

Appeal Decision

Site visit made on 4 January 2017

by **Stephen Hawkins MA MRTPI**

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

Decision date: 20 January 2017

Appeal Ref: APP/D0121/W/16/3158092

Triangle off Station Road, Nailsea, North Somerset

- 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 Georges Raignault against the decision of North Somerset Council.
 - The application Ref 16/P/1257/F, dated 10 May 2016, was refused by notice dated 5 July 2016.
 - The development proposed is construction of a new dwelling house (Use Class C3).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council adopted the *Sites and Policies Plan Part 1: Development Management Policies* (DMP) on 19 July 2016. Policy GDP/3 of the adopted *North Somerset Replacement Local Plan* (LP) has therefore been superseded and I have not taken it into account in this decision.

Main Issue

3. The main issue is the effect of the proposed dwelling on the character and appearance of the area.

Reasons

Character and appearance

4. The appeal site is comprised of a roughly triangular parcel of land, which has a long frontage onto Station Road. It is isolated between two roads as a result of a highway improvement, with a spur road serving residential properties running adjacent to the rear boundary. A number of trees of varying species and maturity occupy the appeal site, which is otherwise laid to grass. The trees are the subject of a Tree Preservation Order (TPO) (No.424). The boundaries are marked by low post and rail fencing.
 5. The appeal site is situated in a largely residential area. Nearby development on the eastern side of Station Road is generally comprised of well-spaced dwellings situated in generous plots containing maturing landscaping, resulting in an irregular and loose-knit pattern of development. This contrasts with the more built-up feel of detached housing along the western side of the road and gives the locality semi-rural qualities. The appeal site is not a designated local green space and I understand that there are no proposals for its designation as
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such. It is in private ownership and as far as I am aware, there are no public rights of access. Even so, due to its largely open and undeveloped nature and the presence of the TPO trees, the appeal site is imbued with a pleasant, sylvan character and a sense of spaciousness. This makes a substantial visual contribution in the street scene to the semi-rural character and appearance of the locality.

6. The proposed dwelling would accommodate three bedrooms and an integral garage and it would be arranged over two storeys. It would be positioned towards the wider, northern end of the appeal site and would be set back from Station Road. The proposed dwelling would not appear especially cramped on its plot and it would take up a relatively small part of the appeal site, with the remainder not being occupied by buildings and the southern half laid out as open space. Dwellings in the surrounding area exhibit a variety of ages and styles and the proposed dwelling would reflect the characteristics of the detached housing on the western side of Station Road in terms of its scale, general design and materials.
7. Nevertheless, the proposed dwelling would have a significant overall scale and bulk. The presence of such a substantial built form on the appeal site would result in the significant erosion of its open and undeveloped characteristics. The proposed dwelling would also be in a comparatively isolated situation in the street scene, unrelated to any nearby dwellings and closer to Station Road than some nearby housing. As a result, it would appear as an obvious and discordant feature in the street scene, at odds with the established pattern of development along the eastern side of Station Road. All the above would lead to a more built-up feel in the locality, significantly eroding its existing semi-rural characteristics. Retaining most of the TPO trees and the new tree planting and hedging along the plot boundaries would only slightly soften the overall appearance of the new built form. The photomontages submitted did not provide convincing evidence that the proposed dwelling would not cause the harm identified above.
8. The parking area and residential curtilage associated with the proposed dwelling would introduce hardsurfacing, parked vehicles, ornamental planting and other residential paraphernalia to the appeal site, thus also contributing to a more residential appearance and further eroding its undeveloped and open characteristics. The existing and proposed tree planting would not greatly assist in screening the above incidences of residential use. In particular, the proposed boundary hedge planting, although not dissimilar to some planting along the boundaries of residential property in the vicinity, would only partly ameliorate the more residential appearance of the proposed curtilage, especially as there would be views into the plot in the vicinity of the new vehicular access. Moreover, the proposed hedge planting would create a greater sense of enclosure, which would be at odds with the current, largely open characteristics of the appeal site. The use of conditions to restrict the future erection of boundary fences and walls and to control the materials used in the surfacing of the parking area would not satisfactorily address the visual harm caused by the residential curtilage and the parking area.
9. I acknowledge that there is an extant permission for the creation of a new vehicular access off Station Road¹. Whilst I have not been provided with

¹ Council reference 14/P/2039/F dated 19 December 2014.

details of the approval, it is unlikely to have a similar overall visual impact to that of the appeal scheme. The proposed dwelling might ensure the future management of the appeal site. Even so, it does not inevitably follow that dismissing the appeal would result in the appeal site becoming overgrown or subject to flytipping in future. I also note some support from interested parties on the basis of an improvement to the appeal site. However, none of the above matters affect my overall finding that the proposed dwelling would cause unacceptable harm to the character and appearance of the area.

10. Therefore, the proposed dwelling would not accord with DMP Policy DM32, as it would not be sensitive to the local character and the setting and it would not enhance local distinctiveness, contribute to a sense of place and identity, or respect the characteristics of the site and its surroundings. The proposed dwelling would also not accord with DMP Policy DM37, as in terms of its siting and scale it would not be in keeping with and would harm the street scene, adversely affecting the character of the area.
11. Furthermore, the proposed dwelling would not accord with saved Policy H7 of the LP, as it would not respect the character of the surrounding area. Additionally, the proposed dwelling would not accord with Policy CS5 of the adopted *North Somerset Core Strategy* (CS), as it would not protect the distinctiveness, diversity and quality of North Somerset's townscape. The proposed dwelling would also therefore not accord with Policy CS12 of the CS, as it does not demonstrate sensitivity to the existing, established local character and it does not enhance the sense of place and local identity. It therefore follows that the proposed dwelling would also not be consistent with the requirements of good design set out at Section 7 of the National Planning Policy Framework (the Framework).
12. Both main parties have made reference to Policy SA8 of the Council's emerging *Sites and Policies Plan Part 2: Site Allocations Plan (SAP)*, which seeks to resist development that would unacceptably affect the qualities of valuable undesignated green space. However, I am given to understand that this policy has been the subject of objections at consultation stage and to date the SAP has not been the subject of independent Examination. Therefore, in accordance with the approach set out in Section 216 of the Framework, I intend to give Policy SA8 limited weight.

Other matters

13. I have taken account of the appellant's offer to transfer the southern half of the appeal site to a public body for use as public open space. A completed Planning Obligation has been provided in this respect. However, there has been no suggestion that there is an identified shortfall of public open space in the Council's area. The character and appearance of that half of the appeal site is likely to remain similar, whether it were in public or private ownership. Consequently, the Planning Obligation would not address the harm that would be caused by the proposed dwelling. However, as I am dismissing the appeal it is not necessary for me to look at the Planning Obligation in further detail.
14. I have considered the other matters raised by interested parties. These include the alleged adverse effects of the proposed dwelling on: highway safety, the living conditions of occupiers of neighbouring property, the TPO trees and ecology, as well as a concern over an increased risk of crime. However, the

Council did not object to the proposed dwelling on any of these grounds and I have not found any reasons to disagree with their assessment.

Planning balance

15. In order for the proposed dwelling to achieve the objectives of sustainable development, the three mutually dependent roles set out at paragraph 7 of the Framework-economic, social and environmental-must all be assessed. The proposed dwelling would provide small-scale economic benefits, notably by generating and sustaining jobs in the construction sector, albeit in the short term, and by bringing some additional wealth from incoming residents into the local economy in the medium to longer term.
16. The proposal would also provide some modest social benefits. The proposed dwelling would make a small-scale contribution to the supply of new housing in North Somerset. Both main parties accept that the Council does not have a five-year supply of housing land. The proposed dwelling would therefore make a limited contribution towards meeting an identified undersupply of housing, in an accessible location in relation to local services and facilities, with good links to public transport and with a low risk of flooding. This is a benefit to which I shall afford moderate weight. The modest increase in population and increased use of local services and facilities that would flow from the proposed dwelling would also make a small contribution to enhancing the vitality of the town.
17. However, the proposed dwelling would not fully achieve the social role of sustainable development, as it would not create a high quality built environment. Moreover, having regard to the failure to contribute to protecting and enhancing the built environment, the proposed dwelling would not achieve the environmental role. These adverse impacts of the proposed dwelling would therefore significantly and demonstrably outweigh the small-scale benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the proposed dwelling would not amount to sustainable development.

Conclusion

18. The proposed dwelling would not accord with the Development Plan or the Framework and for the reasons given above I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR