

APPEAL DECISIONS – OCTOBER 2023

**Site: Land Adjacent to The Meadows, Hatch Green, Hatch Beauchamp, Taunton,
TA3 6TL**

Proposal: Erection of 1 No. Self Build

Application number: 19/22/0021

Reason for refusal: Character and Appearance – Strategy and Accessibility

Appeal Decision

Site visit made on 12 September 2023

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2023

Appeal Ref: APP/W3330/W/23/3318639

Land adjacent to The Meadows, Hatch Green, Hatch Beauchamp, Taunton TA3 6TL

- 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 James Marks against the decision of Somerset West and Taunton Council.
- The application Ref 19/22/0021, dated 2 September 2022, was refused by notice dated 22 February 2023.
- The development proposed is erection of 1 No. self-build, sustainable, carbon neutral dwelling with associated works.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of the proposal as set out in the Council's Decision Notice, which is more accurate than that used in the planning application form. The appellant has used this revised description in the appeal form and so I am satisfied that no parties would be prejudiced by my using this description.

3. During the appeal, it became apparent that incorrect ownership certification had been provided at the application stage, and that the site is owned not by the appellant but by family members. However, the correct notice has now been served and, from the evidence before me, no party has been prejudiced because of this error. I shall therefore deal with the appeal on this basis.

Main Issues

4. The main issues are:

- the effect of the proposal on the character and appearance of the area, and
- whether the site would provide a suitable location for the proposal, having regard to the strategy of the Development Plan, in particular the accessibility of the site to services and facilities.

Reasons

Character and Appearance

5. The site consists of a large field in active agricultural use, surrounded by tall hedging and with an access gateway from the road. There are a handful of houses and buildings close by, but the site is beyond the edge of the nearest village and in the countryside. The proposal is for a two-storey, self-build

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dwelling, set into the ground, utilising a fall across the site. The dwelling would be sited deep into the field, and a new orchard would be planted to the front of it. To achieve access from the road to the dwelling, a new driveway would follow the inner edges of the site boundary, set behind existing and proposed tree and hedge screening.

6. Policy CP8 of the Taunton Deane Borough Council Core Strategy (TDCS), adopted September 2012, makes clear that development should be strictly controlled to conserve the open character of the countryside. To be permitted, the policy requires that proposals must protect and conserve the landscape and be appropriate in terms of siting, amongst other things.

7. The proposal would be set back behind a wall and have a low height. It seeks to have the appearance of a developed agricultural barn. Even so, the proposal would involve the erection of a large building of appreciable mass and built form, with extensive glazing. A new garden area would be created, with its associated domestic paraphernalia, such as washing lines and children's play equipment. The proposed driveway and parking area would add to the domesticated appearance of the proposal.

8. These features mean that the proposal would have an urbanising effect that would harmfully contrast with the largely undeveloped, countryside character of the site and of the surrounding rural landscape. Furthermore, the position of the dwelling would fragment the existing field, splitting it into two. As such, it would fail to reflect the physical features of the site. Not all dwellings hereabouts are positioned in a linear alignment that fronts the road. However, there are few, if any, that are sited as deep within their site as the proposal, or which require its somewhat lengthy and convoluted driveway arrangements. For these reasons, the proposal would appear incongruous, harmful and out of place.

9. Public views of the proposal obtainable from the road would be largely screened by landscaping and the proposed orchard. However, such screening cannot be relied upon, particularly in winter months, when foliage is reduced. Nor can the survival of such vegetation be guaranteed in the long term. In any case, I saw that public views of the proposal and its harmful effects would be available from nearby public footpaths, including path T14/9 adjacent to the field to its rear.

10. For these reasons, the proposal would harm the character and appearance of the area. It would therefore conflict with TDCS Policy CP8. It would also conflict with TDCS Policy DM1(d), which requires that no unacceptable harm is caused to the

appearance and character of the landscape or the street scene. These policies are consistent with the aim of the National Planning Policy Framework (the Framework) to recognise the intrinsic character and beauty of the countryside, with which the proposal would also conflict. I therefore give significant negative weight to this harm.

Strategy and Accessibility

11. TDCS Policy SP1 sets out the Council's spatial strategy for development. It seeks to focus development on the most accessible and sustainable locations, such as urban areas or rural centres. The site lies outside of any settlement or site allocated for development and so is treated by the policy as being in the open countryside.

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12. The proposal would erect a permanent dwelling in a location acknowledged as having restricted access to public transport, shops or to most other services or facilities. As such, it would be in a location where TDCS Policy SP1 does not focus new housing. That said, the proposal would enable the appellant to live much closer to his business, located not far away, which is an established local employer. This would mean that the appellant could undertake trips to work and in future to school by cycle or on foot, resulting in a significant reduction in carbon footprint.

13. However, patterns of travel to and from the dwelling would not be fixed. In time, either the appellant or future occupiers of the proposal may well have different patterns of movement, including for employment or educational purposes.

Furthermore, even discounting these, the location of the site means that all future occupiers would be reliant on private vehicles for access to other day-to-day services and facilities, as would their visitors and deliveries.

14. The Framework advises that opportunities to maximise sustainable transport use will vary between urban and rural areas, and that new housing can enhance the vitality of rural communities. However, it also promotes sustainable travel modes that limit future car use. The countryside location of the proposal and its resultant reliance on private vehicles would ultimately cause environmental harm, by not contributing to a cumulative reduction in harmful greenhouse gas emissions, or to an improvement in air quality and public health. Furthermore, as only one dwelling, the proposal would do little to maintain or enhance the vitality of the local community.

15. If permission is not forthcoming, the appellant suggests that the business might relocate closer to his current home. I am told that this would put the current workforce at risk or require them to travel further, resulting in a worsening of sustainable transport movements. However, I have little substantive evidence about the likelihood of such a relocation, for example that it has any planning permission necessary. Nor do I have clear detail about the specific effects on employees' journeys to work, or the scope for mitigation, were such a relocation to occur. I therefore give the benefits of the proposal only limited weight in this regard.

16. The proposal is described as affordable housing, although the Council does not agree that it qualifies as such. Policy SB1 of the Taunton Deane Site Allocations and Development Management Plan (SADM), adopted December 2016, states that proposals in the countryside should be assessed against TDCS policies DM2, CP1 and CP8, unless (amongst other things) it accords with a specific development plan policy.

17. Policy DM2 relates to affordable housing in the countryside, but there is no dispute that the proposal would not comply with this policy. Nevertheless, the absence of support from this policy does not necessarily make the proposal unacceptable, as found by another Inspector in a decision at Bagley Green¹.

18. Policy CP1 relates to Climate Change. The proposal would be carbon neutral and so may well accord with some elements of this policy. However, the policy also requires that proposals should reduce the need to travel, through locational decisions, and can be satisfactorily assimilated into the landscape. For the reasons I have already given, the proposal would not meet these

1 PINS reference D3315/W/17/3179264

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requirements. Similarly, I have already found that the proposal conflicts with Policy CP8.

19. In respect of other Development Plan policies, I have been referred to TDCS Policy CP4, which aims to deliver affordable housing reflecting local needs, as does the Framework, including on rural exception sites. However, the proposal is for a single, five-bedroom dwelling. Although I have some evidence to suggest that there may be a need within the District for self-build units, this does not necessarily equate to a need for affordable housing. I have little evidence to demonstrate the nature of any local needs for affordable accommodation, or whether the proposal would meet those needs.

20. Furthermore, the proposal is intended to be occupied by the appellant. As a result, there is little to suggest that the proposal would be offered to those in greatest need of affordable housing, or that the appellant would be able to comply with any mechanism, such as a legal agreement, to ensure its occupation as affordable housing in perpetuity. Consequently, I have little to demonstrate that the proposal would be occupied or made available as affordable housing. I reach this conclusion regardless of whether it would form a route to affordable home ownership, or whether the exception from providing this at Framework paragraph 65(d), both referred to by the appellant, applies.

21. The proposal is for a self-build dwelling. TDCS Policy CP4 seeks the creation of mixed communities generally but also requires new housing to be consistent with the settlement hierarchy established in Policy SP1, which I have found the proposal would not meet. Therefore, policies DM2, CP1, CP4 and CP8 do not support the proposal

and no other specific Development Plan policies have been identified. Accordingly, the proposal also conflicts with SADM Policy SB1.

22. I therefore conclude that the site would not provide a suitable location for the proposal, having regard to the strategy of the Development Plan, in particular the accessibility of the site to services and facilities. For the reasons I have already given, the proposal would conflict with TDCS Policy SP1 and SADM Policy SB1. TDCS policies CP1(a) and CP6 seek to reduce the need to travel, whilst SADM Policy A5 requires development to have walking or public transport access to a range of facilities. For the reasons given above, the proposal would conflict with these policies, and with the similar aim of the Framework to limit future car use. As such, I give this harm significant negative weight.

Other Considerations

23. The Framework requires that Local Authorities should review and, where necessary, update their Local Plans every five years. As a result, the appellant states that reduced weight should be given to the Development Plan policies I have referred to. The appellant also suggests that there is now a shortfall in the supply of housing land locally.

24. As such, I have considered the proposal on the basis that the Council's housing policies could be deemed out of date. Accordingly, it is necessary for me to determine whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits inherent in providing an additional dwelling to assist the Council in addressing any undersupply, as set out in paragraph 11 of the Framework.

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25. I have found conflict with the Development Plan policies set out above, which are consistent with the Framework. I therefore find that the proposal would conflict with the Development Plan as a whole. Against that, it would provide an additional unit of self-build accommodation. The Council is required by the Self-Build and Custom Housebuilding Act 2015 (as amended) to grant planning permission for enough serviced plots of land to meet the demand for self-build housebuilding in the District. Appeal decisions² have confirmed the weight that can be given to this when in determining such proposals.

26. In this case, the parties dispute whether the Council is achieving sufficient delivery of self-build houses. However, even if I were to accept the appellant's evidence of a significant shortfall in their supply, and in respect of housing supply generally, the proposal would only result in one additional dwelling. As a result, due to the small size of the proposal, its contribution to these forms of housing supply attract only limited positive weight.

27. The proposal would also bring economic and social benefits, including to the appellant's business and the wider community. The proposal would make more

efficient use of the land and would be developed to high environmental standards, including from its heating, insulation, and orientation. It would also deliver ecological benefits, such as bird and bat boxes and the use of native species in planting. However, given that the proposal is for only one dwelling, these benefits are relatively minor and so carry only limited positive weight in favour of the proposal.

Other Matters

28. A draft Unilateral Undertaking (UU) has been submitted with the appeal. It seeks to ensure that the proposed planting and foul drainage treatment plant would be installed, managed and maintained satisfactorily. However, the draft UU has not been signed or dated. As it has not therefore been executed, I can give it no weight.

29. Even if the draft UU had been executed, its primary aim is to ensure the nutrient neutrality of the proposal. This is necessary to protect the Somerset Levels and Moors Special Protection Area and Ramsar site (the SPA) from the effects of an increase in phosphates resulting from the proposal.

30. The SPA is protected pursuant to the Conservation of Habitats Regulations 2017 (as amended). Had I found the proposal acceptable in respect of other matters, as competent authority I would have carried out an Appropriate Assessment in respect of the potential effects of the proposal on the SPA. However, as the balance of considerations is against the appellant, this matter need not be considered any further.

Planning Balance and Conclusion

31. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

32. Given the harm that I have identified, and the weight that I attach to it, I consider that the adverse impacts of granting permission would significantly

2 For example, PINS reference APP/C1570/A/14/2223280

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and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. For the reasons given, I have found conflict with the Development Plan, read as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

O Marigold

INSPECTOR

Site: Seventh Day Adventist Church, Mary Street, Taunton

Proposal: Erection of a two storey extension to the side of Seventh Day Adventist Church, Mary Street, Taunton

Application number: 38/22/0194

Reason for refusal: Scale, Height, Flatroof, Design and lack of ecological survey.



Appeal Decision

Site visit made on 12 September 2023

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2023

Appeal Ref: APP/W3330/W/23/3316964

Seventh Day Adventist Church, Mary Street, Taunton TA1 3PE

- 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 R da Silva against the decision of Somerset West and Taunton Council.
- The application Ref 38/22/0194, dated 30 June 2022, was refused by notice dated 31 August 2022.
- The development proposed is a two-storey side extension to increase the conference floor space.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, the appellant has provided an amended plan showing the extension roof on the front elevation. Given that the revised plan seeks to clarify the proposal, I consider that no party would be prejudiced if I take it into account. I shall therefore determine the appeal using the amended plan.
3. At final comments stage, the Council sought to provide further information in respect of bats. However, I am mindful of the advice in the Planning Inspectorate's 'Procedural Guidance: Planning Appeals England', that new evidence is not normally allowed at this stage. This is because other parties would not be able to comment on it. For this reason, I have been unable to take this information into account in reaching my decision.

Background and Main Issues

4. The appeal site lies within the Mount Street/Vivary Park Conservation Area (CA) and adjacent to Grade II listed buildings at Mary Street House and Queen Anne Cottage, also known as 19 Mary Street (No 19). The Council considers that the appeal building constitutes a non-statutory designated heritage asset (NDHA). The main issues are the effect of the proposal on the character and appearance of the appeal building, including whether it constitutes a NDHA, on the CA and on the setting of the listed buildings; and the effect of the proposal on protected species, namely bats.

Reasons

5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I have special regard to the desirability of preserving the listed buildings and their settings, or any features of special architectural or historic interest. Section 72 of the same Act requires that I pay special

- attention to the desirability of preserving or enhancing the character or appearance of the CA.
6. Mary Street House is an early 19th Century three-storey brick building with a hipped roof, located perpendicular to Mary Street itself. It has various extensions including a two-storey section adjacent to the appeal site. No 19 is an early 18th Century brick building with decorative features including a moulded cornice and parapet and a central doorway with architrave surround. No 19 was once used as a brewery. In the context of this appeal, the significance of the listed buildings is their age and attractive, historic appearance.
 7. The appeal site is a two-storey red brick building located hard to the edge of the street and positioned between Mary Street House and No 19. The appeal building has an attractive catslide roof form, and decorative openings along the elevation facing No 19 and its front. These suggest that the building once formed stables and a goods storage for the brewery at No 19. Any functional connection between No 19 and the appeal building may have been severed many years ago. Nevertheless, the appeal building has some historic interest and is itself an attractive structure. For these reasons, I consider that it constitutes a NDHA.
 8. The CA encompasses attractive, solid, domestic, commercial and (former) institutional buildings on Mary Street and Mount Street, together with the municipal Vivary Park. Relevant to this appeal, the significance of the CA is the age and the attractive architectural appearance of its buildings and street scenes. For the reasons already given, the appeal building contributes positively to this character.
 9. The proposal seeks to erect a two-storey extension to the side of the appeal building, infilling an existing L-shaped gap, so that the footprint of the building would become rectangular. At first floor level, the extension would have the appearance of a long dormer, positioned on the side of the building adjacent to Mary Street House. It would make use of the available space, replacing an unused garden area with additional floorspace, including an enlarged Worship Hall and lecture room.
 10. The extension would not alter the exposed rafters and would have little effect on the decorative features of the building. It would also be screened from No 19 by the rest of the existing building. As such, it would have a neutral effect on No 19 and its setting. It would also allow the existing roof to remain dominant, with the roof extension appearing as a modern addition.
 11. Nevertheless, the proposal would have a flat roof form. The horizontal emphasis of the roof would jar with the pitched catslide roof slope of the existing building. Furthermore, the large mass and bulk of the first-floor element would appear excessively dominant and out-of-place on the roofscape. For these reasons, the proposal would be an incongruous addition to the roof that would detract from the appearance of the building.
 12. When viewed from the street, the proposal would be set well back from the frontage and would be partially hidden behind the existing building. However, the flat roof element of the proposal would be clearly visible above the existing catslide roof, harming the street scene. It would also be visible from surrounding buildings. Mary Street House has modern extensions facing the

appeal site, but the proposal would also be viewed in the context of its positive elements, such as its Mary Street elevation. As a result, the harm I have identified would also detract from Mary Street House and its setting.

13. Accordingly, I conclude that the proposal would have a harmful effect on the building itself as a NDHA, on the character and appearance of the CA as a whole, and on the setting of Mary Street House, thus failing to preserve them. Consequently, the proposal would conflict with policies CP8 and DM1 of the Taunton Deane Borough Council Core Strategy (TDCS), adopted September 2012. Amongst other things, these policies require that historic assets are conserved and that the character and appearance of buildings and the street scene are not harmed.
14. For similar reasons, the proposal would also conflict with the Council's District-Wide Design Guide Supplementary Planning Document, dated December 2021, and its requirement that proposals should aspire to a quality of design commensurate with that of the host building. Bearing in mind the statutory requirements, and as required by the National Planning Policy Framework (the Framework), I give great weight to this harm. I will weigh this harm against the public benefits of the proposal in the planning balance below.

Protected Species

15. The Council considers that the proposal has the potential to affect protected species, namely bats. Government Circular 2005/06 relates to biodiversity and geological conservation. It advises that there should be no requirement for surveys of protected species to be undertaken, unless there is a reasonable likelihood of the species being present and affected by the development.
16. The proposal would involve alterations to the existing historic roof. Internally, the main roof is open vaulted with rooflights which, in the appellant's view, makes the presence of roosting wildlife unlikely. Even so, I understand that bats can live in very small gaps or crevices, such as under tiles, eaves and external roof joinery, which the proposal would affect. It is therefore quite likely that bats are present. Consequently, in the absence of an ecology survey, I have insufficient information to be satisfied that the proposal would not harmfully affect the habitat of bats.
17. It has been suggested by the appellant that if bats were found during construction works, the matter could be left to control by Natural England's licencing regime. However, the Circular makes clear that it is essential that the presence or otherwise of protected species, and the effect on them by a proposal, is established before planning permission is granted. This is to ensure that their presence is fully taken into account. The matter cannot therefore be left to a later stage.
18. Consequently, I conclude that the proposal could well have a harmful effect on bats. As such, it would be contrary to TDCS Policy CP8, which requires the conservation of the natural environment, and that proposals which may harm this should not be permitted. The proposal would similarly conflict with the Circular and the requirement of the Framework to conserve the natural environment.

Planning Balance and Conclusion

19. In the language of the Framework, the harm I have identified to the building as a NDHA, the CA and Mary Street House would be less than substantial. Weighed against this, its public benefits would include the increase in community involvement of the church, including children and youth clubs, nursing home visits and free health and other courses to the community. As well as requiring good design, the Government's National Design Guide encourages buildings to be functional and comfortable.
20. An overcrowded building would doubtless make the activities of the church more difficult. However, I have little to suggest that it would prevent or significantly limit its community involvement. Therefore, in acknowledging the benefits, I conclude that they would not outweigh the less than substantial harm to the character and appearance of the area including the CA, the setting of Mary Street House and the appeal building as a NDHA. Nor would this be sufficient to overcome my concerns regarding the effect of the proposal on bats.
21. For the reasons given, there would be conflict with the Development Plan, read as a whole. No material considerations have been shown to have sufficient weight to warrant a decision other than in accordance with it. I therefore conclude that the appeal should be dismissed.

O Marigold

INSPECTOR

Site: 3 Greenway Terrace, Kingston St Mary, Taunton, TA2 8JJ

**Proposal: Erection of 1 No. single storey dwelling at 3 Greenway Terrace,
Kingston St Mary**

Application number: 20/21/0026

Reason for refusal: Design, location and access against AONB, harm to surrounding area.



Appeal Decision

Site visit made on 12 September 2023

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2023

Appeal Ref: APP/W3330/W/23/3318659

3 Greenway Terrace, Kingston St. Mary, Taunton TA2 8JJ

- 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 Steven Wilkinson against the decision of Somerset West and Taunton Council.
- The application Ref 20/21/0026, dated 6 August 2021, was refused by notice dated 23 January 2023.
- The development proposed is erection of 1 No. single storey dwelling at 3 Greenway Terrace, Kingston St Mary.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of the proposal as set out in the Council's Decision Notice, which is more accurate and concise than that used in the planning application form. The appellant has used this revised description in the appeal form and so I am satisfied that no parties would be prejudiced by my using this description.

Main Issues

3. The main issues are:

- the effect of the proposal on the character and appearance of the area, including on the Quantock Hills Area of Outstanding Natural Beauty (AONB), within which the site lies,
- the effect of the proposal on highway safety,
- the effect of the proposal on the living conditions of occupiers of the adjacent gardens, with regard to outlook, light and privacy, and
- whether the proposal would provide adequate living conditions for its future occupiers, with regard to the provision of outdoor space.

Reasons

Character and Appearance

4. Greenway Terrace consists of a single row of two-storey, brick, semi-detached and terraced dwellings. This row, together with its access road, are set well back from but parallel to the main road, Greenway. Properties on Greenway include post-war bungalows of modern construction and materials, and more traditional, brick or stone two-storey dwellings, together with a primary school.

5. The land between the two parallel roads slopes downwards towards Greenway. Once a field, it now consists of a row of long, narrow gardens, each in front of its respective dwelling on Greenway Terrace. The gardens generally have domestic planting and small-scale structures within them. As such, they are little developed, particularly at their ends, closest to Greenway. The appeal site consists of the end of one of these gardens, currently serving 3 Greenway Terrace (No 3). It is part-way along the row, with gardens either side of it. Tall, thick hedging and earth banking forms a green wall along much of the boundary between the gardens and Greenway.
6. These features mean that the area has strongly linear rows of built form, with largely soft and undeveloped green space between the rows, including the appeal site, which makes a small but positive contribution to the natural beauty of the AONB. The proposal seeks to sub-divide the site and erect a single storey dwelling, which would fill much of the width of the plot. Parking spaces would be located to the front of the dwelling.
7. The proposal would remove the roadside hedging and bank and replace it with the hard built form of the dwelling itself, together with its parking area and retaining walls. It would also be somewhat elevated when viewed from Greenway. This additional built form would result in the harmful urbanisation of the site and its surroundings, thus undermining and eroding the natural beauty of the AONB hereabouts.
8. Moreover, the proposal would be a single dwelling, with gardens either side of it and so it would not reflect the strongly linear pattern of its surroundings, including the bungalows opposite. Instead, it would appear oddly isolated and so out of place. The limited space around the footprint of the proposal means that it would appear cramped, in contrast to the more spacious layout of other dwellings locally.
9. The simple form of the proposed dwelling is intended to reflect the design of the post-war bungalows opposite the site. The external materials of render, painted blockwork, concrete tiles and uPVC fenestration are also intended to mimic these properties. However, these dwellings have no special architectural merit, and the fairly nondescript design and modern materials of the proposal would not result in a high standard of design. As such, neither its design nor its materials would reflect the distinctive elements of the rural vernacular locally. Regardless of changes that could be made to its design and materials, I have considered the proposal before me on its own merits.
10. The appellant states that the bank and hedging are collapsing and so need to be removed for safety reasons. However, this does not of itself provide sufficient reason to justify the development of the site as proposed or the harm that it would cause. For the above reasons, I consider that the proposal would harm the character and appearance of the area. Accordingly, it would be contrary to Policies DM1 and CP8 of the Taunton Deane Core Strategy (TDCS), adopted September 2012, which require that development causes no unacceptable harm to the character and appearance of the street scene, and conserves the natural environment.
11. The proposal would also conflict with Policy D7 of the Taunton Deane Site Allocations and Development Management Plan (SADM), adopted December 2016, which requires a high standard of design quality and sense of place, including reflection of the distinctive characteristics and materials of the area.

For the same reasons, it would also conflict with the requirements of the National Planning Policy Framework (the Framework) to enhance the natural and local environment and to give great weight to conservation of the scenic beauty of the AONB.

Highway safety

12. The proposal would be accessed directly off Greenway. The road has limited width and serves dwellings and the nearby school. The submitted plans show that car parking spaces would be provided within the site, in front of the dwelling. Although the appellant states that vehicle turning would be provided off-road, little if any space is proposed for this. Instead, the frontage area would be largely filled with the spaces themselves and bike and bin storage. As such, vehicles associated with the proposal would have to reverse either into or out of the site.
13. Railings may allow for a limited view of the highway for vehicle drivers using the site. The speed of vehicles passing the site may also be low. However, retaining walls are proposed on the boundaries of the site, with banks of land either side. These walls and the limited space within the site frontage would allow for little visibility of the road. As a result, vehicles reversing from the site would have to protrude some way into the carriageway to obtain sight of oncoming traffic, including pedestrians such as schoolchildren. Road users may not see such a vehicle leaving the site with sufficient time or distance to safely react to it, risking conflict.
14. Even if vehicles were to reverse into the spaces instead, this would require a reversing manoeuvre within the carriageway itself, which is inherently risky given the restricted visibility available to vehicle drivers. In either scenario, the proposed access arrangements would give rise to a very real potential for conflict with other road users on Greenway. Consequently, the proposal would have a harmful effect on highway safety. It would therefore conflict with TDCS Policy DM1, which requires that additional traffic arising from a proposal should not lead to road safety problems. It would also conflict with the requirement in the Framework for safe and suitable access.

Living Conditions of neighbouring properties' gardens

15. The proposal would be immediately adjacent to the existing gardens on three sides, including the remaining area of garden that would continue to serve No 3. Windows are proposed to the sides and rear of the proposal, and it would result in a more intensive use of the site than at present.
16. However, no windows are proposed at first floor level. The appellant intends to erect solid wooden panel fencing on the site boundaries. I do not have precise details of the differing ground levels of the adjoining sites, but such fencing may well provide sufficient screening of the proposed ground floor windows and the more intensive comings and goings around the site. As such, undue overlooking or loss of privacy to the adjoining gardens could be avoided.
17. Even so, although a bungalow, the dwelling including its large roof would have a tall height. It would therefore result in additional built form of appreciable size, very close to the neighbouring gardens. Given this and the height and mass of the proposal and its close proximity, I consider that the proposal would

have a harmful dominating and overshadowing effect on the gardens serving numbers 1, 2 and 3 Greenway Terrace.

18. Consequently, although acceptable in respect of privacy, the proposal would have a harmful effect on the living conditions of occupiers of the adjacent gardens, with regard to outlook and light. It would therefore conflict with TDCS Policy DM1, and its requirement that the amenity areas of residential areas will not be unacceptably harmed. It would similarly conflict with the aim of the Framework for a high standard of amenity for existing users.

Living Conditions of future Occupiers

19. The proposal is for a two-bedroom dwelling. There would be an amenity area to the front of the dwelling, but this would be small and not private. To the rear of the dwelling, a further outdoor amenity area is proposed. However, this would also be small and constrained by the position of the boundary with the remaining area of garden to No 3. The size of the amenity spaces is such that they would have limited practical usability. As a matter of planning judgement, I consider that the proposal would not provide sufficient outside amenity space for future occupiers of the proposal.
20. Accordingly, it would not provide adequate living conditions for its future occupiers, with regard to the provision of outdoor space. As a result, it would conflict with SADM Policy D12, which requires a house of the size of the proposal to have a private garden of adequate proportions. For the same reasons, it would not accord with the requirement of the Framework for a high standard of amenity for future users.

Other Considerations

21. Small sites such as the proposal can make an important contribution to meeting housing requirements and can be delivered quickly. Construction of the proposal may well free up the existing house for family accommodation, thus making a positive social and economic contribution to the area. However, these benefits would be restricted because of the small size of the proposal, for one unit of accommodation. I therefore give the benefits only limited weight. Reference has been made to earlier proposals in the local area for housing, but I have few details of these, so can give them very little weight.
22. The Council refers to the effect of paragraph 11(d) of the Framework, known as the tilted balance. This states that (amongst other things) where the policies which are most important for determining the application are out-of-date, planning permission should be granted unless the policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the proposal. However, for the reasons already given, the policies in the Framework that protect the AONB provide a clear reason for refusing the proposal. It follows that the tilted balance contained in paragraph 11(d) of the Framework is not engaged.
23. The Council's fourth reason for refusal refers to the effect of the proposal on the Somerset Levels and Moors Special Area of Conservation and Ramsar site (the SAC), because of increased phosphates. The SAC is protected pursuant to the Conservation of Habitats Regulations 2017 (as amended). Had I found no harm in respect of other matters, as competent authority I would have carried out an Appropriate Assessment in respect of the potential effects of the

proposal on the SAC. However, as I have found against the proposal on other substantive grounds, this matter need not be considered any further.

Planning Balance and Conclusion

24. For the reasons already given, I have found that the proposal conflicts with the Development Plan, read as a whole. Having considered this and all other relevant material considerations, including the Framework, I conclude that the appeal should be dismissed.

O Marigold

INSPECTOR