

DECISIONS – 17 SEPTEMBER 2020

Site: IVYLEN, STAPLEY ROAD BISCOMBE, CHURCHSTANTON, TAUNTON, TA3 7PZ

Proposal: Demolition of bungalow and outbuildings and erection of 1 No. dwelling with farm office and store rooms at Ivylen Farm, Staple Road, Biscombe, Churchstanton

Application number: 10/29/0017

Reason for refusal: Dismissed

Decision Maker: Delegated Decision – Refusal



Appeal Decision

Site visit made on 17 August 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2020

Appeal Ref: APP/W3330/W/20/3251345

Ivylen, Stapley Road Biscombe, Churchstanton, Taunton TA3 7PZ

- 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 Noel Sharpe against the decision of Somerset West and Taunton Council.
 - The application Ref 10/19/0017, dated 23 June 2019, was refused by notice dated 14 November 2019.
 - The development proposed is described as 'replacement dwelling including farm office, and store rooms'.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. I have noted that the description of development varies between the appellant's application and appeal forms, with a further variation on the Council's Decision Notice. I have taken the description from the application form but omitted the reference to location as this is not part of the development. Similarly, I have noted minor inconsistencies in the site address

within the evidence. For the avoidance of any doubt I have taken the site address from the appellant's application form.

Main Issues

3. The main issues are:

- i) the effect of the proposal on the character and appearance of the area including the landscape and scenic beauty of the Blackdown Hills Area of Outstanding Natural Beauty; and
- ii) the principle of development having particular regard to the scale and location of the proposal in light of the relevant policies of the development plan and the National Planning Policy Framework.

Reasons

Character and appearance

4. The appeal site is located on the slopes of a verdant valley within the Blackdown Hills Area of Outstanding Natural Beauty (AONB). The site is occupied by a bungalow and a number of outbuildings that have no architectural value. The site is within a rural agricultural context including a barn immediately to the east. In support of their proposal, the appellant has provided photos of a number of properties within their Design and Access Statement and at appendix 1 of their Appeal Statement, including a three- storey Georgian property. However, I have limited information to explain how they relate to the appeal site. Moreover, I have observed a number of residential properties on both sides of the valley near the appeal site. These vary in scale, siting and materials, but are generally modest and simple.
5. The proposal seeks to replace the existing range of structures at the site and erect a single replacement building. This would have accommodation over three-storeys and include the farm office and stores within part of the proposed single-storey element at the front. Consequently, although cut into the slope and therefore appearing as a two-storey form from the highway, the mass and bulk of the building would be substantial. Furthermore, the design, including the shallow hipped roof form, fenestration, and ornate porch; along with the substantial single-storey projection to the front adds to the imposing and unbroken scale and mass of the building as seen from the highway. Whilst set further back and at a lower level to the existing, the siting would not mitigate the impact in this rural area where more modest housing prevails.
6. Furthermore, the proposal would be clearly visible from the opposite side of the valley, including the right of way at Craigend House. From here the grandiose character and appearance of the building would be very evident within the landscape due to its three-storey scale, location on the valley hillside, and form, including elements such as the lower ground floor projection and terrace.
7. This is a highly sensitive location and the National Planning Policy Framework (the Framework) is clear that great weight needs to be given to conserving and enhancing the landscape and scenic beauty of the AONB. Furthermore, paragraph 172 states that the scale and extent of development within this area should be limited.
8. The proposal involves the change of use of land, extending the residential use into the paddock to the north. Even if I were to accept that the proposal would result in a net reduction in the residential land use at the site, the linear projection of the

proposed residential use into the field to the north poses significant concerns of itself. This would show little regard for the existing landscape features, including field patterns and hedgerows. It would leave small and awkward pockets of agricultural land, unlikely to be suitable for commercial agricultural use and management. I note the appellant's justification for the revised siting includes making better use of the topography and providing more space for vehicular access and turning. However, even if I take the appellant's various justifications cumulatively, I still find that the extension of the residential use to the north weighs against the scheme.

9. Finally, the appellant has indicated that a scheme of landscaping could be used to mitigate any visual impacts. Whilst I place some weight on the potential for planting and consider that this could be secured through conditions, landscaping should not be used to hide development that is otherwise unacceptable. Furthermore, views are liable to change, and landscaping cannot be considered as a permanent feature.
10. Therefore, in conclusion on this main issue, I find that the proposal would harm the character and appearance of the area including the landscape and scenic beauty of the AONB. As such, the proposal would conflict with Policies CP8 and DM4 of the Taunton Deane Core Strategy 2011-2028, Development Plan Document, September 2012 (CS), Policy D7 of the Taunton Deane Adopted Site Allocations and Development Management Plan, December 2016 (SADMP), Policy PD2 of the Blackdown Hills Area of Outstanding Natural Beauty Management Plan 2019-2024 and Sections 12 and 15 of the Framework. These policies seek amongst other aims to achieve high-quality design that encourages a sense of place through promoting local distinctiveness, reflecting the site and context, and sensitive siting and scale.

Principle of development

11. Policy DM2 of the CS sets out that in locations such as this that replacement dwellings will be supported subject to a number of criteria including, that the proposal should not be substantially larger than the existing dwelling. Additionally, given that the proposal is a mixed-use development, I find that it is reasonable to make some additional allowance for the area allocated for the agricultural use given that this may also be supported by Policy DM2.
12. Furthermore, the appellant has stated that the proposal has been designed specially to support their needs beyond the residential and agricultural uses. This includes working from home in association with a software business. However, the submitted plans do not annotate any area for the business and I have little evidence as to the extent or scale of the activity and associated floor space requirements. As such, I have afforded this little weight.
13. The appellant acknowledges that the proposal would increase the domestic footprint at the site even if the additional agricultural use and lower-ground floor development is excluded from any calculation. Whilst I acknowledge the conclusions of the appellant's Geotechnical Survey¹ which found the need for deep foundations, I do not find that this, or the costs of development, provide adequate justification for discounting the lower-ground floor element of the proposal from the assessment of the scheme's size. Furthermore, I find that the lower-ground floor area significantly contributes to the scale and mass of the

development. The proposed three-storey building, with single-storey projections to both the front and rear, would be substantially larger than the chalet bungalow and array of modest outbuildings that it would replace.

14. I have had careful regard to the policies of the Framework when read as a whole, in particular the paragraphs on rural housing and supporting a prosperous rural economy. The Framework sets out at paragraph 77 that in rural areas, decisions should respond to local circumstances and support housing developments that meet local needs. There is little evidence to suggest that the proposal meets an identified need beyond the specific circumstances of the appellant.
15. I note that the appellant has set out that there is no other suitable housing in the area to meet their needs and since purchasing the property has significantly invested in the business and integrated into the community. Furthermore, I have had careful regard to the appellant's 'Ivylen Farm Business Plan'. I afford the provision of this operation some weight given the likely benefit to the rural economy and the recent Coronavirus pandemic. However, based on the evidence before me, including the limited extent of the identified

¹ Geotechnical Assessment by South West Geotechnical Ltd, dated September 2018, Report No. 10413 Version 1

area for agricultural or business use in the building, I consider that the same or similar benefits could likely be achieved without the identified harm.

Furthermore, whilst paragraphs 83 and 84 support meeting local business needs, it remains important to ensure that development is sensitive to its surroundings, particularly in locations such as this.

16. Therefore, in conclusion on this main issue, I find that the principle of development is not supported having particular regard to the scale and location of the proposal in light of the relevant policies of the development plan and the Framework. As such, the proposal does not accord with Policy DM2 of the CS or Sections 5 and 6 of the Framework. These seek amongst other aims to promote sustainable development in rural locations.
17. Given that the proposal would replace a modest chalet bungalow with a substantially larger dwelling, the proposal would reduce the stock of smaller rural housing. However, I have very limited evidence regarding local housing needs and the consequent implications in regard to inclusive communities. As such, whilst I note the Council's reference to Policy CP5 of the CS I do not find any clear conflict with that policy in this specific instance.

Other matters

18. The appellant has provided examples of other planning approvals within the district in order to seek to justify their proposal. However, I do not have the benefit of full details and, in any event, based on the evidence I find that they are not identical to the proposal before me. As such, I afford them little weight.
19. The appellant has provided a Condition Assessment² concluding that the existing dwelling is in need of works and that the associated costs would be 'considerable'. I have no evidence to reach a contrary conclusion. However, I find this to be a broadly neutral consideration. Policy DM2 of the CS requires, in order to justify a replacement dwelling, for it to be uneconomic to bring the existing dwelling

to an acceptable state of repair. Nonetheless, I do afford some weight to the benefit of providing a replacement dwelling with, for example, enhanced levels of energy efficiency.

20. Additionally, the appellant has raised concern that the Council failed to consider the proposal in a positive or proactive fashion. Whilst a source of clear frustration for the appellant, this has no significant bearing on the planning merits of the case.

21. Even if I were to take the benefits of the proposal cumulatively, I do not find that they would outweigh the harm that I have identified.

