



Appeal Decision

Site visit made on 13 July 2011

by Paul Griffiths BSc(Hons) BArch IHBC

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

Decision date: 9 August 2011

Appeal Ref: APP/H3320/A/11/2148770
12 The Parade, Minehead TA24 5UG

- 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 Mashru & Co. Investments Ltd against the decision of West Somerset Council.
 - The application Ref.3/21/10/147, dated 19 November 2010, was refused by notice dated 20 January 2011.
 - The development proposed is described as rear extension of existing ground floor retail unit; replacement of existing shop-front; change of use and extension of 1st floor store to studio flat (retention of two 1st floor 2 bed flats – LPA ref.3/21/08/099).
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Preliminary Matter

1. From my analysis of the plans it is clear that the description of development is incorrect in referring to the retention of two 1st floor 2 bed flats, because one of them would be at second floor level. I have adjusted the description to suit.

Decision

2. The appeal is allowed and planning permission is granted for rear extension of existing ground floor retail unit; replacement of existing shop-front; change of use and extension of 1st floor store to studio flat; and two 2 bed flats – LPA ref.3/21/08/099 at 12 The Parade, Minehead TA24 5UG, in accordance with the terms of the application, Ref.3/21/10/147, dated 19 November 2010, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 3) The bicycle store shall be completed in accordance with the approved plans before any of the flats hereby permitted are first occupied and it shall be retained for its intended purpose thereafter.
 - 4) No development shall take place until details of the shop-front, including windows, doors, framing and stall-riser, and their finishes, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.

- 5) The development hereby permitted shall be carried out in accordance with the following approved plans: 747.001: Existing Ground and First Floor Plans; 747.002 revision A: Feasibility Ground and First Floor Plans; LPA747.003 revision B: Proposed and Existing Street Elevations; 747.004: Proposed and Existing Rear Elevations; 747.005: Proposed and Existing Sectional Rear/Side Elevations; 747.006: Proposed and Existing Sectional Rear/Side Elevations; and LPA747.007: Site Location Plan.

Main Issues

3. These are (1) whether the proposed studio flat would provide a reasonable living environment for its occupier(s); and (2) whether the proposal would preserve or enhance the character or appearance of the Wellington Square Conservation Area.

Reasons

4. In terms of the studio flat, one of the main objectives of Planning Policy Statement 3: *Housing* (PPS3) is the creation of high-quality housing and in some areas this has resulted in local planning authorities setting space standards. That is not the situation in West Somerset.
5. Nevertheless, I appreciate that the internal area of the studio flat would be relatively small. The creation of cramped living spaces would not accord with the approach of PPS3. However, while relatively small, if fitted and furnished with care, the studio flat would be sufficient in size to prevent it from being cramped. Given the central location close to lots of facilities, it would not necessarily be an unpleasant or sub-standard place to live. The associated roof terrace would provide useful outside space.
6. As well as seeking the creation of high-quality housing, PPS3 also sets out to achieve a mix of housing and notes that the needs of all sectors of society need to be catered for, including single person households. In providing space of that nature in an acceptable manner, the proposed studio flat would accord with that objective of PPS3.
7. Subject to the use of suitable materials, a matter that can be addressed through a condition, the extension and alterations to form additional retail space and the new studio flat would sit comfortably against the rear of the building and in the context of its surroundings. This part of the proposal would preserve both the character and the appearance of the conservation area.
8. I note the observations of the Minehead Conservation Society and others on the replacement shop-front but, in the revised form proposed, it would follow the form of the upper part of the building with the entrance door centred on the doubled windows and the larger gable above. In this way it would relate far better to the existing building than the shop-front currently in place. Materials and finishes can be addressed through a condition. This part of the proposal would enhance both the character and appearance of the conservation area.
9. Following the lead of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CA/1 of the West Somerset District Local Plan is permissive of development in conservation areas where they are compatible with the preservation or enhancement of the architectural or historical character or appearance of the conservation area. The proposal complies with that requirement.

10. I have considered the suggested conditions in the light of advice in Circular 11/95: *The Use of Conditions in Planning Permissions*. As set out conditions are necessary to address the use of materials in the extension to the rear and the details of the construction and finishes of the shop-front. It is reasonable to apply a condition to ensure that the bicycle store is provided before the flats are first occupied. Finally, it is necessary to specify the approved plans.
11. For the reasons given above I conclude that the appeal should be allowed.

Paul Griffiths

INSPECTOR