



Appeal Decision

Site visit made on 17 July 2018

by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 06 September 2018

Appeal Ref: APP/Q3305/W/3200612

Land to the rear of 5 Dalleston, Binegar BA3 4UD

- 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 Thatcher against the decision of Mendip District Council.
 - The application Ref 2017/1797/FUL, dated 26 June 2017, was refused by notice dated 13 November 2017.
 - The development proposed is a 2 bedroom single storey dwelling with parking.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The government published the revised National Planning Policy Framework on 24 July 2018 and the main parties have been given an opportunity to comment on this. My decision is made in the context of the revised Framework.

Main Issues

3. These are (i) the effect of the proposed development on the character and appearance of the area; and (ii) whether the development would provide satisfactory living conditions for future occupiers with regard to outdoor amenity space.

Reasons

Character and appearance

4. The appeal site forms part of the rear garden of 5 Dalleston (the host property) which is a semi-detached two storey dwelling sited on the corner of Dalleston and Turner Court Lane. The host property and others nearby along Turner Court Road are two storey semi-detached dwellings set away from the highway by their front gardens and, in places, also by a verge. The houses fronting Turner Court Road have steeply sloping roofs and some have prominent gables. These properties generally have long rear gardens. Overall there is an open and spacious quality to this part of Turner Court Road.
5. This spacious quality is also evident along Dalleston where the rear gardens of the host property and the house on the opposite corner maintain a sense of openness at the entrance to Dalleston. The two storey semi-detached properties fronting Dalleston are set back from the road and have long back gardens. The two storey group of four flats opposite numbers 11 and 12

- reflect some of the external design characteristics of the semi-detached dwellings including a pitched roof and are of a similar scale.
6. Binegar Parish Council advise that Dalleston dates from 1927 and suggest that its design with high pitched roofs and low eaves was influenced by the Arts and Crafts movement. I agree with their assessment that Dalleston represents a harmonious street scene. Furthermore, the group of houses comprising the Dalleston development has a distinctive quality.
 7. The rear garden of the host property runs alongside Dalleston and the proposed dwelling would take access from Dalleston. The dwelling would be sited close to the boundaries of Nos 6 and 11 Dallaston and the proposed boundary with the host property. Parking is proposed in front of the bedroom windows and a small garden area would be provided in front of the living room and kitchen.
 8. The flat roofed single storey design of the proposed dwelling would be wholly at odds with the prevailing and distinctive character of the dwellings in the immediate area. In addition, the dwelling would have the appearance of being cramped within its plot, as it would be very close to boundaries with other dwellings on three sides and have only a modest amount of external amenity space, in contrast with other dwellings in the locality. The arrangement of parking for the existing and proposed dwelling would result in four adjacent spaces fronting the road. This arrangement would emphasise the alterations in the character and appearance of the site and preclude opportunities to mitigate the visual impact of the proposed building in views from the road.
 9. The proposed development would harm the character and appearance of the Dallaston group. The development would fail to contribute positively to the maintenance and enhancement of local identity and distinctiveness, and the proposal has not been formulated with an appreciation of the built context of the locality or its distinctive street scene. It would therefore not meet the requirements of Paragraphs 1 and 2 of Development Policy 1 of the Mendip District Local Plan 2006 – 2029 Part 1: Strategy and Policies adopted in December 2014 (the Local Plan). The proposal would also fail to meet the expectations of Local Plan Policy DP7 which supports high quality design and which requires proposals to demonstrate, amongst other matters, that they are of a scale, mass, form and layout appropriate to the local context.
 10. The appellant has secured a certificate of lawfulness in respect of a proposed domestic outbuilding which the evidence states would be permitted development by virtue of Schedule 2 Class E Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. The proposed outbuilding is stated to be of the same external appearance and siting as the proposed dwelling. Fencing has been erected which divides the garden of the host property although the appeal site and the host dwelling remain in one ownership.
 11. Various permitted development rights are cited by the appellant in written evidence and on the drawings. However, the proposal which is before me is an application for a new dwelling. The certificate of lawfulness is not a grant of planning permission for a dwelling. The outbuilding has not been constructed and this limits the weight I attribute to this 'fallback' position.

12. The appellant refers to the garage in the garden of No 4 Dalleston, on the opposite corner to the host property. However, this is an ancillary building and sited with a different orientation to the road from that proposed in the appeal scheme. I have also taken into account the parking area created for No 4 parallel to the road but these factors are not sufficient to alter my findings with regard to the appeal proposal.

Living conditions

13. The garden area would not offer privacy to future occupiers due the height of the proposed fencing. The proposed dwelling would be of a size sufficient to accommodate 3 people and meets the nationally described space standards in this respect. I am not directed to any specific standards by the Council relating to garden size. Whilst the garden would be relatively small and would lack privacy, I find that this aspect of the proposal would not amount to unacceptable living conditions for future occupiers of the proposed dwelling. Consequently, the proposal would not conflict with that part of Local Plan Policy DP7 b) which requires development to provide a satisfactory environment for future occupants.

Conclusions

14. The Framework sets out that good design is a key aspect of sustainable development. It also promotes the efficient use of land taking into account, amongst other matters, the desirability of maintaining an area's prevailing character and setting including residential gardens. Gardens in built up areas are excluded from the definition of previously developed land. Whilst the proposal would make efficient use of land, this would be at the expense of considerable harm to the prevailing character of the area. I find that the proposal fails to meet the expectations of the Framework with regard to the importance of good design.
15. The Council confirm that within the development limits of Binegar the development of a dwelling is acceptable in principle. However, I have found there to be a clear conflict with the development plan in terms of the adverse effect of the proposal on the character and appearance of the area. Whilst there would be some benefits in terms of providing an additional dwelling to add the supply of housing, the material considerations in this case are insufficient to outweigh the conflict with the development plan.
16. For the reasons given above I conclude the appeal should be dismissed.

J E Tempest

INSPECTOR