Conclusion

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

James Taylor

INSPECTOR

² Condition Assessment by Croft Surveyors Ltd; inspection undertaken 27 January 2020.

Site: THE OLD WATERWORKS, CHIPSTABLE ROAD, CHIPSTABLE,
TAUNTON, TA4 2PZ

Proposal: Change of use of land from agricultural to domestic at The Old Waterworks,
Chipstable Road, Chipstable (retention of works already undertaken)

Application number: 109/19/0012

Reason for refusal: Allowed

Decision Maker: Delegated Decision – Conditional Approval



The Planning Inspectorate

Appeal Decision

Site visit made on 17 August 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th September 2020

Appeal Ref: APP/W3330/W/20/3251234

The Old Waterworks, Chipstable Road, Chipstable, Taunton TA4 2PZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr & Mrs Trevor & Lisa Morrow against the decision of Somerset West and Taunton Council.
 - The application Ref 09/19/0012, dated 11 November 2019, was approved on 25 March 2020 and planning permission was granted subject to conditions.
 - The development permitted is a change of use of land from agricultural to domestic.
 - The condition in dispute is No 2 which states that: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting the 2015 Order with or without modification, no outbuildings, enclosures, swimming pools or other structures as described in Part 1, Class E, shall be erected on the site other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.
 - The reason given for the condition is: To ensure that the proposed development does not harm the character and appearance of the area.
-

Decision

1. The appeal is allowed and the planning permission Ref 09/19/0012 for a change of use of land from agricultural to domestic at The Old Waterworks, Chipstable Road, Chipstable, Taunton TA4 2PZ granted on 25 March 2020 by Somerset West and Taunton Council, is varied by deleting condition No 2.

Background and Main Issue

2. It is clear from the plans and accompanying details that the development comprises a change of use of land to residential and the erection of stock-proof fencing. The Council dealt with the proposal on this basis and so shall I. Planning permission has been granted for the development subject to a condition to restrict the carrying out of permitted development rights as set out within Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015.
3. Therefore, the main issue is whether the condition is necessary in the interests of the character and appearance of the area.

Reasons

4. The appeal site is located on the edge of Chipstable, a small settlement set in an undulating rural landscape. The Council highlights that although not subject to any special designations the landscape has an intrinsic pastoral beauty. I agree with this assessment. As such, I find additional care in considering the potential implications of allowing the change of use, such as from implementing permitted development rights, to be prudent.
5. The Council state that they are not seeking to prevent development but retain control, citing allowance for up to half of the site to be developed under permitted development rights. However, given the topography of the site I find such levels of development to be unrealistic, with little more than a theoretical possibility. Furthermore, the Council have expressed concern in relation to domestic paraphernalia, but this is largely beyond the condition's scope.
6. The site is occupied by a converted water authority building, although it is now clearly of a residential character. The building is modest in scale, occupying the site frontage with the garden located to the rear. The area subject of this appeal is generally raised above the dwelling and has a verdant character. Views of the site are restricted by the dwelling and landscape features, including, high hedges along the narrow rural lanes which provide a strong screen from the highway. Additionally, I note that the land continues to rise beyond the appeal site. This also mitigates visual impacts.
7. The site is comparable in size to a number of other gardens within the loose-knit built-form of the village. I am unaware of these having restrictions on permitted development rights. From my site observations I have noted a number of examples of domestic structures within these gardens, some in locations set behind the houses on raised ground. These gardens and domestic structures form part of the character and appearance of the area.
8. Having careful regard to this site context I am also mindful that the National Planning Policy Framework sets out at paragraph 55 that the number of planning conditions should be kept to a minimum. Furthermore, national guidance states that blanket removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application are unlikely to meet the tests of reasonableness and necessity¹.
9. Therefore, in conclusion on the main issue I find that the condition is not necessary in the interests of the character and appearance of the area.
10. For the reasons given above I conclude that the appeal should succeed. I will

vary the planning permission by deleting the disputed condition.

James Taylor

INSPECTOR

¹ Planning Practice Guidance: Paragraph: 017 Reference ID: 21a-017-20190723

Site: 10 BIRCH GROVE, TAUNTON, TA1 1EE

Proposal: Erection of detached double garage at 10 Birch Grove, Taunton as amended by Drg No.1981.2/200C changing roof design from dual pitched to hipped pyramid

Application number: 38/20/0062

Reason for refusal: Allowed

Decision Maker: Committee – Refusal



The Planning Inspectorate

Appeal Decision

Site visit made on 11 August 2020

by C J Ford BA (Hons) BTP MRTPI

a person appointed by the Secretary of State

Decision date: 8 September 2020

Appeal Ref:

APP/W3330/D/20/3254784 10

Birch Grove, Taunton TA1 1EE

- 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 Ms Charlotte Brice against the decision of Somerset West and Taunton Council.
 - The application Ref 38/20/0062, dated 12 February 2020, was refused by notice dated 11 June 2020.
 - The development proposed is the erection of a detached double garage.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached double garage at 10 Birch Grove, Taunton, TA1 1EE in accordance with the terms of the application Ref: 38/20/0062, dated 12 February 2020 and 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 in accordance with the following approved plans; 1981.2/100 and 1981.2/200C.
 - 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the garage hereby permitted have been submitted to and approved in writing by the local planning

authority. The development shall be carried out in accordance with the approved samples.

- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the garage hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of 10 Birch Grove and their visitors.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be inserted in the roof of the development hereby permitted.
- 6) The allocated Turning Area in plan 1981.2/200C shall be kept clear of obstruction at all times and shall not be used other than for the manoeuvring and parking of vehicles in connection with the development hereby permitted.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area which is within the Staplegrove Road Conservation Area.

Reasons

3. The appeal site is located within the Staplegrove Road Conservation Area (CA), a designated heritage asset where special attention must be paid to the desirability of preserving or enhancing the character or appearance of the CA. The special interest of the CA primarily derives from the high architectural quality of the Victorian and Edwardian dwellings within the designated area.
4. The appeal property is a brick built Victorian semi-detached house with a pitched roof form. It occupies a prominent corner plot position whereby the front faces Birch Grove and the flank, which includes a two storey rear projection, faces The Avenue. A recent single storey flat roof extension has wrapped around the rear projection. The proposed double garage would be sited on an existing vehicle hardstanding located between the southern end of the extension and Hatfield, the neighbouring house on The Avenue.
5. At around 6.5m wide and 6.3m deep the footprint of the building would not be unusual for a double garage. Although the approximately 5m height of the roof ridge would be tall, it would not appear excessive. As the development would be set behind the building line on The Avenue, it would preserve the spaciousness between the built form and the highway which is an important part of the character of the street scene. There would not be a sense of the over-development of the site and the front of the garage would neatly align with the projection of the side extension. The proposed materials, namely red brick walls, plain clay tiles and a timber sectional garage door would also be sympathetic to the character of the host property and the wider area.
6. Although the roof would interrupt wider public views of the architectural detailing on the north side of Hatfield, this would only relate to the lower rear part of the flank of the neighbouring building and the detailing would remain visible in more

close-up public views. The proposed hipped pyramid roof would positively reflect the pitched roof form of the main part of the house and the garage would be beneficial in reducing the adverse visual impact of vehicles parked within the domestic curtilage of the house.

7. In light of the above, it is concluded the proposed development would not have an unacceptably harmful effect on the character and appearance of the area. It would preserve the character and appearance of the CA. The development would not conflict with Policy DM 1 of the Council's Adopted Core Strategy 2011-2028 which, amongst other things, seeks to ensure development does not unacceptably harm the character and appearance of an area.

Other Matters

8. The development would be set back around 1m from the site boundaries and the pyramid roof form would result in the roof slope rising away from the neighbouring properties, with a limited high level mass and bulk. The development would therefore not be overbearing or cause unacceptable harm to the amenity of the occupiers of neighbouring properties in respect of overshadowing.
9. The Council's Tree Officer commented that a mature apple tree in the rear garden of 9 Birch Grove would not be harmed by the proposed development as the evidence indicates the roots do not substantively extend into the appeal site due to the deep foundations of the boundary wall. There is no reason to come to a different view.
10. The concern the garage could be converted into ancillary residential accommodation or lead to inadequate off-street parking provision is noted, as is the concern windows could be inserted in the roof leading to the overlooking of neighbouring properties. However, these concerns can be overcome by the imposition of two conditions suggested by the Council which would ensure the garage is kept as a domestic garage and the installation of any windows in the roof would be prevented.

Conditions

11. In addition to the two conditions previously noted, the standard time limit condition is imposed, as is a condition specifying the approved plans to ensure certainty. A condition in respect of the approval of the external materials to be used is imposed in the interests of preserving the character and appearance of the CA. A condition to ensure the identified turning area within the site is retained is imposed in the interests of highway safety. The wording of some of the conditions suggested by the Council have been amended for conciseness and accuracy and so they better reflect the guidance in the National Planning Policy Framework and planning practice guidance.

Conclusion

12. For the reasons given above and having regard to all other matters raised, it is concluded the appeal should be allowed.

C J Ford

APPOINTED PERSON

Site: CHURCH COTTAGE, 31 CHURCH ROAD, TRULL, TAUNTON, TA3 7LG

Proposal: Replacement of 3 No. windows and 1 No. door to rear of Church Cottage, 31 Church Road, Trull

Application number: 42/20/0016

Reason for refusal: Dismissed

Decision Maker: Delegated Decision – Refusal



Appeal Decision

Site visit made on 11 August 2020

by C J Ford BA (Hons) BTP MRTPI

a person appointed by the Secretary of State

Decision date: 07 September 2020

Appeal Ref: APP/W3330/D/20/3252865

31 Church Road, Trull, Taunton, Somerset TA3 7LG

- 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 Power against the decision of Somerset West and Taunton Council.
 - The application Ref 42/20/0016, dated 25 February 2020, was refused by notice dated 6 May 2020.
 - The development proposed is replace 3 windows and back door in extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area which is within the Trull Conservation Area.

Reasons

3. The appeal site is located within the Trull Conservation Area (CA), a designated heritage asset where special attention must be paid to the desirability of preserving or enhancing the character or appearance of the CA. The site also forms part of the setting of three listed buildings; All Saints Church (Grade I), Tomb of Edward Berrie (Grade II) and Trull War Memorial (Grade II). These are similarly designated heritage assets and special attention must be paid to the desirability of preserving the setting of these buildings.
4. The CA covers the historic central part of Trull and the character of this part of the

CA is primarily derived from the dominance of the church. The appeal property forms part of a small group of dwellings to the south east of the church and is a two storey semi-detached cottage of traditional design. It has a single storey rear extension which is a lean-to form with a deeper gable ended mid-section.

5. The main two storey part of the house and the gable ended section of the extension are finished in stone while the lean-to parts of the extension are painted brick. Excluding two rooflights, the whole property has timber windows and doors in a matching colour. The consistency in the materials and colour of the windows and doors results in the property having a visually pleasing coherent appearance.
6. Within the small group of dwellings there are examples of timber, Upvc and metal frame windows. However, it is those of timber construction, as found at the appeal property, that harmonise with the traditional character of the dwellings and thereby make a positive contribution to the locality. Although the neighbouring dwellings to the south east use Upvc extensively, they are located outside of the CA.
7. The proposal is to replace the 3 timber windows and the timber door in the rear extension with 3 white Upvc windows and a golden oak effect composite door. The Upvc window frames would have a bulkier profile than timber. They would also have a more modern shiny and reflective appearance. As a result, they would fail to harmonise with the traditional character of the dwelling. The variance in materials and colour between the proposed door and the windows would also eliminate the existing consistency in the rear elevation. Consequently, there would be significant harm to the character and appearance of the dwelling.
8. It is acknowledged that only the window closest to the road is currently visible in public views. The window alongside 29 Church Road is hidden by the deeper mid-section of the extension while the rear door and its neighbouring window are screened by planting and timber outbuildings. However, as these latter features lack permanence, the harm derived from the rear door and the neighbouring window may be revealed over time. It is therefore considered the inappropriate relationship with the traditional character of the house would be evident and the positive contribution made to the locality would be undermined.
9. Given the above, it is concluded the proposed development would have an unacceptably harmful effect on the character and appearance of the area. It would fail to preserve or enhance the character or appearance of the CA. It would detract from views of the listed buildings and thereby fail to preserve their setting. The development would conflict with Policies DM 1 and CP 8 of the Council's Adopted Core Strategy 2011-2028 and Policy H2 of the made Trull Neighbourhood Plan to 2028. Amongst other things, the policies seek to ensure development does not unacceptably harm the character and appearance of an area and the historic environment.
10. The National Planning Policy Framework specifies that where a development would lead to less than substantial harm to a designated heritage asset, as would be applicable in this case, the harm should be weighed against the public benefits. It is noted the appellant intends to replace the timber frame windows in the main part of the house with Upvc. Unlike the windows and door in the extension, these are not controlled by a planning condition which requires them to be maintained as timber. While the appellant therefore considers the proposal would ensure the windows and door in the extension would match the main part of the house, the appeal can only be assessed against the property as it currently stands. Accordingly, no public

benefits may be derived from the appeal proposal.

Conclusion

11. For the reasons set out above and having regard to all other matters raised, the appeal is dismissed.

C J Ford

APPOINTED PERSON