

SWT Planning Committee

Thursday, 16th December, 2021,
1.00 pm

The logo for Somerset West and Taunton, featuring the text "Somerset West and Taunton" in white on a teal background with a white swoosh at the bottom right.

The John Meikle Room - The Deane
House

Members: Simon Coles (Chair), Marcia Hill (Vice-Chair), Ian Aldridge, Mark Blaker, Ed Firmin, Roger Habgood, John Hassall, Mark Lithgow, Chris Morgan, Craig Palmer, Ray Tully, Sarah Wakefield, Brenda Weston, Keith Wheatley and Loretta Whetlor

Agenda

1. Apologies

To receive any apologies for absence.

2. Minutes of the previous meeting of the Planning Committee

Minutes of the previous meeting of the Committee to follow

3. Declarations of Interest or Lobbying

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests or lobbying in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

4. Public Participation

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have requested to speak, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

Temporary measures during the Coronavirus Pandemic

Due to the temporary legislation (within the Coronavirus Act 2020, which allowed for use of virtual meetings) coming to an end on 6 May 2021, the council's committee meetings will now take place in the office buildings within the John Meikle Meeting Room at the Deane House, Belvedere Road, Taunton. Unfortunately due to capacity requirements, the Chamber at West Somerset House is not able to be used at this current moment.

Following the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), the council meeting rooms will have very limited capacity. With this in mind, we will only be allowing those members of the public who have registered to speak to attend the meetings in person in the office buildings, if they wish (we will still be offering to those members of the public that are not comfortable in attending, for their statements to be read out by a Governance and Democracy Case Manager). Please can we urge all members of the public who are only interested in listening to the debate to view our live webcasts from the safety of their own home to help prevent the transmission of coronavirus (COVID-19).

5. **10/21/0016** - Replacement of bungalow with a two-storey detached dwelling at Beaches, Taunton Road, Churchinford (Pages 5 - 18)
6. **36/21/0012** - Erection of extension to summerhouse for use as welfare facilities for harvesting and Christmas tree farm at the Pump House, Curload Road, Curload, Stoke St Gregory (part retention of works already undertaken) (Pages 19 - 24)
7. **38/21/0429** - Erection of a single storey extension to the rear of 27 The Avenue, Taunton (Pages 25 - 28)
8. **Access to Information - Exclusion of the Press and Public**

During discussion of the following Item 9 it may be necessary to pass the following resolution to exclude the press and public having reflected on Article 13 13.02(e) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Planning Committee will need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

Recommend that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next

items of business item 9 on the ground that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information).

9. Confidential Enforcement Report

(Pages 29 - 34)

10. Re admittance of the Public

11. Latest appeals and decisions received

(Pages 35 - 54)

12. Next Committee Date

The next Committee date is on Thursday 13 January 22

A handwritten signature in black ink, appearing to read 'A Pritchard', with a horizontal line underneath.

**ANDREW PRITCHARD
CHIEF EXECUTIVE**

Please note that this meeting will be recorded. At the start of the meeting the Chair will confirm if all or part of the meeting is being recorded and webcast. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore unless you are advised otherwise, by entering the Council Chamber and speaking during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact the officer as detailed above.

Members of the public are welcome to attend the meeting and listen to the discussions. There is time set aside at the beginning of most meetings to allow the public to ask questions. Speaking under "Public Question Time" is limited to 3 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chair will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate. Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chair will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group. These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room. Full Council, Executive, and Committee agendas, reports and minutes are available on our website: www.somersetwestandtaunton.gov.uk

The meeting room, including the Council Chamber at The Deane House are on the first floor and are fully accessible. Lift access to The John Meikle Room, is available from the main ground floor entrance at The Deane House. The Council Chamber at West Somerset House is on the ground floor and is fully accessible via a public entrance door. Toilet facilities, with wheelchair access, are available across both locations. An induction loop operates at both The Deane House and West Somerset House to enhance sound for anyone wearing a hearing aid or using a transmitter. For further information about the meeting, please contact the Governance and Democracy Team via email: governance@somersetwestandtaunton.gov.uk

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10/21/0016

MISS R RIFATH

Replacement of bungalow with a two storey detached dwelling at The Beeches, Taunton Road, Churchinford

Location: THE BEECHES, TAUNTON ROAD, CHURCHINFORD, TAUNTON,
TA3 7DW

Grid Reference: 321141.114401

Full Planning Permission

Recommendation**Recommended decision: Refusal**

- 1 The proposed replacement dwelling is located within the Blackdown Hills AONB, a nationally designated protected landscape. The proposal by reason of its scale, form, design and materials would be substantially larger than the existing dwelling and would not reinforce or preserve the distinctive landscape and built character of the area. Accordingly the proposed dwelling would appear incongruous within its distinctive rural setting to the detriment of the streetscene and the landscape character of the area. The proposal is therefore contrary to Policies DM1, DM2 and CP8 of the Taunton Deane Core Strategy, Policy PD2 of the AONB Management Plan the advice within the emerging Taunton Deane Design Guide and Chapters 12 and 15 of the National Planning Policy Framework.

Recommended Conditions (if applicable)

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council works in a positive and pro-active way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy key issues relating to design and as such the application has been refused.

Proposal

The application proposes the demolition of a bungalow and construction of a detached, two storey replacement dwelling. The proposed dwelling would be located in a similar position to the existing dwelling although rotated slightly. The proposed dwelling would be an increase in size in accordance with the following:

	Footprint	Total floor area (ground and first floor)	Height
Existing	159 sq m	159 sqm	6 m
Proposed	194 sqm	358 sq m (minus first floor void)	7.5 m

The proposed dwelling would be clad in a plastisol coated metal cladding to the walls and roof. It would contain 6 rooms which could potentially be bedrooms. Of these 4 are suggested as bedrooms with a further 2 rooms suggested to be used as 'offices'. The ground floor would contain an open plan kitchen/dining room/lounge, two offices and a bedroom. The first floor would contain three bedrooms, a further lounge area and study/play area.

Site Description

The site is located in the Blackdown Hills AONB and consists of a detached bungalow located in a triangular shaped plot at a fork in two roads. There is an adjacent dwelling to the south, Beechcroft.

The site is bordered by mature trees to the east and west boundaries.

Relevant Planning History

None relevant.

Consultation Responses

CHURCHSTANTON PARISH COUNCIL – Support the application.

SCC - ECOLOGY –

First response:

A Bat and Protected Species Survey of the application site was carried out on 5th May 2021 by Ecology.

Bat droppings, most likely from long-eared bats were found in the house. There were also several areas where crevice dwelling bats could potentially roost unseen in the building. Further surveys have been recommended within the report.

I note that the submitted Arboricultural Method Statement indicates the removal of a beech tree, however, I can see no assessment of this tree being included within ecology survey under taken, and therefore recommend the report is updated with the adequate assessment.

The proposals would result in the disturbance of a bat roost and potentially result in bats being disturbed, injured or killed. The proposed work would therefore require a European protected species licence (EPSL) from Natural England. In order to categorise the roost and inform the appropriate mitigation for the licence, it is recommended that bat emergence surveys be undertaken between May and August in accordance with Bat Conservation Trust (BCT) guidelines (Collins, 2016) and Natural England standing advice.

Surveys cannot be conditioned for the following reasons:

- Section 99 of the Government circular 2005/06 on biodiversity and geological conservation states that 'It is essential that the presence or otherwise of

protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.'

- Natural England advice requires that all developments likely to affect European Protected Species should have surveys carried out to inform the planning decision. They cannot be conditioned. This was confirmed in case law through *Woolley v Cheshire East Borough Council and Millennium Estates Limited* in 2009.

Second response:

Ecologic performed bat surveys at the application site throughout 2021. There are no statutory designated sites for bats within 1km. Emergence surveys recorded no bat roosts within the existing dwelling. However, brown-long eared bat droppings were recorded, and the existing dwelling is considered a roost site for this species, albeit of low numbers. No active or former bird nests were identified in association with the surveyed building.

Recommendations:

Bats

As a bat roost will be destroyed and bats potentially harmed; the following is required to be conditioned in order that Somerset West and Taunton Council fulfils its legal duty of 'strict protection' of European protected species under the provisions of the Habitats Regulations 2017 (and the Crime and Disorder Act 1998):

The works to the existing dwelling shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- A. A copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead.
- B. A copy of a letter from Natural England confirming that the works fall within the remit of a Bat Mitigation Class Licence (WML-CL21) and that the site has been registered in accordance with the class licence.
- C. A statement in writing from the licensed bat ecologist to the effect that he/she/they does not consider that the specified development will require a licence.

Reason: A pre-commencement condition in the interest of the strict protection of European protected species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity; and Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

The following condition is also required to ensure that the Local Planning Authority fulfils its legal duty of 'strict protection' of European protected species: Works will not in any circumstances commence until:

- A. Construction and demolition operatives have been inducted by a licensed bat ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats. Written confirmation of the induction will be submitted to the Local Planning Authority by the licensed bat ecologist within one week of the talk.
- B. To accommodate any discovered bat(s) a bat box (specification and quantity will

be agreed with a licenced bat ecologist) will be hung on to a suitable tree on or adjacent to the site at a minimum height of 4 metres as directed by a licensed bat ecologist. Any such box will be maintained in-situ thereafter. Photographs showing the installation will be submitted to the Local Planning Authority.

C. Works potentially affecting bats will then proceed under the supervision of the licensed bat ecologist.

Reason: A pre-commencement condition to ensure the strict protection of European protected species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity; and Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

Long term mitigation, including integrated roosting mitigation as per Bat and Protected Species Survey & Bat Emergence Survey (Ecologic, 2021), will be included in the design. Any areas that are accessible to bats must be lined with traditional black bitumen felt (type 1F) to avoid the risk of entanglement of bats. A scheme must be submitted to and approved in writing by the Local Planning Authority prior to work commencing on site. The roosts will be implemented in strict accordance with the agreed scheme and maintained for the exclusive use of bats thereafter.

Reason: A pre-commencement condition in the interests of the Favourable Conservation Status of populations of European protected species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity; and Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

Lighting

Prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity; and Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

Trees / Vegetation

All trees and hedgerows will be protected during the works, including groundworks, by the establishment of Root Protection Areas in accordance with BS 5837:2012 and Arboricultural Method Statement (Artworth Arboriculture Ltd, 2021).

Reason: In accordance with BS 5837:2012, NPPF 2021 and in the interest of protected species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity; and Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

Birds

No vegetation removal or demolition of the site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Reason: Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended). Although this is a legal obligation the law does not specify a time period – some species can breed outside the time frame given. Biodiversity Enhancements The National Planning Policy Framework (174d) requires biodiversity enhancement to be provided within development. I recommend that the following is conditioned:

- A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation of the dwelling. Please note bee bricks attract solitary bees which do not sting. Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site.
- Installation of 3 X standard bird boxes, purchased or built, on to a mature tree on site, facing east or north, at a height above 3m.
- Photographs of the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to first occupation of the dwelling. The agreed scheme will thereafter be implemented.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework.

Third response:

NE would only grant a licence if the development has a planning consent. Additionally, the impact of the development on bats is relatively low and therefore NE are highly likely to grant a licence. Likelihood of grant dependent on acceptability of mitigation proposed.

BLACKDOWN HILLS AONB SERVICE –

The AONB Partnership supports its local planning authorities in the application of national and local planning policy in order to ensure that any development in the AONB conserves and enhances the natural beauty of this nationally designated landscape, which is afforded the highest level of protection by national policy. In support of this, the Blackdown Hills AONB Management Plan 2019-2024 is the

agreed policy framework for conserving and enhancing the AONB and seeks to ensure that all development affecting the AONB is of the highest quality. It contains the following policy of particular relevance to development proposals:

Planning and development PD2

All necessary development affecting the AONB will conserve and enhance natural beauty and special qualities by:

- Respecting landscape character, settlement patterns and local character of the built environment,
- Being sensitively sited and of appropriate scale,
- Reinforcing local distinctiveness, and
- Seeking to protect and enhance natural features and biodiversity.

The AONB Management Plan also provides a valuable reference for guiding development in the AONB, in particular describing special qualities, a planning chapter that sets out principles for development in the AONB, and in the appendices a checklist for development. It notes that the layout, form and density of all new developments need to reflect the historic rural grain of the AONB. It is important that all new development, especially housing development, is of a scale and layout that conserves and enhances the distinctive pattern of built form found across the Blackdown Hills. The special qualities of the Blackdown Hills landscape are inextricably connected to the built heritage and farming traditions of the area, one of the key reasons for designation being that it is a landscape of architectural appeal.

Additionally, in support of the Management Plan the Blackdown Hills AONB design guide for houses provides guidance on how by reference to materials and built form residential development can be designed to conserve and enhance the distinctive built character of the Blackdown Hills.

In this instance, the introduction of a two storey dwelling is acceptable in principle – noting that the height would be relatively low and aligned with the neighbouring property. The use of non traditional materials for the dwelling is also an acceptable design approach in principle, however I do not believe that the design and appearance of the proposed dwelling successfully reflects either the residential or agricultural vernacular; rather it is more urban and industrial and as such it is not considered to conserve or enhance the character and special qualities of the AONB. In due course, should the planning authority be minded to approve this application we would note that matters relating to the domestic curtilage, including the protection, retention and enhancement of the boundary trees and hedge, new planting, access arrangements, surfacing materials and external lighting, should be a key part of considerations in respect of the AONB.

WESSEX WATER – No objections. Comments made in relation to new drainage and water supply connections. There are no foul sewers within the vicinity of the site.

TREE OFFICER –

I'd say this one looks OK with regards existing trees, and will just need the usual conditions for protective fencing around the edge of the RPAs, and adherence to the submitted Arb Method Statement. If you feel a site visit is necessary, let me know.

Second response (in relation to T1):

Kretzschmaria is a root and butt-rotting fungus that is known to be potentially hazardous so I think removal of that tree is sensible, given its location.

Habitats Regulations Assessment

The application is located outside the catchment of the Somerset Levels and Moors Ramsar site and accordingly there would be no impact on phosphate levels within the Ramsar site. There are no other protected sites within sufficiently close proximity to conclude any other likely significant impacts. It can therefore be determined that as there would be no likely significant impacts on protected sites, a Habitats Regulations Assessment is not required.

Representations Received

Following consultation, one representation has been received from the occupiers of the adjacent dwelling, Beechcroft in support of the application. The following comments are made:

- We have been consulted by the applicant throughout the pre planning process
- The applicant has taken on board feedback and amended their plans accordingly.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

The National Planning Policy Framework (the NPPF) is a material consideration.

Relevant policies of the development plan are listed below.

CP8 - Environment,
CP1 - Climate change,
DM1 - General requirements,
DM2 - Development in the countryside,
SP1 - Sustainable development locations,
ENV1 - Protection of trees, woodland, orchards and hedgerows,
A1 - Parking Requirements,

The Blackdown Hills AONB Management Plan is a material consideration. Policy PD2 is of relevance.

Other relevant policy guidance:

Emerging District wide design guide SPD 2021

Local finance considerations

Community Infrastructure Levy

Proposed development measures approx. 330sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £41,250.00. With index linking this increases to approximately £58,500.00.

Determining issues and considerations

The key material planning considerations in determining this application are:

- a) Principle of development
- b) Visual amenity/landscape character/design
- c) Residential amenity
- d) Ecology
- e) Trees
- f) Highway safety

These matters are considered below

Principle of development:

The site is located in the open countryside, Policy DM2 is therefore relevant. It sets out various categories of development that will be supported in principle in the open countryside. This includes replacement dwellings. It states that replacement dwellings will be supported:

'only if the residential use of the existing building has not been abandoned, it would be uneconomic to bring the dwelling to an acceptable state of repair, is a one-for-one replacement and is not substantially larger than the existing dwelling'.

The residential use of the existing dwelling has not been abandoned. The applicant states that the dwelling was constructed in the 1960s and that it requires extensive renovation including the replacement of the asbestos tiles roof, removal of asbestos within the building, removal of black mould, provision of ventilation, upgrade of fabric, plumbing, electricity and other services. In terms of costs the design and access statement estimates approximately £25,000 to upgrade the property to improve it from an E to a C rating on the EPC report. This includes items such as cavity wall insulation, floor insulation, boiler replacement, solar panels. The application further calculates a renovation cost of £477,000 which it states is more expensive than replacing the dwelling. The submission further states that the new dwelling would be a significant improvement in energy use terms. Although the policy suggests that an applicant should demonstrate that the retention option is uneconomic to bring up to an 'acceptable state of repair', it would be a reasonable argument that a householder would wish to achieve a building regulations compliant renovation in respect to insulation and other aspects. On the basis of the information provided and the general condition of the existing dwelling, it is considered that a

case for replacement in principle can be accepted.

In terms of scale the proposed dwelling would be approximately 1.5 metres taller than the existing dwelling. The footprint would increase by 35 square metres from 159 to 194 square metres. The total floor area would increase from approximately 159 to approximately 358 square metres (taking into account the void area in the first floor). Whilst the height increase on its own is not significant, the increase in floor area of more than double the existing would be a substantial increase. The resulting dwelling would be of a different character and impact as a result of the increase in scale. Notably it would be both longer and wider than the adjacent dwelling, Beechcroft. The increase in scale would also result in a greater visual prominence which is considered in greater detail below.

Having regard to the above it is considered that the increase in scale of the proposal would be substantial and would therefore not comply with Policy DM2.

Visual amenity/Landscape character/design:

The site is located within the Blackdown Hills Area of Outstanding Natural Beauty (AONB) and within the 'Blackdown Hills Plateau' character area as defined in the emerging Districtwide Design Guide SPD. This is a nationally protected landscape and there is a statutory duty under Section 85 of the Countryside and Rights of Way Act 2000 (CROW 200) to 'have regard to the purpose of conserving or enhancing the natural beauty' of AONBs when taking decisions.

Furthermore, Chapter 15 relating to the Natural Environment of the National Planning Policy Framework is a relevant material consideration.

Paragraph 176 states:

"Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas".

Policy DM1 requires that the appearance and character of any affected landscape would not be unacceptably harmed. Policy DM2 states that development must amongst other criteria:

"be of a scale, design and layout compatible with the rural character of the area and must:

not harm the residential amenity of neighbouring properties, landscape and ecology of the local area or highway safety, and adequate arrangements can be made for the provision of services;"

In addition Policy CP8 is relevant and CP8 requires amongst other criteria that the natural environment will be protected, conserved and enhanced, development will be appropriate in terms of scale, siting and design, will provide for any necessary mitigation measures.

The supporting text of Policy CP8 refers to the AONB Management Plans which are adopted by the relevant AONB partnerships every 5 years and has been produced by the AONB on behalf of the relevant local authorities. As explained above, the aim of this document is to provide additional guidance to the Council on matters relating to the AONB.

Within the AONB Management Plan, Policy PD2 is relevant and is a material consideration in this decision.

Policy PD2 of the AONB Management Plan states that development will conserve and enhance natural beauty and special qualities by respecting landscape character, being sensitively sited and of appropriate scale, reinforcing local distinctiveness and seeking to protect natural features and biodiversity.

The design and access statement explains the rationale for the siting, orientation and design of the dwelling. The proposed dwelling would contrast with the existing traditional vernacular for residential properties in the area in terms of the form and materials proposed.

The dwelling would be clad in grey plasticote covered steel cladding to the walls and roof. The application states that there is precedent for such cladding in the form of nearby agricultural buildings. The form of the proposed dwelling also takes some cues from some of these buildings which are identified as being in the area.

These agricultural buildings however are modern metal clad buildings which whilst in existence locally their form, mix of materials, style are not locally distinctive as they are functional buildings that can be found anywhere in agricultural or commercial contexts. Timber cladding in the form of Yorkshire boarding or similar is a commonly used material for modern agricultural buildings which is more uniquely associated with agricultural buildings. Traditional barns on the Blackdown Hills which are uniquely characteristic of the area will typically use materials such as cob, chert stone and timber. The gables will typically be narrower and roof pitches steeper. In addition, the pattern, size and style of openings are very distinctive in a traditional agricultural building and contrasts to the style proposed in this application.

The use of metal cladding along with the overall visual impression of the fenestration on the proposed dwelling is considered to be more of commercial /industrial as opposed to agricultural character. Of note, the Taunton Deane Landscape Character assessment identifies a number of issues adversely affecting this part of the AONB. These issues are listed and include the presence of large agricultural sheds having an 'industrial unit' character. The Blackdown Hills AONB Partnership have been consulted and have commented that the design and appearance does not successfully reflect either the residential or agricultural vernacular, rather that it is more urban and industrial. They conclude that it therefore does not conserve or enhance the character and special qualities of the AONB.

The policies set out above seek to ensure that any proposed development is of a design that is appropriate to the rural character of the area and protects, conserves or enhances landscape character. It is considered that the scale, form of the dwelling along with the design treatment, particularly the fenestration and materials are not locally distinctive to the area or to a residential or agricultural vernacular. The site is reasonably well enclosed by trees, however these are deciduous and

therefore in the winter the building would be less well screened. In addition, the dwelling would have a permanence that is not as certain for the existing trees surrounding the site. The substantial increase in scale would amplify the visual presence of the building exacerbating the impacts and harm outlined above.

Having regard to the above, it is considered that the proposed dwelling would appear incongruous in its surroundings and would not conserve the distinctive landscape character of the AONB. Accordingly the proposal is contrary to Policies DM1, DM2 and CP8 of the Taunton Deane Core Strategy, Policy PD2 of the AONB Management Plan, the guidance within the emerging Districtwide Design Guide SPD and Chapters 12 and 15 of the NPPF.

Residential Amenity:

Policy DM2 requires that development must not harm the residential amenity of neighbouring properties. The principal consideration is the impact on the adjacent dwelling to the south, Beechcroft. At its nearest point, the proposed dwelling would be 7.1 metres from the shared boundary. The dwelling would be angled towards Beechcroft so that the rear elevation of the proposed dwelling would be visible from the private area to the rear of the neighbouring dwelling. The furthest corner of the proposed dwelling would be 15.2 metres from the shared boundary. The first floor would contain two 'family lounge' windows, a bathroom window and a bedroom window.

Whilst at varying distances from the shared boundary these windows would overlook and provide substantial views across the neighbours garden. This is in contrast to the more common gable to gable relationship which would not allow views of the garden in the areas directly outside the adjacent property.

The applicant has indicated that they would be happy for these windows to be obscure glazed. Obscure glazing would still result in a degree of perceived overlooking, however given the distance of the proposed windows to the shared boundary this would be at an acceptable level.

Subject to a planning condition to secure obscure glazing to the first floor windows on the south elevation, along with the method of opening, it is considered that the proposal would have not have an unacceptable impact on the amenities of these adjoining occupiers. As such the proposal would accord with Policy DM2 of the Taunton Deane Core Strategy.

Ecology:

In relation to ecology, Policies CP8, DM1 and DM2 of the Taunton Deane Core Strategy are of relevance. Policy CP8 requires amongst other criteria that development must protect habitats and species, including those listed in the UK and Local Biodiversity Action Plans and must be in accordance with national, regional and local policies within rural areas (including those for protected Natura and Ramsar sites). Policy DM1 requires that development must not lead to harm to protected wildlife species or their habitats. Policy DM2 states that all development in the countryside must be compliant with the Habitats Regulations.

The applicant submitted a bat and protected species survey with the application. This found evidence of bats roosting within the property which was later confirmed by an emergence survey. Accordingly the impacts of the development on this

protected species would be the destruction of a bat roost and potentially causing disturbance and or injury to any roosting bats at the commencement of the development. As such, a Natural England licence is needed to destroy the bat roost. This licence can only be granted if planning permission is granted and would secure compensatory measures and mitigation to ensure potential harm is kept to a minimum. In addition, measures to secure biodiversity net gain are recommended within the submitted ecology report such as one nest box, one bee brick and external lighting to be designed with bat friendly specifications.

The County Ecologist has reviewed the additional report and does not object to the scheme subject to conditions relating to securing the Natural England Licence, mitigation as per the emergence survey to be submitted and approved, external lighting to be approved, tree protection measures, supervised vegetation removal if removed in nesting season and biodiversity enhancements. These conditions are considered necessary to ensure that the risk of harm to protected species is kept to a minimum acceptable level. In addition to the above conditions, an assessment of the proposal is required against the 'derogation regulations' as required by the Habitats Directive to establish the acceptability of the bat roost destruction. In determining an application for a licence, Natural England must consider the following tests have been met:

- (a) Preserving public health or public safety or other imperative reasons of overriding public interest;
- (b) There is no satisfactory alternative; and
- (c) The action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range

Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 requires the Local Planning Authority to have regard to the Habitats Directive including the derogation regulations in making a determination, which requires an assessment of whether a licence is likely or not to be granted. The County Ecologist has confirmed that as the potential impact is relatively low, it would be very unlikely that a licence from Natural England would be refused, although they would only grant a licence in the event of planning permission being granted for the works.

Given the above it is considered that there are insufficient reasons for refusing the application on the derogation tests alone if it is unlikely that Natural England would refuse a licence for a development of this scale. In relation to the second test, it appears likely that because of the condition of the property, relatively substantial remodelling will be required to bring the property upto an acceptable condition, including substantial works to the roof which are likely to impact on any roosting bats. There are no other options within the site other than extensive renovation or replacement of the dwelling. In relation to the third test, the licence approval from Natural England along with any mitigation can be secured via planning condition to ensure there would be no harm to the interests of maintaining the species at a favourable conservation status. The third test would therefore be met.

Having regard to the above, subject to conditions, the proposal would ensure an acceptable impact on protected species in accordance with the relevant sections of the Habitats Directive and Regulations, Chapter 15 of the NPPF and Policies CP8, DM1 and DM2 of the Taunton Deane Core Strategy.

Trees:

Policy ENV1 requires that development should seek to minimise impact on trees, woodlands and orchards. Where loss is unavoidable, the development should be timed to avoid disturbance to protected species. Adequate provision must be made to compensate for this loss.

The applicant has submitted a tree survey and arboricultural method statement and implications statement (AMS). The tree survey identifies 5 category B trees and 2 category C trees on the roadside boundaries. It sets out the root protection areas and a designated area for the storage of materials outside these areas.

The AMS identifies that tree 1, a large mature Beech tree has the fungal infection at the base and should be felled as it is unsafe. This tree was not illustrated on the tree survey plan or the block plan and accordingly updated plans were requested and received. In relation to the felling of this tree, the Tree Officer commented that the removal of this tree is reasonable for safety reasons. The Tree Officer has further commented that subject to the measures outlined in the AMS being secured via a condition, there would be no adverse impact on the health of the trees. Subject to the above planning condition the proposal would comply with Policy ENV1 of the Taunton Deane Site Allocations and Development Management Plan.

Highway safety:

Policy DM1 of the Taunton Deane Core Strategy requires that additional traffic arising from development must not lead to overloading of access roads or road safety problems. Policy DM2 requires that all development in the countryside must not harm highway safety.

The Highway Authority have commented that standing advice applies. In this instance the existing access would be utilised on the northern boundary of the site. The road at the site entrance is de restricted, however vehicle speeds are likely to be relatively slow and within 30 mph due to the proximity to the junction.

The application does not illustrate the existing visibility splays, however visibility is relatively good due to the depth of the roadside verge. As this is an existing access serving an existing residential property, it is considered that the additional vehicular movements serving a larger dwelling would be relatively minimal. There would therefore be no harm in relation to highway safety.

In relation to parking, there are currently 3 spaces and no changes are proposed to the parking area. The existing parking area is relatively tight, however the applicant has submitted a plan indicating how vehicles can park and exit the site in forward direction. This detail is considered to be acceptable.

Planning conditions can be imposed to retain the parking and turning area clear of obstruction and to ensure that gates are hung a minimum of 5 metres from the carriageway edge and to open inwards.

Subject to the above conditions, the proposal would have an acceptable impact on highway safety.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

Contact Officer: Mike Hicks

36/21/0012

MR P TILLEN

Erection of extension to summerhouse for use as welfare facilities for harvesting and christmas tree farm on land at the Pump House, Curload Road, Curload, Stoke St Gregory (part retention of works already undertaken)

Location: PUMP HOUSE, CURLOAD ROAD, CURLOAD STOKE ST
GREGORY, TAUNTON

Grid Reference: 334055.128033 Retention of Building/Works etc.

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A2) DrNo SH Rev 1 Existing Summer House
(A2) DrNo WF Rev 2 Proposed Summer House Elevations
(A2) DrNo WF Rev 2 Proposed Summer House Floor Plan
(A4) Location Plan
(A1) Site Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The building hereby permitted shall be used as welfare facilities during daytime for any workers on site only and for no other purpose.

Reason: To ensure the use of the building is appropriate to this rural location in line with Core Strategy policy DM2.

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. The applicant is advised that, prior to works commencing on site, Land Drainage Consent is required under section 23 and 66 of the Land Drainage Act 1991 from the Internal Drainage Board for any construction in, or within, 9m of a watercourse and for the introduction of additional flow into a watercourse in the Board's District (or from the Environment Agency for an EA Main River).

Proposal

The proposal is to extend a timber summer house building for agricultural welfare purposes given the existing and intended use of the site. The building will be around 24sqm (approximately 6m x 4m) and 2.6m high to the apex.

Site Description

The site is small holding of 2ha on the eastern side of the road through Curload and has an established vineyard on the site.

Relevant Planning History

None

Consultation Responses

STOKE ST GREGORY PARISH COUNCIL - While Stoke St Gregory Parish Council commends the initiative being taken to enhance this site, we object to the application on the grounds that:

1. The use of a cesspit to dispose of effluent in a flood risk area adjacent to a water course is not acceptable
2. There is restricted and limited vehicular access on a section of the road with limited visibility and no splay.
3. The use of the proposed welfare facility will be limited and seasonal. If welfare facilities are required for certain periods of the year, then provision of portable facilities is a better option and eliminates the question around the cesspit.
4. Consideration should be giving to purpose-built facilities rather than an adapted structure, located more appropriately on the site"

SCC - *ECOLOGY* - I have no comments / objections regarding the proposed

existing summerhouse and extension for work facilities.

The application site is however located within the Somerset Levels and Moors Ramsar catchment. Before I assess whether evidence for nutrient neutrality is required with regards to phosphate, can the applicant provide clarification on how effluent removal will be managed?

Furthermore, I would advise a preliminary ecological appraisal is undertaken on the site. The planting of 2000 non-native coniferous trees that will be regularly managed / felled. I am unable to assess whether this planting will have any adverse impacts to the existing habitats and potential presence of protected species. The PEA will also be able to advise the applicant on where biodiversity enhancements can be achieved. The PEA should be undertaken in accordance with nationally recognised guidelines (BS 42020:2013 Biodiversity - Code of practice for planning and development and CIEEMs Guidelines for Preliminary Ecological Appraisal 2017, with the Ecologist being a member of the Chartered Institute for Ecology and Environmental Management (CIEEM).

Updated comment - . Due to the seasonality of usage and commercial aspect, this application can be screened out for increased phosphate loading to Somerset Levels and Moors Ramsar.

My original comment regarding the need for a PEA still stands

SCC - TRANSPORT DEVELOPMENT GROUP - Refer to standing advice.

WESSEX WATER - No comment received.

ENVIRONMENT AGENCY - No comment received.

SOMERSET DRAINAGE BOARDS CONSORTIUM - The Internal Drainage Board will not be making site specific comments on this application at this stage.

If the proposals are in accordance with the standing advice available on our website: <https://somersetdrainageboards.gov.uk/development-control-byelaws/> then the Board has no objection to the proposals.

The Board would request that the following informative is added to any permission that is granted:

Informative: The applicant is advised that, prior to works commencing on site, Land Drainage Consent is required under section 23 and 66 of the Land Drainage Act 1991 from the Internal Drainage Board for any construction in, or within, 9m of a watercourse and for the introduction of additional flow into a watercourse in the Board's District (or from the Environment Agency for an EA Main River).

LEAD LOCAL FLOOD AUTHORITY - The applicant should ensure that there is sufficient drainage arrangements for the use of the site.

PLANNING ENFORCEMENT - No comment.

Habitats Regulations Assessment

Not required as this is a minor existing commercial use which can be screened out for increased phosphate loading requiring a HRA.

Representations Received

6 objections on the basis of

- traffic increase and conflict associated with a Christmas tree farm,

- access is dangerous,
- unacceptable visual and environmental impact,
- use as a summerhouse not welfare use,
- welfare facility not needed permanently,
- potential overnight accommodation and
- pollution.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

CP1 - Climate change,
 CP8 - Environment,
 DM1 - General requirements,
 DM2 - Development in the countryside,
 DM4 - Design,
 SP4 - Realising the vision for rural areas,
 I4 - Water infrastructure,

Districtwide Design Guide

Local finance considerations

Community Infrastructure Levy

N/a

Determining issues and considerations

The main issues here are the need for welfare facilities on site given the nature of the seasonal use and if so whether the timber structure, toilet and cesspit are appropriate in a flood risk area.

The site is 5.42 acres with a vineyard, amenity pasture and 1 acre of willow woodland. The vineyard is productive and produces on average 1300 bottles of wine per year. The vineyard has been in existence over 20 years. The applicant intends to plant around 200 Christmas trees on the pastureland and another 20 fruit trees this year. A bee apiary are proposed next year together with wildflower planting.

It is understood that there is a need for an element of welfare facilities on site for the limited seasonal use. This would appear to have been provided by the former owner in the form of the timber structure that was already on site. It would appear that historically there has been a structure there for sometime and it is unclear as to whether this would be immune from enforcement action. The use of a facility on site would limit off site travel and would be beneficial in terms of climate change in accordance with Core Strategy policy CP1. The current application stems from an extension on to the rear of this building effectively doubling the size to around 24sqm. The applicant claims there is a need for a structure on site as the provision of a temporary facility in the form of a caravan that can be towed on and off the site when required would not be appropriate given the nature of the site access. If the applicant establishes their business and starts employing temporary workers then that strengthens the need for a more permanent structure and it is claimed that this will be the case.

The site lies within an area of flood risk and the current cesspit is unauthorised and is advised against in flood risk areas by Building Control. With this in mind the applicant has amended the development to delete the cesspit and just provide a chemical toilet. There is no comment from Wessex Water as the site does not have mains drainage and the development is too small for the Environment Agency to comment. The Lead Local Flood Authority has commented and raised no objection and the use of chemical toilet facilities that would be disposed of off site is considered an acceptable approach given the limited seasonal usage and would not contravene Somerset Drainage Boards requirements. Consequently the revised drainage proposals are considered acceptable and address the Parish Council concerns. The County Ecologist has also advised that the development would not create a phosphate increase that would require a HRA. A Preliminary Ecological Appraisal (PEA) has been requested by the Ecologist in relation to the site as a whole, however the development only relates to the extension to the proposed welfare building and does not relate to other issues such as Christmas tree planting which does not require planning permission. It is therefore considered unreasonable to require a PEA in this instance.

The proposed structure is fairly well screened within the field and is not considered to cause harm to the landscape or visual amenity of the area. Consequently setting aside the need issue it is not considered the development could be refused on landscape impact grounds. There are not considered to be any adverse impact on residential amenity from the scheme. The application is for the welfare structure on site and not for the planting of Christmas trees or any other agricultural development which does not require planning permission. Consequently the state of the existing access for agricultural workers using the site is not a reason to refuse a seasonal welfare facility. The access is existing and is not being modified.

Concern has also been raised over the use of the site not being for welfare purposes. I am satisfied there is a welfare need, if only seasonal. There is no indication that the applicant would use it for other uses and to safeguard the situation a condition with regard to the use and no overnight usage could be imposed as a condition to prevent overnight accommodation.

In summary the provision of a welfare facility on site is considered to be an acceptable one in principle and in line with policy DM2. The development is not

considered to cause any harm to the landscape, residential amenity, drainage or wildlife and is recommended for approval.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

Contact Officer: Mr G Clifford

38/21/0429

MR A SULLY

Erection of a single storey extension to the rear of 27 The Avenue, Taunton

Location: 27 THE AVENUE, TAUNTON, TA1 1EB

Grid Reference: 322235.125407

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A4) DrNo L01 Rev A Location Plan
(A2) DrNo P01 Rev B Proposal Drawing
(A2) DrNo S01 Rev A Survey Drawing
(A2) DrNo TS Topo Survey Drawing

Reason: For the avoidance of doubt and in the interests of proper planning.

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

Reason for Committee

The application is being considered by Development Management Committee as the

applicant is a Ward Member of Somerset West and Taunton.

Proposal

The proposal for the demolition of existing lean-to conservatory and construction of a single storey rear extension was submitted as Householder Prior Approval, however, the ridge height exceeds 4m and therefore cannot be considered under this process and a Householder Planning application is required. The rear extension shall provide a kitchen dining area and utility room and extension to rear of garage. It would be built in matching materials with brick and weatherboarding walls, UPVC windows and door and concrete tiled roof.

Site Description

The site is located to the north west of the Taunton town centre with access taken from The Avenue. The property is a detached bungalow built with brick and weatherboarding walls, UPVC windows and door and concrete tiled roof.

Relevant Planning History

38/21/0424 – Householder Prior Approval – Withdrawn

Consultation Responses

SC - *ECOLOGY* - No comments received

Cllr C Ellis – No comments received

Habitats Regulations Assessment

N/A

Representations Received

Letters sent to adjoining neighbours and a Site Notice was erected on 27th October 2021.

No comments have been received

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local

Plan (2015), and Somerset Waste Core Strategy (2013). Where they are formally adopted, Neighbourhood Plans form part of the development plan under section 38(6).

The Somerset West and Taunton Design Guide is a material consideration. The guide has gone through public consultation and due to be adopted by Full Council on 7 December 2021. Accordingly it can be given weight in the determination of applications.

The National Planning Policy Framework 2021 (the NPPF) is a material consideration.

Relevant policies of the development plan are listed below.

CP8 - Environment,
DM1 - General requirements,
D5 - Extensions to dwellings,

Local finance considerations

Community Infrastructure Levy

The proposal is not liable for CIL.

Determining issues and considerations

The determining factors for consideration are the affects on the amenity of neighbours, the appearance of the proposed development and the impact on the street scene.

Visual impact

The proposed rear extension will be single storey and would be no higher than existing roof height of the property and therefore is subservient in scale which will not adversely affect the character or visual impact of the dwelling. As the extension is on the rear elevation of the property it would have no impact upon the street scene.

Residential Amenity

The proposed rear extension is single storey extension with the same ridge height of the existing property so it would not adversely impact upon the amenity of neighbour property. Furthermore there have been no letters of objection received from neighbouring properties to this proposal.

Ecology

Whilst there is glazing into the eaves there is a good overhang of the rear roof that will assist in reducing artificial light spill.

Conclusion

The proposed development is thus considered to be in accordance with policy DM1 of the Taunton Deane Core Strategy and policy D5 of the Taunton Site Allocations and Development Management Plan (2016). It is recommended for conditional approval.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

Contact Officer: Mr C Mitchell

By virtue of
Regulation 21(1)(A) of the Local Authorities (Executive
Arrangements) (Access to Information) (England)
Regulations 2000.

Document is Restricted

APPEAL DECISIONS – 16 DECEMBER 2021

Site: 86 BELMONT ROAD, TAUNTON, TA1 5NT

Proposal: Erection of a two storey extension to the side and rear of 86 Belmont Road, Taunton

Application number: 38/20/0332

Appeal Decision: Allowed

Original Decision: Delegated Decision – Refused



Appeal Decision

Site Visit made on 27 September 2021

by **Mr S Rennie BSc (Hons), BA (Hons),**

MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2021

Appeal Ref: APP/W3330/D/21/3266610 86 Belmont Road, TAUNTON, TA1 5NT

- 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 Ms Vicky Pritchard against the decision of Somerset West and Taunton Council.
 - The application Ref 38/20/0332, dated 14 October 2020, was refused by notice dated 27 November 2020.
 - The development proposed is the erection of a two-storey extension to the side and rear of 86 Belmont Road, Taunton.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey extension to the side and rear of 86 Belmont Road, Taunton TA1 5NT, in accordance with the terms of the application Ref 38/20/0332, dated 14 October 2020, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 001 – Location and Block Plans
 - 005-002 Proposed Elevations
 - 006-002 Proposed Plans
 - 007-002 Measured Plans
 - 008-002 Proposed Views
- 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.

Main Issues

2. The main issues are the effect of the development on (1) the character and appearance of the area and host dwelling, and (2) the living conditions of neighbours to the site.

Reasons

Design and Scale

3. The proposed extension is of a design and appearance that would be in keeping with the existing semi-detached house, particularly with regard to matching materials for example.
4. The proposal would be a large extension, being two storey to both the side and rear of the existing house. From the front and within the street scene the side extension would be most prominent, but it would be set back from the front of the existing house and also set down from the existing ridge, giving it a sense of subserviency. Also, there are other two storey side extensions in the area and so would not appear out of keeping. The scale and design of the side extension as proposed within the street scene would not appear overly large or dominant.
5. There is also the rear extension proposed, which would be a particularly wide addition. However, this has less of a visual presence in the area. Combined with the proposed side extension this would add a substantial amount of volume to the existing house. Even with this additional volume this is a spacious plot which would not be overdeveloped, as indicated by the sizable rear garden that would remain if the proposed extensions were built.
6. Overall, the proposal does not harm the character and appearance of either the existing dwelling or the wider area, thereby being in accordance with policies DM1 of the Taunton Deane Core Strategy and D5 of the Taunton Site Allocations and Development Management Plan. These policies require that street scenes are not unacceptably harmed and that house extensions do not harm the form and character of the dwelling, amongst other things.

Living Conditions

7. The proposed extension to the side and rear of the existing house would be close to the neighbour at No 84 Belmont Road. This neighbour appears to have extended to the side and rear of their property, if only at single storey. In these circumstances the proposed extension at No 86 would mainly be adjacent to the neighbour's extensions. Considering the layouts particularly, the proposed extensions would not result in significant overshadowing of this neighbour's garden which is towards

the rear of their plot. There does not appear to be any windows that would be unacceptably overshadowed either.

8. Also, with the proposed extensions being mainly positioned near to this neighbour's own extensions, it would not appear overbearing when viewed from the rear garden of No 84. This is my conclusion on this matter even when considering the existing rear extension at No 82 also. The extensions proposal would also not appear overly dominant or overbearing from any windows in No 84, particularly given the separation distances.
9. The extensions as proposed would be to the north of No 88 and so would not result in any significant overshadowing impact. There would be the side elevation wall of the proposed rear extension near to the boundary, but this is not of a depth that would result in a significant overbearing or dominating effect.
10. Overall, the proposal would not result in unacceptable impacts to the living conditions of either neighbours at Nos 84 or 88. The development would not have any significant impact to any other neighbouring occupants also. The proposal is therefore in accordance with policy DM1 of the Taunton Deane Core Strategy and policy D5 of the Taunton Site Allocations and Development Management Plan. These policies require that extensions do not harm the residential amenities of other dwellings, amongst other things.

Conditions

11. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework.
12. I have attached the standard time limit condition and a plans condition as this provides certainty. I have also added a condition concerning materials to ensure a satisfactory appearance.

Conclusion

13. For the reasons given I conclude that the appeal should succeed, subject to the conditions included in this decision.

Mr S Rennie

INSPECTOR

Site: ORCHARD COURT, BLAGDON HILL ROAD, BLAGDON HILL, TAUNTON

Proposal: Erection of implement shed at Orchard Court, Blagdon Hill Road, Blagdon Hill (resubmission of 30/20/0042)

Application number: 30/21/0026

Appeal Decision: Allowed

Original Decision: Parish Decision – Refused



Appeal Decision

Site visit made on 17 November 2021 by **Matthew Jones BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 November 2021

Appeal Ref: APP/W3330/D/21/3281146 Orchard Court, Blagdon Hill Road, Blagdon Hill, Taunton TA3 7SL

- 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 P James against the decision of Somerset West and Taunton Council.
 - The application Ref 30/21/0026, dated 12 May 2021, was refused by notice dated 25 June 2021.
 - The development proposed is the erection of a new implement shed.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a new implement shed at Orchard Court, Blagdon Hill Road, Blagdon Hill, Taunton TA3 7SL under the terms of the application Ref: 30/21/0026, dated 12 May 2021, and in accordance with the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01 Rev B, 02 Rev C, 06 Rev A.

Main Issue

2. The effect of the proposal on the character and appearance of the area, with reference to the Blackdown Hills Area of Outstanding Natural Beauty (AONB).

Reasons

3. Orchard Court and its grounds are at the south edge of Blagdon Hill village, just within the AONB, the landscape and scenic beauty of which has the highest status of protection. The shed would be constructed at the south end of the site, just outside of Blagdon Hill's settlement boundary. This part of the site is well screened from the

public realm by dense and high boundary vegetation. It is currently in use for open air domestic storage. As such, it contributes very little sense of openness to the AONB.

4. The shed would be small with a traditional form and palette of materials. It would be well screened by the boundary greenery, with just the pitched roof and the top of its west gable likely to make any substantive impression on the street scene. It would be viewed as a subservient structure enclosed within the grounds of and well associated with Orchard Court. As such, the landscape and scenic beauty of the AONB would be unchallenged.
5. Accordingly, the proposal would have an acceptable effect on the character and appearance of the area, with reference to the AONB. It would accord with the relevant aims of Policies CP8 and DM1 of the Taunton Deane Core Strategy 2011-2028 (adopted 2012) and the National Planning Policy Framework.

Reference has also been made to Policy D5 of the Taunton Site Allocations and Development Management Plan (adopted 2016) However, as this policy relates to extensions to dwellings, not the erection of outbuildings, it is not relevant.

Other Matters

6. The Council has also referred to the alleged absence of a proven need for the implement shed. However, I can see nothing in the Council's evidence, including the policies upon which it has relied, that explains or justifies why a domestic outbuilding within established residential curtilage is required to have a proven domestic, or indeed agricultural, need. Nonetheless, I am satisfied that the size of the shed is proportionate to the logical maintenance and storage demands emanating from Orchard Court's grounds, particularly given the amount of storage already in situ at the shed's proposed location.

Conditions and Conclusion

7. In addition to the standard time condition, it is necessary for a condition to identify the plans in the interest of certainty. Given that suitable finish materials are annotated on the proposed plans, it is not necessary for a condition to insist that the shed match materials present on Orchard Court. The Council has also suggested that the shed should be restricted to ancillary uses in association with Orchard Court. However, as the shed is proposed for uses incidental to the dwelling, that would fail the test of reasonableness.
8. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be allowed.

Matthew Jones

INSPECTOR

Site: Land adjacent to the Post Office, Swain Street, Watchet, TA23 0AD

Proposal: Erection of an attached two storey building with 1 No. dwelling on first floor with arched access at ground floor

Application number: 3/37/21/001

Appeal Decision: Dismissed

Original Decision: Delegated Decision – Refused



Appeal Decision

Site Visit made on 28 September 2021 by Mr S Rennie BSc

(Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2021

Appeal Ref: APP/W3330/W/21/3274756 Land adjacent to the Post Office, Swain Street, Watchet, Somerset TA23 0AD

- 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 Graham Kennedy against the decision of Somerset West and Taunton Council.
 - The application Ref 3/37/21/001, dated 4 January 2021, was refused by notice dated 1 March 2021.
 - The development proposed is for the erection of an attached two storey building with 1 no. dwelling on first floor with arched access at ground floor.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on (1) the character and appearance of the area, including the significance of the Watchet Conservation Area (CA), and (2) the living conditions of both existing and future occupants.

Reasons

Conservation Area

3. The site is within the Watchet CA. In my view, the significance of this heritage asset is derived from the historic layout of the town centre and the many examples of well-preserved older historic buildings. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in the exercise of planning functions. The National Planning Policy Framework (the Framework) also advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 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.
4. The proposal would span much of the gap in a wide alley opening which leads from Swain Street to a public car park. The current opening is a positive feature of Swain Street. This street is characterised with buildings built up to the public highway providing a continuous line of buildings, other than when interrupted by narrow openings leading to alleys or other similar type routes. These openings add to the intimate character of Swain Street and is part of the historic layout of this core area of Watchet.
5. Closing off some of this gap would result in the loss of much of this characteristic feature of Swain Street. It would significantly erode the positive visual contribution this alleyway entrance makes to the street scene character of Swain Street. There would remain an opening for vehicles to travel through, but it would be much smaller and less of a feature than the existing opening between the Post Office (PO) building (No 26) and No 19.
6. The proposed dwelling would be subservient in scale to No 26 Swain Street and would be of suitable materials. However, these aspects do not outweigh the harm identified with the issue of the enclosing of the alleyway entrance. There is an example raised of a similar type development nearby on Swain Street, but this appeal proposal would be particularly prominent within the street scene. Furthermore, a similar example elsewhere does not mean that the proposal would be less harmful in these circumstances, as the existing open gap is a positive feature within the CA which would be largely lost with the proposed dwelling.
7. Whilst I note the comments about the proposal being a form of overdevelopment, this is an area of high density buildings. However, it is the adverse impact to the character of the CA which is more harmful.
8. The proposed dwelling would be harmful to the character and appearance of the Conservation Area. Nevertheless, the harm would be less than substantial and in accordance with paragraph 202 of the Framework, that harm should be weighed against any public benefits of the proposal. The main public benefit would be the provision of a single dwelling towards housing land supply, but the benefit of one dwelling would be limited, whereas the identified harm attracts considerable importance and weight. The public benefits therefore do not outweigh the harm.
9. The proposal is therefore contrary to Local Plan Policies NH1 and NH13, which require development to sustain the historic environment in line with its interests and significance, and to be of a high quality design, amongst other things.

Living Conditions

10. The proposed dwelling would be between a residential dwelling (No. 19) and a building containing a ground floor Post office (No. 26) and a first floor flat (No. 10 Peel Court).
11. For No 19, there is a small ground floor window which would be affected by the proposal, although the appellant has provided plans to show this to be a cupboard window. However, comments received from the owner of No 19 suggests this window brings daylight into a recess off the kitchen, currently used for laundry. Whilst this may not be a particularly habitable area of the house at No 19 currently, the proposal would result in a substantial loss of light to the extent that the window would serve little purpose other than ventilation. As such, I would regard such an impact as being unduly harmful to neighbour living conditions.
12. For No 26 (the PO) there is a single ground floor window adjacent to what appears to be the service area. As this is not a residential property it would not harm living conditions. The proposal would result in some loss of light to the PO, but from the evidence before me this would not have an impact which would warrant dismissal of the appeal.
13. The proposal also would seem to require the blocking up of a window on the first floor of the southern elevation of the first floor flat (No 10 Peel Court). There are no detailed plans before me to show what that window serves, other than the appellant stating that it is a secondary window for a bedroom that already has an outlook to the west. I have no reason to believe otherwise and so there would be no significant loss of amenity as a result.
14. The proposal is contrary to the Framework on this matter due to the impact to the occupants living conditions at No 19, particularly paragraph 130 which requires a high standard of amenity for existing and future users.
15. There would be no amenity space for future occupants of the proposed dwelling. However, this would be a small dwelling in a central area where there is access to some external public amenity areas. The entrance to the dwelling would not be clear when viewed from the street, but it would be visible. These issues would not have any significant living condition or design impacts. The living conditions of future occupants would be sufficient, in accordance with policy NH13 of the West Somerset Local Plan on this matter, which has regard to the requirement for high quality design.

Planning Balance

16. The proposal would provide an additional dwelling towards local housing land supply in an accessible location within the town centre. However, it would fail to preserve the CA significance and also result in harm to neighbour living conditions. On balance, the harm to the CA and the general character and appearance of the street would significantly and demonstrably outweigh the benefits.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

Mr S Rennie

INSPECTOR

Site: Anstey Farm, Hawkwell Lane, Brushford, Dulverton, TA22 9RU

Proposal: Application for Outline Planning with all matters reserved for the erection of 2 No. holiday lodges/log cabins on site of 2 No. former free range poultry houses

Application number: 3/09/20/003

Appeal Decision: Appeal – Allowed
Costs - Refused

Original Decision: Delegated Decision – Refused



Appeal Decision

Site visit made on 17 November 2021 by **Matthew Jones BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 November 2021

Appeal Ref: APP/W3330/W/21/3280061 Anstey Farm, Hawkwell Lane, Brushford, TA22 9RU

- 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 Mr Hugh King-Fretts against the decision of Somerset West and Taunton Council.
 - The application Ref 3/09/20/003, dated 1 November 2020, was refused by notice dated 17 February 2021.
 - The development proposed is x 2 holiday lodges / log cabins on site of x 2 former free range poultry houses.
-

Decision

1. The appeal is allowed and planning permission is granted for x 2 holiday lodges / log cabins on site of x 2 former free range poultry houses at Anstey Farm, Hawkwell Lane, Brushford, TA22 9RU under the terms of the application Ref: 3/09/20/003, dated 1 November 2020, and in accordance with the conditions in the attached schedule.

Application for Costs

2. An application for costs was made by Mr Hugh King-Fretts against Somerset West and Taunton Council. This application is the subject of a separate decision.

Procedural Matters

3. The planning application was made in outline with all matters aside from access reserved. I assessed the appeal as such, taking reference from drawing Ref: 055.20.001 on an illustrative basis.

Main Issue

4. The main issue is the suitability of the site for the proposal, having regard to the development plan's approach to the delivery of tourism development.

Reasons

5. Anstey Farm occupies a rural location to the east of the small settlements of East Anstey and West Anstey. The local road network is very basic as it is largely single track, unlit, devoid of dedicated pedestrian space, and turns and weaves across the area's topography.
6. Policy EC9 'Tourism outside of settlements' of the West Somerset Local Plan to 2032 (adopted 2016) (WSLP) supports new tourism development within the open countryside under certain circumstances. These are: where it can be demonstrated that its location is essential to the business and the proposal could not be located elsewhere; when the scheme does not adversely affect the vitality and viability of neighbouring settlements; and where it complements the existing tourism provision of those settlements and the surrounding area without generating new unsustainable transport patterns.
7. The construction of the first criterion of the policy leaves room for interpretation. In my view, the criterion relates to the physical location of the proposed development in relation to, in this case, the holding at Anstey Farm. I see nothing in its wording that translates to a requirement for a business case to be made nor for the tourism use to comprise rural diversification, which is a subject directly addressed by a different policy within the WSLP.
8. The respective locations for the proposed holiday lets comprise flat areas within the holding. They appear to already benefit from connections to utilities associated with the poultry houses and are accessed by established tracks. On this basis, I have no reason to conclude that it is not essential for the business that they are sited where they are proposed. Given that this scheme is for a modest quantum of two holiday lets, there is no evidence that the vitality or viability of East and West Anstey would be adversely affected.
9. These settlements contain little in the way of facilities, and those they do have are largely not for leisure as such. Whilst Dulverton, with its more extensive breadth of services, is fairly close by, the intervening highway network is as basic as that around the site, and I am also not aware of any public transport serving this area. It is clear, on this basis, that occupants of the holiday lets would be almost entirely dependent on travel by the private motorcar.
10. However, existing tourism facilities are commonplace within this area, despite its remoteness, likely owing to the proximity to Exmoor and the Exe Valley. The scheme would therefore complement this existing provision and would modestly augment the existing transport pattern associated with these facilities, as opposed to creating a new pattern of travel itself. For these reasons, the proposal would find the support of Policy EC9.

11. The dependency of future tourists on private motor travel would, however, bring the scheme into conflict with Policy TR2 insofar as it seeks to reduce reliance on the private car and maximise the attractiveness of other transport modes. Policy OC1 of the WSLP precludes development in the countryside unless there are certain circumstances. Given that new build tourism development is not listed as one such circumstance, the scheme would conflict with this policy. The policy does refer to an economic and functional test for new dwellings, but this is only in relation to dwellings which are applicable to the circumstances that it lists.
12. However, the WSLP clearly envisages and supports the provision of tourism development in rural locations, as articulated by the title and content of Policy EC9. The transport test set by Policy EC9 concerns the generation of new transport patterns, not the stricter test of reducing car use. This is rational because tourism development is often drawn to scenic rural locations which regularly have limited access to services. I am also mindful that Policy EC9 presents the WSLP's bespoke policy expression on the subject of rural tourism.
13. As such, I consider the dominant policy in respect of this appeal to be Policy EC9, and I attach significant weight to the accord of the scheme with it. The conflict that would arise with Policies OC1 and TR2 attracts considerably less weight in my judgment. This leads me to conclude that the site would be suitable for the proposal, having regard to the development plan's approach to

the delivery of tourism development. Despite the conflict with Policies TR2 and OC1, the scheme would accord with the development plan when read as whole.

Conditions

14. In the interest of the character and appearance of the area, it is necessary to ensure that finish materials are submitted to and agreed by the Council prior to their installation. Conditions are also required to ensure that the holiday lets are used solely for that purpose, and to deliver biodiversity net gain. Given the potential for bats to be present at Anstey Farm, it is essential that the specification of any external lighting is prior agreed with the Council. It is also necessary in the interest of highway safety that space for motor vehicle turning and parking is set out within the site and retained to ensure that vehicles can return to the highway in a forward gear. In the interest of flood and pollution prevention, it is necessary that foul and surface water drainage details are also prior agreed with the Council prior to the first use of the holiday lets.

Conclusion

15. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be allowed.

