a sunken level relative to that of the pavement. It is demarcated by boundary walls, fences and established planting. In scale and design the proposed dwelling would broadly reflect the relatively modern

- understated appearance of others nearby. Those factors would serve to moderate the visual effects of the proposal on its surroundings.
6. I understand that policy BL2 of the Taunton Deane Local Plan adopted in 2004, which supported infill development, is no longer applicable. Nevertheless CS policy SP 1 accords support, in principle, to development within Bishops Lydeard (classified as a major rural centre). As the appeal site falls within the SADMP settlement boundary for the village, there is nothing to indicate that residential development here would be inherently inappropriate.
 7. However the development plan must be considered as a whole, with any conflict between elements of it resolved in favour of the last to be adopted.¹ In summary, and amongst other aims, NP policy H4 'Separate Dwellings in Gardens' sets out that development which would result in the 'loss of or significant harm to' the character of the local area or to the landscape value of residential gardens will not normally be permitted. I acknowledge that policy is flexible rather than an absolute bar on such development, and the appellant's argument that there should be substantial harm to justify withholding consent.
 8. However NP policy H4 seeks to prevent any loss of landscape value, not just that which would amount to significant harm. That policy is justified by a detailed analysis of local character. The NP variously refers to the framing of settlements by a strongly agricultural landscape, to the importance of views and vistas, and to the value of gardens to a sense of openness or spaciousness.² NP policy H4 is also justified on the basis that provision elsewhere is sufficient to meet housing needs, a position in respect of which there is no substantive evidence before me to the contrary.
 9. In a similar vein paragraphs 125 and 127 of the National Planning Policy Framework ('NPPF') set out that design policies should reflect local aspirations grounded in an understanding of an area's particular characteristics, and that development should be sympathetic to local character including landscape setting.³ That is reiterated in the Planning Practice Guidance, which underscores that the pattern of development alongside the presence of gardens and views may be elements of local distinctiveness.⁴
 10. Whilst within the settlement boundary, the appeal site is nevertheless close to the fringe of the village. Gardens in this location have some significance in ensuring a gradual transition of the built form of the village to the surrounding rural landscape. Whilst overgrown, from certain vantage points there are nevertheless views through the appeal site of the rolling countryside which contribute to a sense of openness. I also saw that, when around the access to No 56, there are glimpsed views above the appeal site of the Church of St Mary resulting in some visual connection with the historic centre of the village.
 11. Although there are moderating factors described above, the proposal would nevertheless introduce significant built development in a domestic garden, thereby resulting in an increased level of density at the rural periphery of the

¹ Section 38(5) of the Planning and Compulsory Purchase Act 2004 as amended.

² Respectively NP paragraphs 3.1, 5.1.26, and 5.1.35.

³ In that broad context NPPF paragraph 70 sets out that plans should consider setting policies to resist inappropriate development of residential gardens.

⁴ Including Reference ID: 26-024-20140306 and 26-020-20140306.

village to the detriment of openness. Although relatively modest, the proposal would nevertheless impede certain views of the landscape and the visual connection of this area to the village. I therefore conclude that the proposal would have an adverse effect on the character and appearance of the area in conflict with the relevant provisions of NP policy H4 and of the NPPF.

Other matters

12. I have taken account of the concerns those nearby, including in respect of the potential for the development proposed to result in surface water run-off, to adversely affect the outlook or privacy from which neighbours currently benefit, and for the proposal to have a detrimental effect on traffic and pedestrian use of Darby Way. Notwithstanding the topography, there is no indication that the site is vulnerable to flooding or that compliance with the relevant provisions of Building Regulations in respect of drainage could not be achieved.
13. In my view the proposal would be sufficiently separated from other properties with regard to the prevailing pattern of development, and of a similar scale and design to other nearby houses, such that undue effects would not result to the living conditions of those nearby. As many properties are accessed via Darby Way, the effects of one new home in respect of parking or traffic would not be unacceptable. Moreover those concerns do not form part of the Council's case at appeal, and Somerset County Council do not object to the proposal on transport grounds (subject to the revised plans referred to initially).
14. Nevertheless that the proposal would not be otherwise unacceptable is essentially neutral in the planning balance, rather than weighing in favour of allowing the appeal. I acknowledge that the proposal would have certain benefits, principally in representing an addition to housing stock, in supporting employment during construction, and as future occupants would bring custom to nearby services and facilities.
15. However the benefits from one new home would inevitably be modest, particularly set against development plan requirements of up to 200 homes in the village and 17,000 for the Borough to 2028. Moreover neither the support for new homes in the development plan, nor NPPF, is at the expense of ensuring that all development integrates appropriately with its surroundings. As such the other material considerations in favour of the proposal are insufficient in this instance to outweigh the harm that would result.

Conclusion

16. For the above reasons, and having taken all other relevant matters into account, the proposal conflicts with the development plan as a whole and with the approach in the NPPF. I therefore conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR