

Appeal Decisions

Application number: 42/14/0061

Site: Comeytrowe Manor West

Proposal: Change of use of cottage annexe to separate unit of accommodation.

Reasons for refusal

1. Comeytrowe Manor West has an extremely close relationship with the annex building, which is located only approximately 7.5 metres away. The use of the annex as a self-contained residential unit, by means of the close proximity, window positioning and requirement for amenity space, would result in mutual overlooking to the detriment of the privacy of the occupiers of both properties. Furthermore, the scheme does not include any private amenity space to serve the proposed dwelling. As such, the proposed scheme is considered to result in harm to the residential amenities of the main dwelling and future occupiers of the proposed dwelling. In addition, the requirement to provide a separate definition of curtilage with associated walling or fencing, by virtue of the use of the building as a separate residential unit, would detract from the setting of the main dwelling, which is a listed building. It is therefore contrary to Policies DM1(e) (General Requirements) and CP8 (Environment) of the Taunton Deane Core Strategy and Paragraphs 17, 129, 131 and 132 of the NPPF.

Appeal decision: DISMISSED

Enforcement Appeal

Site: 82 Russet Close, Wellington

Alleged Breach of planning control: Erection of timber decking

Reference Number: E/0084/43/14

Appeal decision: DISMISSED

Full copies of the decisions are attached.



Appeal Decision

Site visit made on 2 July 2015

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 August 2015

Appeal Ref: APP/D3315/W/15/3005864

Comeytrove Manor West, Higher Comeytrove, Taunton TA4 1EF

- 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 Harris against the decision of Taunton Deane Borough Council.
 - The application Ref.42/14/0061, dated 6 November 2014, was refused by notice dated 30 January 2015.
 - The development proposed is change of use of cottage annexe to separate unit of accommodation at Comeytrove Manor West.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are (1) whether use of the cottage as a separate dwelling would provide adequate living conditions for occupiers of the cottage, and the main dwelling; and (2) the effect of separating the cottage from the main dwelling on the special architectural and historic interest of the listed building, and its setting.

Reasons

Living Conditions

3. From the information provided it is clear that the cottage has, historically, been used for purposes ancillary to the Manor House. Indeed, it is said to have been the bake-house for the estate. The Manor House was been divided into two dwellings some time ago but the cottage remained as an annexe to Comeytrove Manor West.
4. The degree of separation between the cottage and the main dwelling, across a courtyard, is very limited. The cottage has windows looking over, and a door opening out on to, the courtyard. The main dwelling has similar. In my view, the space between the cottage and the main dwelling is so limited that if the cottage was used as a separate dwelling, the privacy of occupiers of the cottage, and the main dwelling, would be seriously compromised by the mutual overlooking that would ensue.
5. I did see that the cottage windows facing into the courtyard has been fitted with obscure glazing and accept that a condition could be applied to ensure that this was retained. However, this would do little to relieve the perception of being overlooked for occupiers of the main dwelling. Moreover, notwithstanding

that the rooms are dual aspect, day-lighting main living spaces in the cottage with windows fitted with obscure glazing is a contrivance that would make the internal environment of the cottage unsatisfactory.

6. Taking those points together, I find that the proposal would not provide adequate living conditions for occupiers of the cottage, or the main dwelling. Consequently, the proposal falls contrary to CS¹ Policy DM 1e which seeks to protect the amenity of individual dwellings. Moreover, it fails to accord with one of the core principles of the Framework² which is to always seek to provide a good standard of amenity for all existing and future occupants of buildings.

Listed Building

7. Comeytrove Manor dates from the 18th Century and is a Grade II listed building. By dint of Section 1(5) of the Act³, the cottage must be considered part of the listed building. As set out, there is an historic relationship between the cottage and Comeytrove Manor. The proposal would break that relationship which would cause a degree of harm to the special architectural and historic interest of the listed building.
8. The Council also suggests that there would be pressure to divide the courtyard between the cottage and the main dwelling and that this would harm the setting of the listed building. While no such separation is proposed as part of the application, the relationship between the cottage and the main dwelling is such that if the ancillary relationship was broken, then there would inevitably be a drive from the occupiers to divide the existing curtilage with fences, or such like, and this would lead to harm to the setting of the listed building.
9. Section 66(1) of the Act requires the decision-maker, in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the reasons set out, the proposal would not accord with that, or for that matter, CS Policy CP 8 which seeks to protect, conserve or enhance historic assets.
10. In terms of the Framework, the harm that would be caused to the significance of the designated heritage asset would be less than substantial. Such harm needs to be weighed against any public benefits.

Final Conclusion

11. I can see that allowing the cottage to be separated from the main dwelling would have some advantages for the appellant and for the security of adjoining uses. However, these are not, in my view, sufficient to justify permitting a proposal that would have the harmful impacts identified.
12. For the reasons given above I conclude that the appeal should be dismissed.

Paul Griffiths

INSPECTOR

¹ Taunton Deane Borough Council Adopted Core Strategy 2011-2028

² The National Planning Policy Framework

³ The Planning (Listed Buildings and Conservation Areas) Act 1990

APPEALS RECEIVED

Site: North Heywood Farm, Stawley

Proposal: Prior approval for change of use from agricultural building to dwelling house (Use Class C3)

Application number: 35/14/0019/CMB

Appeal reference: APP/D3315/3131334

Enforcement appeal

Site: Grove Farm, Tolland

Alleged breach of planning control: Unauthorised use of property as holiday let with breach of agricultural tie

Reference number: E/0074/41/14

Appeal reference: APP/D3315/C/15/3132002
