



Appeal Decision

Site visit made on 17 November 2020 by C Brennan BAE (Hons) M.PLAN MIPI

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020

Appeal Ref: APP/D0121/W/20/3256818

1 Boundary Cottage, Binhay Road, Yatton BS49 4HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Bryant against the decision of North Somerset Council.
 - The application Ref 19/P/2362/OUT, dated 23 September 2019, was refused by notice dated 29 January 2020.
 - The development proposed is a dwelling with garage located at the bottom of the garden area.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The address of the appeal site included on the application form refers to 1 Boundary House. However, the site is referred to as 1 Boundary Cottage within the appeal form, and I saw during my site visit that a sign attached to the property clearly stated 1 Boundary Cottage. As such, I have referred to 1 Boundary Cottage within the banner heading above.
4. The name of the applicant on the application form is Mr Bryant. The name of the appellant on the appeal form is Mr Peter Bryant. It has been confirmed in subsequent correspondence from the agent that this is the same person.
5. The application was submitted in outline with all matters reserved. I have considered the appeal on the same basis.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons for the Recommendation

7. The appeal site comprises a pair of semi-detached dwellinghouses with large rear gardens. The surrounding area is primarily characterised by dwellinghouses with similarly substantial rear gardens. While some of the surrounding properties have single-storey outbuildings within their rear
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gardens, there is no example of backland residential development in the immediate vicinity of the appeal site. Within this context, the proposed dwelling and garage would appear as incongruous, cramped additions within the established pattern of development and would be plainly visible within public views from Binhay Road, as well as within private views from surrounding properties. Even if the proposed dwelling was a bungalow rather than two-storey dwellinghouse, it would nevertheless reduce the size of the gardens of both Nos 1 and 2 Boundary Cottage and would itself have a smaller garden area than adjoining sites, and so would further erode the character of the area. As such, the proposal would cause unacceptable harm to the character and appearance of the surrounding area.

8. While I agree that the surrounding area represents a sustainable location for residential development, the proposed backland location would nonetheless be uncharacteristic of the surrounding pattern of development.
9. I note that appeal site does not lie within a Conservation Area or an Area of Outstanding Natural Beauty. However, the development plan is explicit that backland development will only be permitted if it responds positively to the character of the area. I have found that this would not be the case.
10. The appellant has drawn my attention to some properties within broader area of the appeal site which do not have road frontage. However, it appears to me that three of the highlighted sites, marked as "the Bungalow", "Mendip View" and "Chilton" on the Site Location Plan, do have road frontage. As others appear to be part of comprehensive housing developments, they do not constitute backland development and so provide no precedent for the proposal.
11. For the above reasons, I conclude that the proposal would cause unacceptable harm to the character and appearance of the surrounding area. The proposal would therefore conflict with Policy DM32 of the Development Management Policies Sites and Policies Plan Part 1 2016 (the SPP) and Policy CS12 of the Core Strategy 2017 which state, amongst other things, that development should demonstrate sensitivity to the local character and integrate with the surrounding environment. The proposal would also conflict with Policy DM37 of the SPP, which states that any proposal for new dwellings on backland plots within predominantly residential areas will only be permitted if it does not adversely affect the character of the area.

Other Matters

12. The parties agree that the Council cannot demonstrate a 5 years supply of housing, though the extent of the shortfall appears to be modest. Therefore paragraph 11(d) of the National Planning Policy Framework (the 'Framework') applies. As the site is not within an area, or would affect an asset, of particular importance, paragraph 11(d)(i) is not relevant to the appeal. However, the test in paragraph 11(d)(ii) should be applied. This requires an assessment of the proposal against the policies in the Framework taken as a whole.
13. The Framework expects development to be visually attractive as a result of good layout whilst maintaining a strong sense of place using the arrangement of streets to create attractive, welcoming and distinctive places to live. Policies DM32 and DM37 of the SPP and Policy CS12 of the Core Strategy 2017 are therefore consistent with the Framework. Even taking into account the

Council's failure to deliver sufficient housing, the conflict between the proposal and the development plan should be given significant weight in this appeal.

14. Set against the harm identified there would be limited benefits associated with the proposal, such as its sustainable location. Also, an additional unit, while beneficial, would make little difference to the overall delivery of housing. While the proposal may not cause harm to the living conditions of neighbouring occupants or highway safety, these are neutral considerations which do not weigh in favour of the proposal. Therefore, the adverse impacts on the character and appearance of the area would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
15. I note that there is some dispute between the appellant and the Council regarding the interpretation of paragraph 14 of the Framework. However, even if I were to accept the appellant's position on this matter, the proposal would still be unacceptable when assessed under paragraph 11(d)(ii) as set out above.

Conclusions and Recommendation

16. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework which outweigh this. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR