



Appeal Decision

Site visit made on 2 June 2020

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2020

Appeal Ref: APP/D0121/W/19/3243180 **Land off Front Street, Churchill, BS25 5NB**

- 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 and Mrs Jonathan and Zena Tout against the decision of North Somerset Council.
 - The application Ref 19/P/1959/FUL, dated 9 August 2019, was refused by notice dated 28 November 2019.
 - The development proposed is construction of single dwelling house and garage with associated access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the original planning application was determined, the Churchill Conservation Area has been designated. As a consequence, the appeal site is now located within a conservation area which brings with it statutory duties in relation to my assessment of the appeal.
3. The appellant has provided comments in relation to this matter at the Final Comments stage. I am therefore satisfied that both parties have had the opportunity to comment on the implications of the recent designation for the appeal. Consequently, I have not gone back to the parties on this matter and have determined the proposal on the basis of the evidence that I have before me.

Main Issues

4. The main issues are the effect of the proposal on:
 - i) the character and appearance of the surrounding area, having particular regard to the effect on the Churchill Conservation Area (CA); and
 - ii) the living conditions for the occupants of the property known as Kewstoke, having particular regard to outlook and privacy.

Reasons

Character and appearance

5. The appeal site is located on a relatively narrow highway within verdant surroundings whereby the presence of mature landscaping and large trees

- provide the area with a semi-rural character. The site itself constitutes a large, spacious and open parcel of land, located between two existing dwellings. Due to its undeveloped nature, in its current form, the appeal site positively contributes to the semi-rural character and appearance of the area.
6. As identified above, the appeal site is also located within the recently designated CA. Accordingly, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
 7. The Council's Conservation Area Appraisal (CAA) states that Front Street has the classic character of a rural country lane. This is due to its lack of pavements and street lighting. In addition, the collection of historical dwellings and rubble lime-stone walled boundaries all contribute to the distinct character of the street. The CAA acknowledges that there has been limited infill to the side or rear of older properties, but states that development is mostly linear. Based on my own observations on site, I entirely agree with the analysis within the CAA.
 8. The proposal would introduce a new dwelling onto the site. Although it would be located between two existing residential plots, the proposed building would be set further back from the highway than either of the neighbouring buildings. The proposed dwelling would be a double gable-fronted, two storey property. It would be a wide building, and due to its width and height, it would have a substantially larger mass than the neighbouring houses. The levels of the site would also have the result of the building being located at a somewhat elevated position when viewed from the road. As a consequence, the proposal would have an imposing presence when viewed from the street.
 9. The site benefits from an extant planning permission for a new dwelling. However, from the evidence that I have before me, this dwelling would be set closer to the road. As a consequence, it would have a more sympathetic relationship with the neighbouring houses. My attention has also been drawn to other development in the area that extends further towards the north, as well as developments of a larger scale than their neighbours. These examples are noted, and they do contribute to the broader urban grain. I also note that the front of the site is located within the settlement boundary. However, these matters do not alter my findings as set out above.
 10. Accordingly, due to the land levels and the location, width, and overall bulk of the proposed dwelling, I find that it would become a dominant feature within the road. This would be to the detriment of the semi-rural character that makes such an important contribution to the CA. Accordingly, I find that the proposal would have a harmful effect on the CA.
 11. The level of harm would be less than substantial. Accordingly, Paragraph 196 of the National Planning Policy Framework (the Framework) requires this harm to be weighed against the public benefits of the proposal. In terms of benefits, the proposal would make a small contribution to housing supply in the district. In addition, it would make use of a site that would be broadly suitable for development in a sustainable location. The proposal would also create jobs during the construction phase and be liable for Community Infrastructure Levy contributions.

12. However, the proposal would only create one additional dwelling and therefore the scale of these benefits would be limited. In addition, the site already benefits from an extant planning permission for a single dwelling which would likely bring with it comparable benefits. Accordingly, I only attach limited weight to the public benefits of the proposal. However, to execute the balancing act described above, the Framework requires great weight to be given to any harm to a designated heritage asset. Accordingly, due to the limited weight attached to the public benefits of the proposal, these would not outweigh the harm that I have identified.
13. Consequently, having particular regard to the effect of the proposal on the CA, I conclude that it would have a harmful effect on the character and appearance of the area. It would therefore fail to accord with Policies CS5, CS12 and CS32 of the North Somerset Core Strategy (2017), policies DM10, DM32 and DM37 of the North Somerset Sites and Policies Plan Part 1 (2016) (SPP), and advice contained within the North Somerset Landscape Character Assessment Supplementary Planning Document. Taken together, these seek amongst other things, high quality design which conserves the historic environment of North Somerset and demonstrates sensitivity to local character.

Living conditions

14. The proposed dwelling would be located beyond the neighbouring dwelling known as Kewstoke. Accordingly, its easterly facing elevation would run adjacent to the neighbouring amenity space. The side of the building would appear as a two storey structure with a pitched roof. However, it would also be a relatively deep building, with the side elevation having no particular relief in its mass or scale. As a consequence, the building would appear as a large and imposing structure when viewed from the amenity space of Kewstoke. Therefore, the combination of the depth, height and overall mass of the building, as well as its location on the site, would result in the structure having an oppressive effect on the neighbouring property. Accordingly, it would be an overbearing structure that would harm outlook.
15. The proposal would also introduce first floor windows within the east facing side elevation. However, the drawings make it clear that these would be glazed with obscure glass, a matter that could be secured by way of a suitably worded planning condition. I am therefore satisfied that the proposal would not harm the privacy enjoyed by the occupants of Kewstoke. Nevertheless, for the reasons identified above, the proposal would harm outlook. I therefore conclude that the proposal would harm the living conditions of the occupants of the neighbouring property. It would therefore fail to accord with Policies DM32 and DM37 of the SPP and guidance contained within the North Somerset Residential Design Guide Supplementary Planning Document (2013). Taken together, these seek amongst other things, design and layout that does not prejudice the living conditions for adjoining occupiers.

Other Matters

16. The Council have confirmed that they cannot demonstrate a 5 year supply of deliverable housing sites and I note that the appellant has provided much evidence in relation to this matter. Consequently, the requirements of Paragraph 11 of the Framework are engaged. This states that where the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the

Framework that protect assets of particular importance, provide a clear reason for refusing the development proposed. Footnote 6 to paragraph 11 confirms that such policies include those relating to designated heritage assets.

17. As identified above, I have found that the harm to the CA would outweigh the public benefits of the proposal. Accordingly, policies in the Framework provide a clear reason to refuse the development proposed. The proposal therefore does not benefit from the presumption in favour of sustainable development.

Conclusion

18. For the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR