

**TAUNTON DEANE BOROUGH COUNCIL**

**PLANNING COMMITTEE – 29 SEPTEMBER 2004**

1 The following appeals have been lodged:-

<b>Appellant</b>	<b>Date Application Considered</b>	<b>Proposal</b>
Mr W T Jones (21/2004/011)	DD	Erection of village hall, formation of access, driveway and car parking for hall, church & school at land to north-east of St Peter's Church, Langford Budville.
Mr H T Mettrick (10/2004/008)	DD	Removal of condition 02 of planning permission 10/2000/022 to allow garage to be used for residential accommodation at Ford Barton, Moor Lane, Churchinford.
Dixon Walsh & Co (14/2004/012)	DD	Insertion of three rooflights at St Mary's House, Magdalene Street, Taunton.

2 The following appeal decisions have been received:-

(a) **Erection of two storey extension at 9 Rosebery Street, Taunton (38/2003/447)**

The Inspector felt that the main issue was the effect of the proposal on the living conditions of adjoining neighbours, particularly loss of light and outlook.

The Inspector felt that because of the length, height and position relative to 10 Rosebery Street, of the proposed development, it would be visually dominant and have an overpowering appearance. He also felt that the proposal would significantly reduce the amount of daylight to the garden and living accommodation 10 Rosebery Street.

It was concluded that that the development would have a detrimental effect on the living conditions of adjoining occupiers, with particular reference to visual amenity, sunlight and daylight.

The appeal was, therefore, dismissed.

(b) **Erection of two storey rear extension at 8 Rosebery Street, Taunton (38/2003/446)**

The Inspector felt that the main issue was the effect of the proposal on the living conditions of adjoining neighbours, particularly loss of light, sunlight and outlook.

To the north-west of the appeal site was a bungalow at 87 Greenway Crescent that had a limited rear garden area. The Inspector felt that because of its length, height and position relative to this property, the proposed development would be visually dominant and would have an overpowering appearance when viewed from that property.

He also felt that the proposed development would have a materially adverse effect of the amount of sunlight enjoyed by occupiers of 87 Greenway Crescent and daylight to the garden and living accommodation.

It was concluded that that the development would have a detrimental effect on the living conditions of adjoining occupiers, with particular reference to visual amenity, sunlight and daylight.

The appeal was, therefore, dismissed.

(c) **Retention of bay window at ground floor level, 3 Park Street, Taunton (38/2003/215LB)**

The Inspector felt that the main issue in this case was whether the proposed works would preserve the special architectural and historic interest in the listed building.

The Inspector was of the opinion that the windows, particularly the bay window, with their detailing made a significant contribution to the building's character and appearance. The replacement bay window, when compared with a photograph of the original, was substantially different. The glazing bars on the original window were much finer and similar to the windows at 4 and 5 Park Street.

There was an unacceptable contrast between the glazing bars on the new window and the fine glazing bars to the windows on the first and second floor levels and with those in adjacent buildings. The glazing bars and reveals to the frame were not moulded and had a modern appearance that was out of character with the remainder of the building. The glazing was formed in one piece, so the reflections were uniform, harming the character that separate glazing contributed to the building.

In conclusion the Inspector felt that the replacement bay window, because of its detailing and use of double-glazing, caused unacceptable harm to the character of the listed building and did not preserve its special architectural and historic interest.

The appeal was dismissed.

(d) **Display of various non-illuminated signs in connection with Wickes, Priory Fields Retail Park, Taunton (38/2003/525A)**

The Inspector felt that the main issue in this case was the effect of the signs on the amenity of the area.

The area was in mixed use and included housing to the south of Priory Avenue. He considered that the appeal signs, when sited between the two main name signs, would not only dominate the upper part of the building but also give a cluttered appearance. The signs would also be visible from some distance and with the name signs, would over accentuate the commercial presence of the unit.

The Inspector concluded that the display of the appeal signs would be detrimental to the interests of amenity.

The appeal was dismissed.

(e) **Proposed new vehicular access to 37 Holford Road, Taunton (38/2003/390)**

The Inspector considered the main issue was the effect of the proposal on highway safety.

She acknowledged that certain visibility standards would normally be required to ensure that vehicles leaving the site could see and be seen by traffic using the road. These standards could not be achieved within the frontage owned or controlled by the appellants.

Kingston Road was a heavily trafficked classified road with no footpath on this side of the road of the proposed access. The Inspector considered that good visibility was essential for a new vehicular access point. Although there were existing accesses to Kingston Road with visibility below the normal standard, she did not consider that their presence would justify the addition of a further such access which would have the potential to create additional hazards to traffic using Kingston Road.

The Inspector concluded that the proposal would have a harmful effect on highway safety and the appeal was dismissed.

(f) **Change of use of part of ground floor living accommodation to hairdressing salon at 15 Greenway Crescent, Taunton (38/2003/176)**

The Inspector felt that the main issues in this case were:-

- (a) the effect of the proposed development on highway safety and the free flow of traffic, arising from car parking; and
- (b) the effect of the proposed development on the character of the surrounding area.

The property stood at the end of a short, narrow cul-de-sac reached via a loop road off the main part of Greenway Crescent. There were no nearby parking restrictions and vehicles parked on the road, the grass verge and footway.

With regard to the first issue, the Inspector noted that the site had only one off-street parking space and the business was therefore likely to lead to additional on-street parking. With Greenway Crescent sufficiently far away and the inevitability that parking in the short cul-de-sac would cause obstructions, the Inspector thought it probable that customers and staff would use the loop road. This would cause difficulties for vehicles manoeuvring into and out of private drives, due to the two sharp bends and if this led to parking partly on the footway, would cause a hazard to pedestrians and users of wheelchairs and buggies.

Turning to the second issue, although a low key business use of the sort envisaged would lead to a moderate increase in activity in the area, the Inspector felt that such a business would not be significantly out of character within the area.

The Inspector concluded that the proposal's acceptability in terms of the area's character did not outweigh the significant harm to highway safety and the free flow of traffic that would be caused by car parking, because of the nature of nearby roads.

The appeal was dismissed.

(g) **Demolition of outbuilding and construction of new link and extension, the Old Bakery, Cheddon Fitzpaine (48/2003/012 & 48/2003/011LB)**

Due to the complexity of the Inspector's decision letter, a full copy is attached for the information of Members at Appendix 'A'.

Both appeals were allowed and planning permission and listed building consent was granted subject to conditions.

(h) **Erection of two houses and garages at the garden of 4 Rydon Lane, off Crowcombe Road, Taunton (38/2003/515)**

Due to the complexity of the Inspector's decision letter, a full copy is attached for the information of Members at Appendix 'B'

The appeal was dismissed.

(i) **Application of paint to the exterior render of east and west wings at North Lodge, Sandhill, Bishops Lydeard (06/2003/046LB)**

The Inspector acknowledged that although the Council supported the appellant's wish to tidy up the wings, which was also supported by many of the Lethbridge Park residents, it considered a modern standard masonry paint would not have the same patina as the existing render. The appellant objected to the use of a lime-

based type of paint on the basis that it would have a very short life span in this situation close to the trees and roads.

Various groups had been consulted and they were all of the opinion that the render should either remain unpainted or painted with a lime-based paint.

The Inspector felt that the 1930s wings were of some architectural and historic interest in their own right and considered a modern masonry paint would contrast very unfavourably with the more weathered and mellow characteristics of the stonework, to the detriment of the character and appearance of the building as a whole.

The Inspector considered that lime-based washes or other special treatments would inevitably detract from the contribution the rendered surfaces made to the character and special interest of the building, albeit to a lesser extent than modern masonry paint. He felt that the best course of action would be to retain the existing self-coloured render.

After due consideration, The First Secretary of State accepted the Inspector's recommendation and dismissed the appeal.



## Appeal Decision

Hearing held and site visit made on 6 January 2004

by **C J Ball** DArch(Dist) DArchCons RIBA IHBC FRSA

an Inspector appointed by the First Secretary of State

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Date: 21 JAN 2004

### The Old Bakery, Cheddon Fitzpaine, Taunton

#### Appeal A: APP/D3315/A/03/1115842

- 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 B Tagg and C Rosser against the decision of Taunton Deane Borough Council.
- The application (Ref.48/2003/012), dated 25 February 2003, was refused by the Council by notice dated 10 April 2003.
- The development proposed is described as the demolition of an existing outbuilding and the construction of a new extension and link to the existing dwelling; omit door and dormer roof and replace with window, block up window.

**Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.**

#### Appeal B: APP/D3315/E/03/1115844

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by B Tagg and C Rosser against the decision of Taunton Deane Borough Council.
- The application (Ref.48/2003/011LB), dated 25 February 2003, was refused by the Council by notice dated 10 April 2003.
- The works proposed are described as the demolition of an outbuilding and the construction of a new link and extension; internally, remove staircase and alter partitions.

**Summary of Decision: The appeal is allowed and listed building consent is granted in the terms set out in the Formal Decision below.**

#### Procedural matters

1. The applications were refused for similar reasons so I shall consider the appeals together.

#### Main issue

2. The main issue in these appeals is the effect the proposed development would have on the character of The Old Bakery as a building of special architectural and historic interest.

#### Planning policy

3. The statutory development plan for the area currently consists of the Somerset and Exmoor National Park Joint Structure Plan, which was adopted in April 2000. Policy 9 is intended to protect the built historic environment and indicates that the setting, local distinctiveness and variety of buildings of architectural and historic interest should be maintained and where possible enhanced.

4. The emerging Taunton Deane Local Plan has reached a fairly advanced stage in the process of adoption and I shall give it due weight as a material consideration in these appeals. Policy EN17 is intended to prevent development that would harm a listed building. Policy EN18 sets out the criteria for the alteration and extension of listed buildings, including a requirement that any extension is sufficiently limited in scale so as not to dominate the original building or adversely affect its character. Policy H19 generally permits extensions to dwellings provided that, among other things, the extension would not harm the form and character of the dwelling and is subservient to it in scale and design.
5. Other material considerations include the national advice set out in PPG15 '*Planning and the Historic Environment*'.
6. In considering the appeals, I am required by Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the listed cottage or its setting or any features of special interest it may possess.

**Reasons**

7. The Old Bakery is a cottage of 16<sup>th</sup> century origins and is listed grade II. At one time an inn, and later a bakery, it became a single dwelling in the 1950s. The building has been altered and extended over its lifetime to adapt to these changes in use. The simple pitched roof form, with a later single storey outshut, reflects the original linear plan form. The roof planes, eaves lines and low walls give the cottage a distinctly horizontal emphasis. An outbuilding, once linked, stands to the rear on the site of the proposed extension.
8. The Council has approved an extension of a similar size, in a similar position to the rear of the cottage, so there is no objection in principle to the proposal. At the hearing, the Council confirmed that there was also no objection to the demolition of the outbuilding and that both the internal and external alterations to the cottage were acceptable. None of the features of interest mentioned in the listing would be affected. The Council's objection centres on the height and design of the extension at its junction with the rear roof slope.
9. The extension would project at right angles to the cottage and would consist of two design elements, a two storey barn-like structure and a glazed link connecting it to the cottage. The Council has no real objection to the traditionally designed barn element, which would be similar in many respects to the main part of the approved extension. The pitched roof glazed link would provide first floor access between the old and the new parts of the cottage from a new staircase within the outshut. The glazing would extend above the outshut roof, meeting the rear slope of the main roof in a fairly traditional manner.
10. The Council recognises that a subservient structure projecting at right angles to a building is a well-established design principle in the extension of dwellings. The crux of the Council's case is whether this extension would be sufficiently subservient as to allow a clear distinction between the old cottage and the new extension. In my view, it is not necessary for an extension to be seen as virtually a separate structure, as it is in the approved scheme, for it to be subservient or distinguishable.
11. The glazed pitched roof of the link would be substantially lower than the main roof ridge. In my view, this would be sufficient to ensure that the original cottage would still be seen as the more important part of the building. In my view, the lower roof level would clearly make the extension subservient to the existing roof, to the extent that the simple linear form

- of the original roof would remain predominant. I believe that transparent glazing would allow the historic form of the cottage roof to be clearly distinguishable. While the overall structure would become 'L' shaped on plan, the lower roof line and the distinctly modern design of the link would ensure that there would be no confusion between the original cottage and its new extension. In my view, this clear differentiation would ensure that the special interest of the listed cottage would not be undermined.
12. While the extension would be large, it would provide no more in terms of accommodation than that already approved. I consider that it would be sufficiently limited in scale. In my view, the new extension would reflect the low, horizontal character of the existing cottage while being subservient to it in scale and design. I find the proposal sympathetic to the character of the building so that local distinctiveness would be maintained. I also consider that the proposed extension has been carefully designed so that it would not dominate the original building or adversely affect its particular character. The historic linear form of the original building would be clearly distinguishable. I do not consider that the extended building would have the appearance of a single 'L' shaped structure under an almost continuous roof, the basis of the dismissal of an earlier appeal.
  13. I have some concerns about the bronze glazing proposed since, by its dark colour and reflective nature, it could undermine the objective of allowing a clear view of the original roof. It may also be preferable to have fewer glazing bars. However, these concerns could be overcome by an appropriate condition requiring the submission of details for approval.
  14. I therefore come to the view that the integrity of the original building would be preserved and that the proposal would meet the objectives of the development plan and emerging Local Plan policies intended to protect listed buildings from harmful alteration. I find that the proposed development would have no unacceptably adverse effect on the character of The Old Bakery as a building of special architectural and historic interest.
  15. It is therefore my intention to allow these appeals and to grant planning permission and listed building consent subject to appropriate conditions.

#### **Conditions**

16. At the hearing, the parties agreed that the conditions attached to the permissions for the approved extension should form the basis of any conditions to be imposed on the current proposal. I have considered these in the light of Circular 11/95 *'The Use of Conditions in Planning Permissions'* and the advice in PPG15.
17. For the planning permission, I consider it necessary to require samples of external materials to be submitted for approval since written descriptions can be open to interpretation. A sample panel of the proposed stonework would help to ensure that the new work harmonises with the old. The proposed extension lies adjacent to a number of mature trees of high amenity value. I consider it necessary for these to be protected during the construction period and for the foundations of the extension to be designed to cause the minimum of damage to the root systems. While the appellants consider that a condition requiring the submission of a landscaping scheme is unnecessary, it seems to me that the surrounding gardens and hard standings will be affected by the construction of the extension so that the submission of details of both hard and soft landscaping is necessary to ensure that the surrounding land is properly reinstated in this rural location.



18. For the listed building consent, in addition to the submission of sample materials and a stonework sample panel, I consider it necessary for specific details of the extension to be submitted for approval to ensure that the new work complements the old. As noted above, this should include the details of the glass and glazing method of the glazed link.

**Conclusions**

19. I find that the proposed extension would be subservient in scale and design to the existing cottage. The glazed link would ensure that the extension would be clearly differentiated, thus ensuring that the special interest of the cottage would be maintained. For the reasons given above and having regard to all other matters raised, I consider that the appeals should succeed.

**Formal Decisions**

**Appeal A:**

20. I allow the appeal and grant planning permission for the demolition of an existing outbuilding and the construction of a new extension and link to the existing dwelling; omit door and dormer roof and replace with window, block up window at The Old Bakery, Cheddon Fitzpaine, Taunton in accordance with the terms of the application Ref.48/2003/012, dated 25 February 2003, and the plans submitted therewith, subject to the conditions set out in Annex A.

**Appeal B:**

21. I allow the appeal and grant listed building consent for the demolition of an outbuilding and the construction of a new link and extension; internally, remove staircase and alter partitions at The Old Bakery, Cheddon Fitzpaine, Taunton in accordance with the terms of the application Ref.48/2003/011LB, dated 25 February 2003, and the plans submitted therewith. subject to the conditions set out in Annex B.

**Information**

22. These decisions do not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990 and sections 7 and 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
23. An applicant for any approval required by a condition attached to this permission or consent has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.
24. A separate note is attached setting out the circumstances in which the validity of these decisions may be challenged by making an application to the High Court.



Inspector

**ANNEX A**

APPEAL A - Schedule of conditions to be attached to the planning permission:

- 1) The development hereby permitted shall be begun before the expiration of 5 years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) No development shall take place until a sample panel of the stonework to be used in the construction of the external walls of the extension hereby permitted has been constructed and approved in writing by the local planning authority. The panel shall be at least 1 metre square and show the coursing and method and colour of pointing. Construction of the external walls shall be carried out in accordance with the approved panel, which shall be retained on site until completion.
- 4) No development shall take place until details of the foundation design of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development
- 6) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc); retained historic landscape features and proposals for restoration, where relevant.

**ANNEX B**

APPEAL B – conditions to be attached to the listed building consent.

- 1) The works hereby authorised shall be begun not later than 5 years from the date of this consent
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) No development shall take place until a sample panel of the stonework to be used in the construction of the external walls of the extension hereby permitted has been constructed and approved in writing by the local planning authority. The panel shall be at least 1 metre square and show the coursing and method and colour of pointing. Construction of the external walls shall be carried out in accordance with the approved panel, which shall be retained on site until completion.
- 4) No development shall take place until detailed drawings of an appropriate scale of the details of the proposed verges, eaves, valley and stepped roof junctions, openings, internal and external joinery, roof glazing, rooflights, and rainwater goods have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.



## Appeal Decision

Hearing held on 22 July 2004

Site visit made on 22 July 2004

by **Gareth Isaac** LLB Solicitor

an Inspector appointed by the First Secretary of State

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Date

18 AUG 2004

**Appeal Ref: APP/D3315/A/03/1134673**

**4 Rydon Lane, Taunton, TA2 7AQ**

- 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 Countryside Construction Ltd against the decision of Taunton Deane Borough Council.
- The application Ref 38/2003/515, dated 18 September 2003, was refused by notice dated 7 November 2003.
- The development proposed is the erection of 2 houses with garages.

**Summary of Decision: The appeal is dismissed.**

### Main Issues

1. I consider the main issues in this case to be the effect of the proposal on:
  - (a) the character and appearance of the surrounding area; and
  - (b) the living conditions of the occupiers of 5 Rydon Lane in terms of overlooking and loss of privacy.

### Planning Policy

2. The development plan for the area includes the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011, adopted in 2000, and the Taunton Local Plan First Alteration, which was adopted in 1990. Among the various policies that have been drawn to my attention, Structure Plan Policy STR4 advises that new development should be focused on towns and that priority should be given to the re-use of previously developed land. Local Plan Policy H/4 requires that development should satisfactorily reflect the character of the area and the amenity of adjacent properties
3. My attention has also been drawn to the Taunton Deane Local Plan Revised Deposit. This emerging Local Plan has passed through many of the adoption stages, thereby increasing the weight that can be attached to it, especially in the respect of those policies where there are no unresolved objections or the Local Plan Inspector has recommended no changes. The policies in the emerging Local Plan most relevant to this appeal are S1, S2 and H1. Policy S1 sets out general criteria for development, including a requirement that it should not harm the appearance and character of the street scene. Policy S2 indicates that proposals will be assessed to ensure, amongst other things, that developments reinforce the local character and distinctiveness of the area. Policy H1 includes requirements that small scale schemes in residential areas will increase the development density of those areas without eroding their character or residential amenity and that existing and proposed dwellings will enjoy adequate privacy and sunlight.

4. The emerging Somerset and Exmoor National Park Joint Structure Plan Alteration, 1996-2016, Deposit Draft - June 2004 is still at a relatively early stage in the adoption process and in accordance with advice in Planning Policy Guidance Note 1 (PPG 1): *General Policy and Principles*, I can only give it limited weight. However, it highlights the growing significance of Taunton, recognised by Regional Planning Guidance for the South West (RPG 10), in which it is identified as a Principal Urban Area and I have taken that into account. Policy STR3 of the emerging Structure Plan indicates that provision should be made for significant levels of new development in Taunton.
5. In determining this appeal I have also had regard to relevant government guidance, including that set out in Planning Policy Guidance Note 3 (PPG 3): *Housing*, which encourages the more efficient use of land without compromising the quality of the environment.

### **Reasons**

#### *Character and Appearance*

6. The appeal site is one of 2 plots of land that lie on either side of the detached dwelling previously known as 4 Rydon Lane. Access to that dwelling is now obtained from Crowcombe Road and the current occupier of that property indicated at the Hearing, that its address had recently been altered to 36 Crowcombe Road. The 2 plots on either side of that dwelling were each formerly part of the curtilage of 4 Rydon Lane. The appeal site is located to the north and has a highway frontage on to the cul-de-sac turning head of Crowcombe Road. The plot which lies to the south is accessed from Bagborough Road.
7. It has not been disputed that the appeal site is one that falls within the definition of previously developed land set out in PPG 3 and that the principle of additional residential development thereon would be acceptable. Indeed, the Council has already granted outline permission for the erection of a single detached dwelling and garage on the site (Ref: 38/2003/124). In addition, a scheme for the erection of 2 dwellings with garages on the plot to the south has recently been approved (Ref: 38/2003/514). The construction of the buildings on the site to the south has already begun.
8. The area surrounding the appeal site is characterised by a row of semi-detached dwellings on the south side of Crowcombe Road, the school playing fields on its north side and a variety of detached properties to the east in Rydon Lane. Any public views of the proposed dwellings from the east would be very restricted. However, the dwellings would be a significant new feature in the street scene of Crowcombe Road. Located at right angles to the existing houses, with the open land to the north and projecting to only some 3m from the highway frontage, I consider that the proposed new dwellings would occupy a prominent position within that street scene.
9. The design of the dwellings is similar to that of the 2 new houses that have been permitted on the plot which is accessed from Bagborough Road. I acknowledge that Bagborough Road is characterised by semi-detached dwellings of a similar style to those in Crowcombe Road. However, the area of the plot fronting on to Bagborough Road is significantly greater than that of the appeal site. Together with part of the site boundary being set back from the highway, this has allowed for those dwellings to be positioned much further away from the road and yet retain larger rear gardens than in the case of the appeal proposal. In my view, the visual impact of the dwellings on the plot accessed from Bagborough Road

would also be reduced by the boundary treatment of an adjoining property on one side of the site and the space between the dwelling on its other side

10. The total area of the appeal site is some 374m<sup>2</sup> whereas the average plot size of properties in Crowcombe Road is about 364m<sup>2</sup>. The division of the site into 2 plots of about 187m<sup>2</sup> would result in the new dwellings having substantially smaller plots than other dwellings within the same street scene. I acknowledge that in granting outline approval for a single dwelling on the site, the Council did not impose a condition withdrawing permitted development rights. However, even if those rights were to be utilised in full, the footprint of the permitted building shown on the illustrative plans would still not be as great as that of the buildings in the case of the appeal proposal.
11. I consider that the smaller plot sizes of the proposal would be readily apparent within the street scene and would give rise to the dwellings having a more cramped appearance than other properties in Crowcombe Road. In my judgement, by projecting to some 3m from the highway boundary, in a highly visible position at the end of the cul-de-sac, the lack of space around the proposed dwellings would result in a development that would be at odds with the character of the surrounding area. I have taken into account the encouragement given in PPG 3 and the development plan to the more efficient use of land. However, the intention of PPG 3 is that higher densities should go hand in hand with the improvement of the environment and not at the expense of it as I consider would be the case here.
12. I conclude that the proposal would be harmful to the character and appearance of the surrounding area. I further conclude that it would conflict with Local Plan Policy H/4 and Policies S1, S2 and H1 of the emerging Local Plan.

#### *Living Conditions*

13. To the east of the appeal site lies 5 Rydon Lane, a detached dwelling which is set in a large garden. Outline permission exists for another dwelling to be erected on a plot which currently forms part of the garden of that property and a detailed application for a dwelling on that site has since been submitted for consideration. In my view, there would be adequate separation between the dwelling on Plot 2 and the new building on the adjoining plot, which would be sited some 15m away from the boundary.
14. It would also be possible for one of the windows in the rear elevation of Plot 2 to be relocated to the side of the building. However, although there is a garage in the intervening space, the existence of at least one first floor bedroom window in the dwelling on Plot 2 at a distance of only some 5m from the boundary with the adjoining property would still result in some overlooking of its private garden area. Whilst the single dwelling for which permission exists would not be substantially further away from that boundary, the Council would retain a degree of control over the type and position of the windows in that dwelling.
15. The rear elevation of the dwelling on Plot 1 would only be some 4.5m from the boundary with 5 Rydon Lane and it would contain 2 windows at first floor level. The dwelling on Plot 1 would be closer to the southern boundary of the site than the indicated position of the single dwelling for which outline permission exists. It would also be nearer to the existing dwelling at 5 Rydon Lane. Although permitted development rights have not been withdrawn in the case of the approved single dwelling, I consider that the proximity of the proposed dwelling on Plot 1 to the adjoining property would be such that it would nevertheless still have a greater impact on that property.

16. Whilst there are a number of trees and shrubs within the garden of 5 Rydon Lane, I am not convinced that they, or any other landscaping, would provide an adequate screen at all times and, in any event, such vegetation would not necessarily remain in perpetuity. In my judgement, the first floor windows in the rear elevation of the dwelling on Plot 1 would lead to overlooking of the garden and conservatory of 5 Rydon Lane from a distance that would be uncomfortably close to that property and result in a material loss of privacy.
17. I conclude that the proposal would be harmful to the living conditions of the occupiers of 5 Rydon Lane in terms of overlooking and loss of privacy. I further conclude that it would conflict with Local Plan Policy H/4 and Policy H1 of the emerging Local Plan.

*Other Matters*

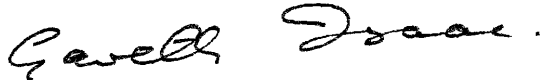
18. I have considered all of the other matters that have been raised, including a detailed written presentation made by a local resident which posed a number of questions regarding the planning history of the site. However, the way in which the Council has dealt with any previous applications does not alter the planning merits of this case upon which I must make my determination. Furthermore, I am not empowered to change any conditions that have been imposed in earlier cases.
19. The Council accepted at the Hearing, and I agree, that any concerns about overlooking of 4 Rydon Lane, could be met by the imposition of a condition requiring any windows in the south elevation of Plot 1 to be fitted with obscure glazing. As for the fears expressed that the proposed dwellings would overlook 34 Crowcombe Road, a single dwelling on the appeal site, for which outline approval already exists, would undoubtedly have windows at the front at first floor level and in my view, the impact of the appeal proposal on that property would not be significantly different.
20. I have considered the concerns expressed by a number of local residents about the effect of the proposal on car parking and highway conditions in the area. Nevertheless, the Highway Authority has not objected to the proposal. I have taken due account of the absence of any written representations or other formal objection to the proposal from the current occupier of 5 Rydon Lane. However, none of these or any of the other matters raised is of such significance as to outweigh the considerations that led to my conclusions on the main issues.

**Conclusions**

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

**Formal Decision**

22. I dismiss the appeal.



INSPECTOR