

## **Appeal Decisions**

**Site: 24 PORTLAND STREET, TAUNTON, TA1 1UY**

**Proposal: ERECTION OF PROJECTING BALCONY TO REPLACE JULIET BALCONY ON SOUTH WEST ELEVATION AT 24 PORTLAND STREET, TAUNTON**

**Application number: 38/15/0286**

### **Reasons for refusal**

1. The balcony, by reason of its size, prominent location and design, represents an incongruous addition to the traditional form and appearance of the terrace property and as such adversely affects the character and appearance of the building and has an unacceptable impact on the street scene. The proposal is contrary to Policy DM1 D of the Taunton Deane Core Strategy.

**Appeal decision: DISMISSED**

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**Site: HEYWOOD COTTAGE, CHURCH ROAD, STAWLEY, WELLINGTON, TA21 0HP**

**Proposal: ERECTION OF A SINGLE STOREY EXTENSION WITH GARAGE TO THE FRONT AND RELOCATION OF ACCESS AT HEYWOOD COTTAGE, CHURCH LANE, STAWLEY**

**Application number: 35/15/0006**

### **Reasons for refusal**

The proposed development, by reason of its height relative to the public highway and projection from the front of the dwelling will be visually intrusive in the street scene and will be overbearing on the amenity of the neighbouring property to the east. The proposed new access does not provide adequate visibility splays in the interests of highway safety and if provided would require the removal of the established hedgerow which would be detrimental to the visual amenities of the area. It is, therefore contrary to policy DM1 of the Taunton Deane Core Strategy, retained Policy H17 of the Taunton Deane Local Plan and emerging policy D5 of the Site Allocations and Development Management Plan.

**Appeal decision: ALLOWED**

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## Appeal Decision

Site visit made on 12 February 2016

**by B J Sims BSc(Hons) CEng MICE MRTPI**

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

**Decision date: 19 February 2016**

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**Appeal Ref: APP/D3315/D/15/3138359**

**24 Portland Street, Taunton, Somerset TA1 1UY**

- 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 Kevin Shearn against the decision of Taunton Deane Borough Council.
  - The application Ref 38/15/0286, dated 3 July 2015, was refused by notice dated 9 September 2015.
  - The development proposed is the installation of a projecting balcony to replace existing Juliet balcony at first floor level on south west elevation facing Clarence Street.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect the proposed projecting balcony would have on the appearance and character of the house at 24 Portland Street and on the local street scene, including that of Clarence Street adjacent.

### Reasons

3. The balcony would jut out from the gable end of the house, as far as the outside edge of the boundary wall of the property, at the very back of the public footway of Clarence Street. Compared with the existing, discreet Juliet balcony it would replace, the propose structure, with its modern glazed parapets, would be thus seen as a disproportionate and incongruous addition to the gable end of the building. The balcony would be wholly out of keeping with the traditional, vernacular architecture of 24 Portland Street and the terrace of which it forms part.
  4. Although unseen from much of Portland Street, the balcony would be particularly visible in public views along Clarence Street from the direction of French Weir and from an area of much-used public open space beside the River Tone opposite the appeal site. These views would be only partly screened by intervening trees and shrubs, especially in winter.
  5. The vista along Clarence Street is affected by the large, modern telephone exchange building forming a backdrop to the traditional terrace of dwellings which make up its frontage. However, the telephone exchange building stands apart from the Clarence Street frontage, which retains a pleasing visual rhythm
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- despite later additions including satellite dishes. The intrusion of the proposed projecting balcony would conflict markedly with this street scene.
6. As a result, although largely unseen from within most nearby properties, the proposed development would have a quite unacceptably adverse impact on the appearance and character of the house at 24 Portland Street and the local street scene within Clarence Street in particular. The proposal is thus contrary to Policy DM1-d of the adopted Taunton Dean Core strategy, cited by the Council in refusing the application as requiring all development to avoid unacceptable harm to any building or street scene. This policy is essentially consistent with the National Planning Policy Framework (NPPF)
  7. It is recognised that features such as glazed balconies to dwellings and other buildings are becoming increasingly commonplace in Taunton. The Appellant points to many such examples, including a substantial glazed balcony to a building almost opposite the appeal site in Upper Wood Street. However that is a commercial building of modern design and is not comparable. Other examples quoted are similarly different in design and context. Fundamentally, this case is determined on its individual merits in any event.
  8. The proposed balcony would not amount to sustainable development in terms of the NPPF and any social or economic benefit to the Appellant would be significantly and demonstrably outweighed by the environmental harm to the host dwelling and the street scene.
  9. For these reasons the appeal fails.

*B J Sims*

Inspector

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## Appeal Decision

Site visit made on 11 February 2016

**by B J Sims BSc(Hons) CEng MICE MRTPI**

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

**Decision date: 24/02/2016**

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**Appeal Ref: APP/D3315/D/15/3138558**

**Heywood Cottage, Church Lane, Stawley, Wellington, Somerset TA21 0HP**

- 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 A Ford against the decision of Taunton Deane Borough Council.
  - The application Ref 3/5/15/0006, dated 14 April 2015, was refused by notice dated 9 September 2015.
  - The development proposed is the erection of a single storey extension to dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey extension to dwelling at Heywood Cottage, Church Lane, Stawley, Wellington, Somerset TA21 0HP, in accordance with the terms of the application, Ref 3/5/15/0006, dated 14 April 2015, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1208/1 Revision B, 1208/4 Revision A, 1208/5 Revision A, 1208/7 Revision A.
  - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
  - 4) The garage spaces hereby permitted shall be used solely for the parking of vehicles and for no other purpose whatsoever.

### Main Issues

2. The main issues relate to the effects of the proposed development on the appearance and character of the existing dwelling and of Church Lane, as the approach to the listed St Michael's Church, the living conditions at the neighbouring property, Newlands, and the suitability of the proposed access arrangements.

### Reasons

3. The single storey extension, comprising a pitched roofed double garage, would stand prominently forward of the present house but would remain visually
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- subservient to the two-storey main building, whilst its design and finishing materials would be in keeping with the existing construction.
4. Following the closure of the current vehicle entrance, to be replaced with a new driveway further along the frontage, and the establishment of new boundary hedging, both the extension and vehicles manoeuvring at the front of the appeal property would be better screened from Church Lane. Despite its elevated position relative to the Lane, therefore, the development would have no unacceptably adverse impact on the appearance or character of the existing dwelling or Church Lane and would be too far removed from the listed Church to affect its setting.
  5. Neither would the extension unduly dominate or overshadow the neighbouring property, Newlands, taking into account their southerly aspect and the distance separating the buildings.
  6. The development would generate no additional traffic and the new entrance would, as a matter of judgement, pose no greater threat to road safety, with respect to visibility or vehicle turning movements, than the existing driveway to be closed.
  7. For the avoidance of doubt, and in the interests of proper planning and highway safety, conditions can be imposed to ensure compliance with the approved plans, the use of matching materials and the retention of adequate parking and turning space.
  8. Subject to those stipulations, the proposed extension would comply with the relevant provisions of the development plan cited by the Council, in particular Policy DM1(d)-(e) of the adopted Taunton Deane Core Strategy and saved Policy H17 of the Taunton Deane Local Plan. Together these require extensions to be subservient to their host dwellings and not to harm the appearance or character of any building or street scene or the amenity of other property, while also providing for adequate car parking and turning. These requirements are carried forward in the emerging Site Allocations and Development Management Plan and are also essentially consistent with the National Planning Policy Framework.
  9. The appeal succeeds for the reasons and in the terms explained above.

*B J Sims*

Inspector

## **APPEALS RECEIVED**

**Site:** LAND ADJOINING NORTH END FARM, NORTH END, CREECH ST MICHAEL, TAUNTON, TA3 5ED

**Proposal:** CHANGE OF USE OF LAND FOR THE SITING OF A MOBILE HOME ON LAND ADJOINING NORTH END FARM, NORTH END, CREECH ST MICHAEL

**Application number:** 14/15/0034

**Appeal reference:** APP/D3315/W/15/3138360

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**Site:** 6 MOOR LANE, CHURCHINFORD, TAUNTON, TA3 7RE

**Proposal:** CONSTRUCTION OF A DORMER TO THE REAR ELEVATION AT 6 MOOR LANE, CHURCHINFORD

**Application number:** 10/15/0024

**Appeal reference:** APP/D3315/D/16/3144357

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**Site:** 59 PRIORSWOOD ROAD, TAUNTON, TA2 7PS

**Proposal:** DISPLAY OF 3 No NON ILLUMINATED SIGNS AT 59 PRIORSWOOD ROAD, TAUNTON (RETENTION OF WORKS ALREADY UNDERTAKEN)

**Application number:** 38/15/0455A

**Appeal reference:** APP/D3315/ Z/16/3144437

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### **Enforcement Appeal**

**Site:** HYDE EGG FARM, HYDE LANE, BATHPOOL, TAUNTON, TA2 8BU

**Alleged breach of planning control:** UNAUTHORISED B1 / B8 BUSINESS USE OF AGRICULTURAL LAND AT HYDE EGG FARM

**Reference number:** E/0042/48/15

**Appeal reference:** APP/D3315/C/16/3144507

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