

APPEAL DECISIONS – 20 MAY 2021

Site: Swimming Pool Building, The Croft, Anchor Street, Watchet

Proposal: Demolition of swimming pool enclosure and erection of 1 No. dwelling with associated works

Application number: 3/37/20/001

Reason for refusal: Dismissed

Original Decision: Chair - Refusal



The Planning Inspectorate

Appeal Decision

Site visit made on 11 August 2020 by **S Thomas BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 April 2021

Appeal Ref: APP/W3330/W/20/3252718 Swimming Pool Building, The Croft, Anchor Street, Watchet TA23 0BY

- 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 Andrew Musgrave against the decision of Somerset West and Taunton Council.
 - The application Ref 3/37/20/001, dated 20 February 2020, was refused by notice dated 28 April 2020.
 - The development proposed is described as demolition of existing swimming pool enclosure and erection of dwelling and associated works.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the proposed development would preserve or enhance the Watchet Conservation Area (CA); and (ii) the effect of the proposed development on highway safety with particular regard to on street parking.

Reasons

Conservation Area

3. The appeal site contains a swimming pool enclosed with a polytunnel structure. It is located along a private drive, served via another private road off Anchor Street. It is situated to the front of an existing property (No 2) which is part of a group of properties (the Croft), arranged fronting the private drive in a fairly regular courtyard arrangement. The site lies to the south of Watchet CA, an attractive harbour town.
4. The Civil Parish of Watchet, West Somerset Conservation Area Review (2002) (CAR) indicates the distinctive character of the CA derives from its function as a Bristol Channel Port. The appeal site lies just outside the historic core which is bounded by Anchor Street. The character of the historic core is defined by the modest two storey structures which derive interest from the close built small-scale streets, subtle variations in building lines and limited range of materials. Given the above, I find the significance of the CA, insofar as it relates to this appeal, to be primarily associated with the character and arrangement of the built form.
5. The proposed dwelling is of a design that would not be uncharacteristic of properties located off this private drive. However, the proposed dwelling would be awkwardly sited at an angle to the private drive, which would appear discordant compared to the regular courtyard arrangement of the surrounding properties. Furthermore, given the constrained nature of the plot and the very close proximity to the front elevation of No 2, the dwelling would appear hemmed in and cramped within the plot.
6. It would not integrate well amongst the surrounding built form and would appear incongruous and intrusive in public views from the Croft and Anchor Street. Accordingly, the proposed dwelling would be uncharacteristic of development within the CA and would detract from its character and appearance. Although I acknowledge the removal of the polytunnel would improve the appearance of the area, the proposed dwelling would have a more dominant and harmful impact.
7. I therefore conclude that the proposal would fail to preserve the character or appearance of the CA. Whilst I find the harm to this designated heritage asset to be on the lower end of the less than substantial spectrum in this instance, it is nevertheless of considerable importance and weight. The National Planning Policy Framework (the Framework) says that such harm should be weighed against the public benefits of the proposal and that great weight should be given to a designated heritage asset's conservation. Whilst the proposal would result in the provision of additional housing, which is a public benefit, it is only for one additional dwelling. Accordingly, the benefits associated with it would be very modest and would not outweigh the harm I have found to the character or appearance of the CA.
8. Consequently, the proposal would be in conflict with Policies NH13, NH1 and NH2 of the West Somerset Local Plan to 2032 (2016) (Local Plan). Amongst other matters these policies seek to ensure that development affecting a CA preserves its character, development should be of the highest standards of design responding positively to its context and should make a positive contribution to the local environment.

Highway Safety

9. I observed on my visit a number of the existing properties have parking provision together with a shared parking courtyard to serve the holiday cottages. This did not appear at capacity on my visit and had available space. Neither did I observe any overspill parking within the parking area proposed for the new dwelling. Furthermore,

the site is located within walking distance to the town centre which would likely reduce demand for vehicles.

10. Whilst parking is restricted on surrounding roads, I observed spaces were available along Mill Street and Whitehall within the vicinity of the site. In any event, I am satisfied that visitor parking to the holiday cottages could be suitably accommodated within existing provision. Therefore, I do not consider that the loss of these spaces to serve the proposed dwelling on this private drive, would cause unacceptable harm to highway safety on the surrounding road network.
11. The proposal does not provide for any cycle storage. Nevertheless, there would appear suitable space within the proposed garden area to accommodate storage for bicycles. Accordingly, had I found in favour of the appeal; this could be secured through an appropriate planning condition. I do not find the proposal unacceptable in this regard.
12. For the above reasons, the proposal would not result in unacceptable harm to highway safety with regard to parking. Accordingly, it would not conflict with saved Policy T/8 (cross referenced Appendix 4) of the West Somerset Local Plan (2006). Amongst other things this policy seeks provision of car parking and cycle provision in line with adopted standards. Given the above, I do not find conflict with the Somerset County Council Parking Strategy 2013 Section 5 'residential parking' nor Paragraphs 105 and 106 of the Framework.

Conclusion

13. Whilst I have found in favour of the appellant in terms of the effect of the proposal on highway safety, this does not overcome the identified harm in relation to the first main issue. Overall, the proposal would conflict with the development plan.
14. For the reasons above, the appeal does not succeed.

S Thomas

INSPECTOR

Site: CATTLEWASH, ILBEARE, FITZROY ROAD, NORTON FITZWARREN, TAUNTON, TA2 6PL

Proposal: Change of use of land from agricultural to domestic including erection of wall and additional patio slabs at Cattlewash, Fitzroy Road, Norton Fitzwarren (retention of works already undertaken).

Application number: 20/20/0011

Reason for refusal: Dismissed

Original Decision: Committee – Refusal



The Planning Inspectorate

Appeal Decision

Site visit made on 4 May 2021 **by Neil Pope BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 May 2021

Appeal Ref: APP/W3330/W/20/3266183

Cattlewash, Fitzroy, Taunton, Somerset, TA2 6PL.

- 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 Emma Edwards against the decision of Somerset West and Taunton Council (the LPA).
 - The application Ref. 20/20/0011, dated 22/3/20, was refused by notice dated 3/12/20.
 - The development proposed is the change of use of land from agriculture to domestic including erection of wall and additional patio slabs (amended description).
-

Decision

1. The appeal is dismissed.

Preliminary / Background Matters

2. Prior to the LPA's determination of the application revised plans were submitted which show a section of proposed stone wall (about 1.2 metres high) on part of the site and additional patio slabs around an existing dog kennel. I have determined the appeal on the basis of the amended plans.
3. The change of use to domestic purposes has already been undertaken¹ but the wall and additional patio slabs have not been built/provided.

4. In 2012, the LPA issued a certificate of lawful development for the continued use of a neighbouring building (Cattlewash) as a dwelling (ref. 20/12/0032). I note that planning permission for the demolition of this building and a replacement dwelling was granted in 2017 (ref. 20/17/0017). This replacement dwelling is now under construction.
5. The appellant has informed me that the above noted certificate of lawful development allowed the use of the appeal site as garden but was subsequently found not to be "*factually sound*" and was "*revoked*". The LPA has informed me that the kennel, which is used by the appellant's dogs, has been deemed to be permitted development. The LPA has also stated that the appellant is not using the site for commercial purposes.
6. Whilst noting the above planning history, I have not been provided with any detailed information (such as plans or copies of decision notices) regarding the lawful development certificate, any revocation order, the planning permission or the deemed use of the kennels. Furthermore, I must determine the appeal on the basis of the development as applied for.

¹ I understand that the site has not been used for agricultural purposes for over 6.5 years .

Main Issue

7. The main issue is the effect upon the character and appearance of the area.

Reasons

Planning Policy

8. The development plan includes the Taunton Deane Council Core Strategy 20112028 (CS). Policy DM1 (d) requires development to not unacceptably harm the character or appearance of the landscape. Amongst other things, CS policy CP8 requires development to conserve and enhance the natural environment.

The Main Issue - Character and Appearance

9. This 0.4 ha appeal site lies within an attractive rural area and outside the nearest settlement of Fitzroy. This field is much smaller than those to the south and east, whilst to the north and the opposite side of a stream there is the long rear garden to Illbeare. Cattlewash and the replacement dwelling lie to the west and there is a small coppice at the eastern end of the site. A stock proof fence has been erected along the northern boundary and immediately adjacent to a public footpath (Ref. T 15/50).
10. The appeal site is now severed from larger neighbouring fields and as noted above, has not been in commercial agricultural use for some time. With its mown grass, picnic table and kennels, the site has similarities to a domestic garden. However, its largely unspoilt, green open qualities reflect the pleasing attributes of the countryside to the south and east. Overall, the site makes a small but positive contribution to the character and appearance of the area.
11. The proposed development, including the new walls with shrubbery and the sizeable area for the intended patio slabs, would be overtly residential in nature and would erode the green unspoilt open qualities of the site. In all likelihood, this would be exacerbated in the future by additional domestic paraphernalia and activity that would be very different to that associated with an agricultural use. The proposal would

detract from the quality of the local rural landscape. Furthermore, those using the footpath alongside would be channelled rather unexpectedly between two sizeable garden curtilages and, for a short period of time, could feel somewhat disconnected from the countryside. The proposal would be likely to diminish the enjoyment/amenity of this public right of way.

12. The proposed development would unacceptably harm the character and appearance of the local landscape and would not conserve and enhance the natural environment. It would conflict with CS policies DM1 (d) and CP8 and there are no material considerations sufficient to outweigh this conflict with the development plan. I therefore conclude that the appeal should not succeed.

Neil Pope

Inspector