

Appeal Decisions – 25 May 2016

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

Reasons for refusal

1. The proposed advertisements (oval sign above door and sign displayed on adjoining fence), by reason of their size and siting above the doorway, would constitute an intrusive element in the street scene to the detriment of the visual amenities of the area that is further exacerbated by the elevated position of 59 Priorswood Road. Furthermore, the proposed signs add an incongruous element as the building is in residential use, not a commercial use, and has no commercial frontage. Displaying three signs on the front of dwelling creates a cluttered appearance that further detracts from the visual amenity of the area to the detriment of the character and appearance of 59 Priorswood Road and the adjoining residential dwellings. The signs are therefore not considered to comply with saved Local Plan policy EC26, Emerging Policy D3 and the NPPF.

Appeal decision: Split

Site: 26 CALDER CRESCENT, TAUNTON, TA1 2NH

Proposal: REPLACEMENT OF HARDSTANDING AND ERECTION OF FENCE TO FRONT OF 26 CALDER CRESCENT, TAUNTON (RETENTION OF WORKS ALREADY UNDERTAKEN)

Application number: 38/15/0380

Reasons for refusal

The fence, by virtue of its, design, materials and positioning, would appear as an incongruous addition to the street scene given its open plan surroundings thus detracting from the character and visual amenity of the area and as such, it is contrary to policy DM1d (General Requirements) of the Taunton Deane Core Strategy.

Limited provision has been made for the disposal of surface water and it is unclear that the large hardstanding area at the front of the property has been laid with adequate provision for drainage and therefore any water run-off is likely to put additional pressure on the public storm water drainage system outside the curtilage of the property which would be contrary to Core Strategy policy CP8 and flood risk.

Appeal decision: Allowed

Appeal Decision

Site visit made on 21 April 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: 27 April 2016

Appeal Ref: APP/D3315/Z/16/3144437

59 Priorswood Road, Taunton, Somerset TA2 7PS

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Miss Sharon Dyke against the decision of Taunton Deane Borough Council.
 - The application Ref 38/15/0455/A, dated 28 October 2015, was refused by notice dated 4 February 2016.
 - The advertisements proposed are described as 1 x oval sign above ground/lounge bay window below eaves and 1 x rectangle sign to fence.
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Decision

1. The appeal is dismissed insofar as it relates to 1 x oval sign above ground/lounge bay window below eaves (Sign 2).
2. The appeal is allowed insofar as it relates to 1 x rectangle sign to fence and express consent is granted for the display of 1 x rectangle sign to fence (Sign 1) as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional condition:-

This consent relates to Sign 1 to be displayed in accordance with plans Refs 000-PE-XX-ZZ-DR-A-3100 Revision P01 and 000-PE-XX-XX-DR-A-0100

Revision P02.

Procedural Matters

3. The Council has issued a split decision granting approval for a smaller directional sign, measuring 0.34 metres by 0.35 metres and 0.8 metre above the ground, located to the side of the doorway (Sign 3). This and the two signs disputed in this appeal have been in place for some five years. The retrospective nature of the appeal makes no difference to the manner in which the planning issues arising from the display of the larger oval sign (Sign 2) and rectangular sign (Sign 1) are considered. The outcome of this appeal has no effect on the existing permission for Sign 3.
4. The Appellant offers to remove the rectangular Sign 1 from the fence but retain the oval advertisement Sign 2 above the door as a compromise with the Council. However it is necessary to begin this fresh appraisal of both signs together, as described in the application and appeal, before turning to consider

whether a further split decision might be appropriate, to permit one or other of the disputed advertisements.

Main Issue

5. The main issue is the effect of the disputed advertisement Signs 1 and 2 on the visual amenity of the local street scene.

Reasons

6. No 59 Priorswood Road forms part of an essentially uninterrupted residential frontage. The oval Sign 2 above the doorway and the rectangular Sign 1 on the fence to the side, together with the smaller Sign 3 already permitted, give the front of the property a cluttered appearance. This is significantly detrimental to the appearance of the house itself and unacceptably out of keeping with the domestic character of its surroundings. This adverse impact is due to the substantial size of the advertisements as well as the positioning of the oval Sign 2 at a high level, above the doorway on the front elevation, albeit not beneath the eaves as described.
7. It is acknowledged that the advertisement signs avoid obscuring any particular architectural features of the house and have not given rise to complaint. It is also recognised that small businesses, such as that operated by the Appellant, should be supported, in accordance with national planning policy, and that a considerable proportion of the Appellant's custom is attracted by this external advertising.
8. Notwithstanding these factors in favour of the signage as proposed to be retained, its adverse planning impact justifies dismissal of the appeal in terms of saved Policy EC26(A) and (C) of the adopted Taunton Deane Local Plan. This policy resists unduly prominent advertisement signs where they would cause visual clutter, detracting from their surroundings, when viewed with existing signs.
9. However, if the oval Sign 2 were removed, the degree of clutter and the prominence of the advertising would be considerably reduced, whilst the rectangular advertisement Sign 1 would still be visible from the street and thus continue to be potentially effective in securing business. On an overall balance of judgement, the retention of the lower-level, rectangular Sign 1 would be acceptable in terms of Policy E26(A) and (C). On a further judgement, the advertising, once modified, would also avoid undue distraction to passing drivers, with its implications for public safety in terms of Policy E26(D).
10. These conclusions lead to a further split decision to allow only the rectangular Sign 1 mounted on the fence, subject to the standard conditions set down in the Regulations and one further condition. This is imposed for the avoidance of doubt and in the interests of proper planning, expressly to confirm that the consent relates only to Sign 1, as represented on the approved plans.

B J Sims

Inspector

Appeal Decision

Site visit made on 21 April 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: 28 April 2016

Appeal Ref: APP/D3315/D/16/3145982

26 Calder Crescent, Taunton, Somerset TA1 2NH

- 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 Mrs Sally Satchell against the decision of Taunton Deane Borough Council.
 - The application Ref 38/15/0380, dated 3 September 2015, was refused by notice dated 16 December 2015.
 - The development proposed is the construction of replacement hardstanding and erection of fence to front.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of replacement hardstanding and erection of fence to front at 26 Calder Crescent, Taunton, Somerset, TA1 2NH, in accordance with the terms of the application, Ref 38/15/0380, dated 3 September 2015, and the plans submitted with it.

Procedural Matters

2. The above description is taken from the Council decision notice and sufficiently identifies the development subject to appeal.
3. The development is already complete. However, the retrospective nature of the appeal makes no difference to the manner in which the planning issues arising are considered.

Main Issues

4. The main issues are the effects of the development on the appearance and character of the local street scene and road safety and whether it provides adequately for surface water drainage within the appeal site.

Reasons

5. The appeal property is situated within the Blackbrook Estate, which is subject to a planning condition requiring open plan frontages. The fence now in dispute was evidently erected in place of a former hedge over which there was no planning control. However, this decision is based strictly upon the planning merits of the development now in place.

6. The development has been neatly completed to a high professional standard. Although the surrounding street scene remains broadly open-plan in character, there are many boundary walls and other features close to the back edge of the footways, with a number of front gardens and forecourts partly or substantially enclosed. In the main, front boundary fences in the vicinity of the appeal site are low-level and of light construction.
7. The new fence to No 26 Calder Crescent leaves the frontage still largely open. The side section of the fence is of unrelieved timber boarding some 1.2 metres high and is quite prominent but the front section with a top section of trellis is lighter in construction. Overall, this particular fence is not unduly incongruous or intrusive in the street context.
8. There is some concern that the fence limits exit visibility but in this urban setting there is a reasonable view for drivers over the footway, given the relatively low traffic speeds to be anticipated.
9. The Council asserts that the tarmac hardstanding sheds water across the public footway onto the road with no on-site drainage measures to absorb run-off. In contrast, the Appellant provides persuasive documentary evidence that the hardstanding was deliberately laid in permeable bitumen macadam surfacing over a substantial depth of free-draining material with soakaway areas and an intercepting course of blockwork at the footway edge to contain rain water.
10. Judged overall in relation to the main issues, the fence is an attractive addition to the property and avoids unacceptable detriment to the character and appearance of the street scene or road safety, whilst the hardstanding has been constructed to provide adequately for surface water drainage within the site.
11. The development accordingly complies in these respects with the aims of Policies DM1 and CP8 of the adopted Taunton Deane Core Strategy which, consistent with the National Planning Policy Framework, include requirements that new development should not harm the street scene, public amenity or safety and should avoid flood risk. The appeal succeeds accordingly.

B J Sims

Inspector

APPEALS RECEIVED – 25 MAY 2016

Site: JARVEYS COTTAGE, 16 STOKE ROAD, NORTH CURRY, TAUNTON, TA3 6LR

Proposal: Replacement of boundary wall at Jarveys Cottage, 16 Stoke Road, North Curry (retention of works already undertaken)

Application number: 24/15/0054

Appeal reference: APP/D3315/W/16/3146461

Site: THE RANGE, HANKRIDGE WAY, TAUNTON, TA1 2LR

Proposal: Display of 4 No non illuminated panels with digital graphics at The Range, Hankridge Way, Taunton

Application number: 48/15/0069

Appeal reference: APP/D3315/Z/16/3147092

Site: SOMERSBY LODGE, LANGALLER LANE, CREECH ST MICHAEL, TAUNTON, TA2 8DA

Proposal: ERECTION OF 4 No. DETACHED DWELLINGS WITH ASSOCIATED WORKS IN THE GARDEN TO THE REAR OF SOMERSBY LODGE, LANGALLER LANE, CREECH ST MICHAEL

Application number: 14/15/0027

Appeal reference: APP/D3315/ W/16/3146733

Site: HYDE EGG FARM, HYDE LANE, BATHPOOL, TAUNTON

Proposal: Application for a Lawful Development Certificate for the existing use of buildings and land for Classes B1, B8 and motor vehicle repairs plus ancillary office and showroom at Hyde Egg Farm, Hyde Lane, Bathpool

Application number: 48/16/0018

Appeal reference: APP/D3315/X/16/3149823

Enforcement Appeal

**Site: JARVEYS COTTAGE, 16 STOKE ROAD, NORTH CURRY, TAUNTON, TA3
6LR**

**Alleged breach of planning control: Replacement of boundary wall at Jarveys
Cottage, 16 Stoke Road, North Curry (retention of works already undertaken)**

Reference number: E/0226/24/15

Appeal reference: APP/D3315/W/16/3146461