Matthew Jones

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan A4; Location Plan and Block Plan 1:1250 scale.
- 4) Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.
- 5) The holiday lodges / log cabins shall be occupied for tourism purposes only and not as a person's sole or main residence. The site operator or owner shall maintain an up-to-date register of the names of all owners/occupiers of the individual holiday lodges / log cabins on the site and of their main home addresses, and the duration of their stay and shall make this information available at all reasonable times to the Local Planning Authority.
- 6) Prior to the installation of external lighting, a "lighting design for bats" shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) to demonstrate that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design and retained as such thereafter. No other external lighting shall be installed.
- 7) The following will be integrated into the design of the holiday lodges / log cabins: A bat box will be mounted on a side elevation of the holiday lodges/log cabins (one on each cabin) and maintained thereafter; a bee box will be attached to a wall approximately 1 metre above ground level on the holiday lodges/log cabins (one on each cabin) and maintained thereafter.
- 8) Prior to occupation of the holiday lodges / log cabins, works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be retained in that form.

The development hereby approved shall not be occupied until space has been laid out, drained and surfaced within the site in accordance with the approved plans for the parking, turning, loading and unloading of vehicles, and such areas shall not thereafter be used for any purpose other than the parking, turning, loading and unloading of vehicles.



Costs Decision

Site visit made on 17 November 2021 by **Matthew Jones BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 November 2021

Costs application in relation to Appeal Ref: **APP/W3330/W/21/3280061 Anstey Farm, Hawkwell Lane, Brushford, TA22 9RU**

- 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 Mr Hugh King-Fretts for a full award of costs against Somerset West and Taunton Council.
 - The appeal was against the refusal of planning permission for x 2 holiday lodges / log cabins on site of x 2 former free range poultry houses.
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Decision

1. The application is refused.

Reasons

2. The Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of an appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The applicant asserts that the Council acted unreasonably as it failed to cooperate or to work pro-actively with the applicant, failed to have regard to its pre-application advice, and failed to determine the application within the statutory time period without reason.
4. I can understand the applicant's frustration in the lack of response from the Council before planning permission was refused, especially as it then went on to divert from its pre-application advice. However, the Council has maintained its stance at the appeal and there is no substantive evidence that demonstrates that, had additional dialogue taken place, the appeal could have been avoided.
5. Whilst the Council also failed to determine the planning application within the statutory timescale, there is no link between this issue and costs accrued during the appeal. The same is said for the divergence from the pre-application advice, the tone of which is advisory and thus somewhat non-committal in any event. That the pre-application advice can offer no guarantee of the Council's ultimate decision is also set out at the outset of the advice.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. An award of costs is not justified.

Matthew Jones

INSPECTOR

<https://www.gov.uk/planning-inspectorate>

Site: The Old Forge, Park Lane, Carhampton, TA24 6NL

Proposal: Replacement of outbuilding with the erection of a detached annexe to be used as ancillary accommodation to the main house

Application number: 3/05/21/004

Appeal Decision: Allowed

Original Decision: Delegated Decision – Refused



The Planning Inspectorate

Appeal Decision

Site Visit made on 27 September 2021 by Mr S Rennie BSc

(Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2021

Appeal Ref: APP/W3330/D/21/3277914 The Old Forge, Park Lane, Carhampton, Somerset TA24 6NL

- 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 Ms Sally Gallia against the decision of Somerset West and Taunton Council.
 - The application Ref 3/05/21/004, dated 8 March 2021, was refused by notice dated 12 May 2021.
 - The development proposed is the replacement of an outbuilding with the erection of a detached annexe to be used as ancillary accommodation to the main house.
-

Decision

1. The appeal is allowed and planning permission is granted for the replacement of an outbuilding with the erection of a detached annexe to be used as ancillary accommodation for The Old Forge, Park Lane, Carhampton, TA24 6NL in accordance with the terms of the application Ref 3/05/21/004, dated 8 March 2021, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1853.1/201A and 1853.1/200.
- 3) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling currently known as The Old Forge, Park Lane, Carhampton.

- 4) Prior to their use in the construction of the approved development, details/samples of the materials to be used in the construction of the external surfaces shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details / samples.
- 5) No vegetation removal or demolition shall take place during the bird nesting season (March - September inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing, which shall be first sent to the Local Planning Authority for confirmation before any vegetation removal or demolition works.

Main Issue

2. The main issues are whether the proposal would preserve the setting and significance of a Grade II listed building, now known as The Old Forge, and its features of special architectural or historic interest that it possesses.

Reasons

3. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) is relevant to this appeal as it requires special regard as to whether to grant planning permission for development which affects a listed building or its setting. The National Planning Policy Framework also advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 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.
4. The proposed outbuilding would be used as ancillary accommodation to the main house and would be located in the rear garden. The house is the listed building and The Old Forge (previously known as The Old Smithy) dates from the 19th Century. Its significance derives from it being an historic building with an appearance and character reflective of its age within this rural village. Being within the rear garden close to the rear elevation of the listed building the development would be within the setting of this heritage asset.
5. Currently there is an outbuilding towards the rear of the garden, in the same approximate position to the proposed annex. It is overgrown currently, but from my observations it is a structure of no particular architectural merit that does not contribute positively to the setting of this listed building. The proposed annex would be of a similar size to the existing structure, although with a higher pitched roof.
6. The additional height of the proposed replacement outbuilding would mean some views of the rear of The Old Forge from outside of the site could be obscured to some extent, compared with the current situation. However, the difference would be minor with there likely to be views still available to appreciate the rear of this listed building and its roof. I would regard this matter as having no material impact to the setting of the listed building or its appreciation.
7. The proposed annex is on a higher level than the listed house. However, considering that the levels difference is not substantial and that there is a clear separation distance between the proposed annex and the listed building, then the proposal would not visually compete, be overbearing or detract from the listed building.

8. The proposal is of an appropriate simple design and scale for its context. Although the garden is modest in size there is sufficient space for the annex without appearing cramped, especially given it would replace an outbuilding of a similar size. There is no substantive evidence that the proposal would result in the loss of any significant or important trees.
9. Given the above I conclude that the proposal would preserve the setting, significance and the special historic interest of the Grade II listed building. This would satisfy the requirements of the Act and the Framework and would not conflict with policies NH1 and NH2 of the West Somerset Local Plan to 2032. These policies seek, among other things, to ensure the sustaining of the historic heritage within the district and to conserve and enhance the built and historic environment.

Other Matters

10. The proposal is for an ancillary outbuilding and not an independent dwelling. This can be conditioned to ensure this would remain the case. As such, there is no reason to consider the proposal as a separate dwelling.
11. There has been the issue raised as to whether there is a need for the proposed annex. However, whilst I note the reasoning given in relation to the need for carer accommodation, as I have not found any harm with the proposed development then there is no requirement for the development to demonstrate a particular need.
12. I acknowledge the surrounding highways are narrow and there appears to be only one parking space at the Old Forge. However, the proposal would be a small addition and I have no substantive evidence that any consequential additional parking need could not be accommodated, even if that meant onstreet parking.
13. The demolition and construction process may be difficult to organise, but this is a relatively small development and should be feasible without resulting in adverse highways impacts or unacceptable noise and disturbance to neighbours.
14. There has been a 'Preliminary Ecological Appraisal Report' submitted with the appeal. This provides evidence that the structures have a negligible suitability for bats, based on a lack of any evidence of bats or suitable roost features. The Report does advise against works in the bird nesting season, which can be a requirement via condition. Given the small scale of the proposals I do not regard there to be the need for any other ecology based conditions. There is no substantive detail of badgers being potentially affected by the proposed development.
15. The proposal is to use soakaways for its surface water drainage. I have no substantive evidence to suggest this is not suitable for the development.

Conditions

16. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework.
17. I have attached the standard time limit condition and a plans condition as this provides certainty. I have also added a condition concerning materials to ensure a satisfactory appearance.
18. As the annex is proposed as an ancillary building then this should be required to remain as such through a condition.

19. As recommended in the Preliminary Ecological Appraisal Report, I have attached a condition to ensure works do not take place during nesting season.

Conclusion

20. For the reasons given above I conclude that the appeal should be allowed.

Mr S Rennie

INSPECTOR

APPEALS RECEIVED – 16 DECEMBER 2021

Site: 3 KILLAMS AVENUE, TAUNTON, TA1 3YE

Proposal: Erection of a first floor extension over the garage at 3 Killams Avenue, Taunton (resubmission of 38/20/0409)

Application number: 38/21/0256

Appeal reference: APP/W3330/D/21/3282891

Decision: Chair Decision - Refusal

Enforcement Appeal:
