

## Appeal Decision

Site visit made on 22 November 2016

**by Colin Cresswell BSc (Hons) MA MBA MRTPI**

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

**Decision date: 15 December 2016**

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### **Appeal Ref: APP/R3325/W/16/3156298**

**Land adjoining Number 15, Broadmead Lane, Norton sub Hamdon, Stoke sub Hamdon TA14 6SS.**

- 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 Clive Grinter against the decision of South Somerset District Council.
  - The application Ref 16/00612/FUL, dated 9 February 2016, was refused by notice dated 11 April 2016.
  - The development proposed is single storey eco dwelling and relocation and alterations to existing access.
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### **Decision**

1. The appeal is dismissed.

### **Procedural Matter**

2. Revised drawings were submitted during the appeal process (705/010 rev B, 705/011 rev A and 705/020 rev A) in response to concerns regarding the accuracy of the originals. The revised drawings are identical to the originals in all respects except that some corrections have been made to the labelling of site levels. The Council has confirmed that they are now satisfied with the accuracy of the revised drawings. Considering that the revised drawings do not alter the original proposal in any way, no party would be prejudiced if I were to determine the appeal on the basis of them. I have therefore determined the appeal on the basis of the revised drawings.

### **Main Issues**

3. The main issues in this case are:
  - whether the proposal would preserve or enhance the character or appearance of the Conservation Area.
  - whether the proposal would make adequate provision for drainage.

### **Reasons**

#### *Character and appearance*

4. This part Broadmead Lane maintains a distinctly rural and verdant appearance. One side of the road is defined by a mature hedgerow, behind which there is undeveloped land. The opposite side of the road contains a row of traditionally proportioned cottages, which are situated within the Norton sub Hamdon
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Conservation Area. Whilst the significance of the Conservation Area is mainly derived from the architectural quality of the buildings, the street scene within this particular part of Broadmead Lane is also characterised by its setting adjacent to open fields on the edge of the countryside.

5. The appeal site forms part of the open land directly opposite the existing row of cottages. Although the hedgerow which runs along the street frontage is within the Conservation Area, the remainder of the site lies outside the boundary. The site itself is a grassy field which is accessed by a simple wooden gate through the existing hedgerow. While there is a dwelling immediately to the south, the site is continuous with other fields and undeveloped areas to the north and east of the village. The site is therefore more characteristic of the countryside than the built-up areas of Norton sub Hamdon.
6. It is intended to excavate the site so that much of the proposed dwelling would be positioned beneath the ground. As the dwelling would be orientated away from Broadmead Lane, the glazing and principle elevations would be most apparent in longer distance views from properties in Skinners Lane and from various parts of the surrounding countryside. From these perspectives, the contemporary design of the building would contrast with the prevailing style of the cottages within the adjacent Conservation Area. However, as the dwelling would be dug well into the ground and feature a vegetated roof, it would not represent a particularly conspicuous feature within the wider landscape. Consequently, it would not undermine the setting of the Conservation Area when seen from these more distant vantage points.
7. The dwelling would also be inconspicuous within much of Broadmead Lane as the roof would be set well below the height of the existing hedgerow and there would be new planting across the existing site entrance. However, the effects of the development would become more apparent near the proposed new entrance to the north. When standing outside the new entrance, views into the site would mainly be of the driveway and garage door, although other parts of the dwelling could also be glimpsed, including some sections of glazing. Due to its low height, the building would generally maintain a sense of openness and the vegetated walls would go some way to help the dwelling blend in with the surrounding landscape. Nonetheless, the built elements would be clearly perceived and would therefore be read as additional development on a side of the lane that is currently distinguished by its undeveloped appearance. The driveway, in particular, would have a relatively large surface area and there would be obvious potential for vehicles to park there. While the development would not necessarily generate a great deal of noise or activity, the site would clearly assume a domestic character.
8. The visual impact of the dwelling would be exacerbated as a visibility splay would be created by the removal of around 10 metres of hedgerow near the site entrance. I recognise that parts of the hedgerow could be re-planted further back behind the visibility splay, thereby mitigating the impact to a certain extent. However, the width of the lane would be slightly widened as a result of the visibility splay and this would only help to accentuate the proposed new access, through which built development could be clearly seen. The rural qualities of the lane, including the sense of enclosure as the lane winds northwards, would therefore be somewhat eroded by the cumulative effect of these alterations. As such, the proposal would undermine the rural characteristics of the Conservation Area in this location.

9. I appreciate that the dwelling would be relatively innovative in its design and would successfully respond to many of the concerns raised by the Inspector in the previous Appeal Decision<sup>1</sup>. I also note that the development would result in a net increase in the length of the hedgerow within Broadmead Lane. However, it has not been convincingly demonstrated that the merits of the proposal, when taken as a whole, are sufficient to outweigh the harm that I have identified above. In reaching this decision I am particularly mindful that the National Planning Policy Framework (The Framework) states that when considering the impact of development on the significance of a designated heritage asset, 'great weight' should be given to the asset's conservation.
10. Whilst I have found that the proposal would cause harm to the appearance of the Conservation Area, I consider that the harm I have identified would be less than substantial (as defined in the Framework) and thus paragraph 134 advises that this harm should be weighed against any public benefits associated with the development. In this case, I consider that the benefits of the proposal would be entirely private in nature and therefore would not outweigh the harm that I have previously identified.
11. I therefore conclude on this issue that the proposal would not preserve or enhance the character or appearance of the Conservation Area. There would be conflict with Policies EQ2 and EQ3 of the South Somerset Local Plan 2006 to 2028 (the Local Plan) which aims to promote local distinctiveness, including through the protection of heritage assets.

#### *Drainage*

12. It is indicated by both the Council and local residents that the area is prone to flooding, especially in times of high rainfall. Whilst the site is situated outside Flood Zones 2 and 3, it is nonetheless in close proximity to these zones and hence there is some prospect of the water table being high. This raises a number of issues. Firstly, there is potential for new development to increase surface water runoff and thereby cause flooding elsewhere. Secondly, as much of the proposed development would be built underground, there is potential for surface water to infill the excavated ground and cause the dwelling to flood. There is also potential for groundwater to seep through the walls.
13. The appellant has provided a surface water drainage strategy which proposes a green roof, permeable paving and a soakaway. The Council question the feasibility of this strategy and seek further details. It is argued that infiltration tests should be carried out before any planning permission is granted in order to demonstrate the effectiveness of the proposed soakaway. Whilst I recognise these concerns, the appellant's drainage consultants state that an engineered solution could be implemented even in the event of the proposed soakaway not operating as anticipated. For instance, it is suggested that an attenuation tank could be installed on the site from where water could be pumped into the existing drainage network at a controlled rate. I have little reason to doubt that such a solution would be effective.
14. Overall, the evidence indicates that it would be physically possible to ensure adequate drainage within the site. Hence, in the event of the appeal being allowed, a condition could be imposed requiring further details to be approved prior to the development commencing. Although the dwelling would be in close

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<sup>1</sup> Appeal Decision: APP/R3325/A/13/2206487

proximity to a flood zone, there is little before me to suggest that it could not be adequately waterproofed. The implementation of this would be a matter for consideration during the construction process.

15. I therefore conclude on this issue that appropriate controls could be put in place to ensure that the development would not proceed without adequate provision for drainage. There would be no conflict with Local Plan Policy EQ1 which, among a number of other things other things, requires development to manage the impact of flood risk.

#### *Other matters*

16. I understand that the Council is unable to demonstrate a 5-year supply of deliverable housing land. In circumstances such as these, paragraph 49 of the Framework indicates that the relevant development plan policies should be considered out of date. With this in mind, I am conscious that paragraph 14 of the Framework states that there is a presumption in favour of sustainable development. Where the development plan is out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
17. The Framework states that there are three dimensions of sustainable development; social, economic and environmental. Whilst the social benefit of providing an additional dwelling should not be overlooked, the proposal cannot be seen as a particularly substantial incursion into any shortfall. I therefore give this benefit limited weight. Similarly, whilst there would be economic benefits arising from the construction process, this would not be substantial. Turning to the environmental considerations, I recognise that the site is within a relatively accessible location as the village is served by public transport and contains some basic services. I also appreciate that the proposed dwelling would be designed to maximise solar gain. However, I have determined that the proposal would harm the Conservation Area, the protection of which is assigned 'great weight' within the Framework.
18. For the reasons given above, the adverse impacts of granting planning permission for the proposal would therefore significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole, including the imperative to boost significantly the supply of housing. Despite the merits of the proposal, it does not represent sustainable development for which there is a presumption in favour.

#### *Conclusion*

19. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

*Colin Cresswell*

INSPECTOR