

Appeal Decision

Site visit made on 27 September 2016

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 10th October 2016

Appeal Ref: APP/X1118/W/16/3152077

11 Swallow Field, Roundswell, Devon EX31 3XB

- 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 Mrs E Pullen against the decision of North Devon District Council.
 - The application Ref 60889, dated 9 March 2016, was refused by notice dated 20 April 2016.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of neighbouring residents with particular reference to outlook and light.

Reasons

Character and appearance

3. The appeal site is situated on the eastern side of the semi-detached dwelling at No 11 Swallow Field. It presently comprises a driveway and part of the rear garden of that property, as well as part of the adjacent open space/landscaping. This landscaping, in combination with other landscaping and the open plan frontages of this relatively densely developed estate, makes a significant and positive contribution to the openness and spaciousness of the location.
 4. Within this context, the appeal dwelling and associated enclosure would project from the side elevation of No 11 towards existing dwellings and enclosures on the opposite side of the road. The dwelling would also significantly reduce the existing gap between the rear of No 11 and the side of No 12 Swallow Field. In doing so, the proposal would substantially erode the sense of spaciousness and openness at this prominent corner location. This harm would not be materially alleviated by the retention of a narrow landscaping strip across the front of dwelling or a tarmac driveway.
 5. The appellant contends that the open grassed area could be enclosed under permitted development rights. Be that as it may, the enclosure would only be to
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a metre in height thereby allowing views of the space and through it. It would not therefore have a comparable effect on openness at this point. The appellant also states that this area could also be hard surfaced. Whilst this would undoubtedly alter the appearance of the site, I have no evidence to suggest that in the event of this appeal being dismissed that this would be likely to occur. This therefore reduces the weight I can afford to such an assertion.

6. Notwithstanding the appellant's view that there is a range of dwellings within the estate, this part of Swallow Field is predominantly characterised by semi-detached dwellings. Although there is some variation to the design of the main elevations, there is a good deal of consistency to the shape and proportions of the dwellings, which have simple pitched roofs and gable end elevations terminating to the side. This established character is not materially altered by any existing extension or outbuilding.
7. Within this context, the appeal proposal would essentially create a short terrace, with the new dwelling having very little visual relationship with the host properties. The dwelling would have differing proportions, a hipped roof and a contrived angular form arising from the constraints of the site. It would be set back significantly from the front elevation of No 11 and its main front entrance would be at right angles to that dwelling. Due also to the constrained nature of the site, the proposed private amenity space would be positioned to the side of the dwelling, thereby contrasting with the surrounding properties which follow a conventional approach with private amenity space situated to the rear of the dwellings.
8. I acknowledge that the dwelling would not project forward of the building line of No 12 and that use of a hipped roof reduces its overall massing. Nevertheless, the appeal proposal would appear as an awkward, cramped and incongruous addition to the street scene, at odds with the prevailing pattern of development in this area. This impact would be compounded by the site's prominent corner location and would not be acceptably alleviated by the use of matching materials or the incorporation of design features found elsewhere within the area. Moreover, given the size of the dwelling, relative to No 11, I do not agree that it would appear as a subservient domestic extension.
9. Accordingly, I find that the proposal would be harmful to the character and appearance of the area, contrary to Saved Policies HSG2 and DVS1 of the North Devon Local Plan 1995 to 2011 (LP), which permits development proposals which achieves identified design principles and does not harm the character and appearance and setting of the settlement. It follows therefore that I also find conflict with paragraphs 17, 56 and 58 of the National Planning Policy Framework (the Framework) which require high quality design that responds to the character of the area.

Living conditions

10. Given the design and orientation of the proposed dwelling in relation to the dwelling at No 12, I do not find that the proposal would result in material harm to the living conditions of the occupiers of that property, in terms of outlook, privacy or loss of light. The use of fixed obscure glazing would also prevent overlooking and loss of privacy to the occupiers of No 10 and No 11.
11. I have not been provided with a policy basis or British Standard guidance in relation to a 25 degree or 45 degree test. Nevertheless, given the size and

extent of the projection of the dwelling behind the rear building line of Nos 10 and 11, there would be a consequential loss of daylight experienced by the occupants of those properties. Even if the effect on No 10 would not be sufficient in its own right to withhold planning permission, the effect on No 11 would be significant.

12. The outlook from the rear of No 11 and its rear garden area would also be dominated by a mass of built form in a way that I consider would be very overbearing and oppressive. The fact that No 11 is occupied by the appellant is not a good reason to allow the development as paragraph 17 of the Framework states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
13. Whilst the appellant refers to harm arising from exercising permitted development rights at No 11, the Council's evidence demonstrates that no such permitted development rights exist by reason of Condition 13 of planning permission 5311.
14. I conclude therefore that the proposal would result in substantial harm to the living conditions of the occupiers of neighbouring properties in conflict with Saved LP Policy DVS3, which seeks to resist development which would harm the amenities of any neighbouring uses.

Other matters

15. The appellant asserts that the Council cannot demonstrate a five-year supply of deliverable housing sites. In such cases, the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development and that the Council's Policies for the supply of housing are out of date. Consequently, on the basis that the Council is unable to demonstrate such a five-year supply of housing sites, I acknowledge that the appeal proposal would contribute to this deficit as well as the mix of housing. The proposal would also attract short term economic benefits from the construction of the dwelling. However, the social and environmental adverse impacts I have identified would significantly and demonstrably outweigh the benefit arising from the provision of one dwelling.
16. Whilst the appeal site may benefit from a sustainable location, as set out in the Framework, good design is a key aspect of sustainable development and on the basis of the harm to the character and appearance of the locality and the living conditions of neighbouring residents, the proposal would fail to meet the sustainability aims of the Framework.
17. As it is confirmed that the proposal would not amount to affordable housing, as defined by the Framework, the benefits in favour of such provision do not apply to the planning balance in this case.

Conclusion

18. For these reasons, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

Inspector