
Appeal Decision

Site visit made on 20 September 2016

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 20th October 2016

Appeal Ref: APP/U1105/W/16/3150643

Aller House, Knowle Village, Budleigh Salterton, Devon EX9 6AP

- 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 S Richards against the decision of East Devon District Council.
 - The application Ref 15/2148/OUT, dated 7 September 2015, was refused by notice dated 8 April 2016.
 - The development proposed is described as "Proposed Dwelling to the Rear of Aller House, Knowle Village, Budleigh Salterton".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline with all matters reserved. I have dealt with the appeal on this basis, treating the site plan which shows the proposed access as illustrative.
3. The Council has advised that, following the Court of Appeal's judgement on 11 May 2016¹, it would not now be seeking an affordable housing contribution in accordance with Strategy 34. The Council wishes to withdraw the second reason for refusal cited in the decision notice. Therefore, it is not necessary for me to consider this issue as part of the appeal.

Main Issues

4. The main issues are the effect of the development on: (i) the character and appearance of the area, in particular the East Devon Area of Outstanding Natural Beauty (AONB) and; (ii) the living conditions of the future occupants and existing residents, in particular of the host dwelling, with regard to noise, disturbance and privacy.

Reasons

Character and Appearance

5. The appeal site comprises part of the rear garden of the property known as Aller House, the host dwelling. The site is located on the edge of the built-up Area of Knowle Village and is within the AONB. The surrounding area is characterised by predominantly detached, two storey houses set within

¹ Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council C1/2015/2559; [2016]

- relatively large plots. The houses tend to front onto the road in a ribbon form of development.
6. The site is a rectangular parcel of land, which is at a higher level than the host dwelling due to the northward slope of the land. The proposed dwelling would be sited directly to the rear of the host dwelling and would utilise the existing vehicular access from the road. Development in rear gardens in the vicinity is limited to outbuildings or annexes, and consequently, the relationship between the existing and proposed dwelling would not reflect the established character of the area. Also, the higher land level of the plot, and the proximity of the host dwelling, would restrict the size and type of development that could be accommodated. It is likely that any dwelling designed to meet the constraints of the plot would not be of a design and proportions that would be consistent with the surrounding development.
 7. The appeal site adjoins open fields to the north and the garden forms a transition between the village development and the countryside beyond. The proposal would intensify the development of the plot and would erode the 'edge of village' character provided by the rear garden. I appreciate that the neighbouring property, known as Quince, is set further back in the plot than the host dwelling. However, the garden of Quince is extensive giving it a spacious appearance. In contrast, the proposed development would have a cramped appearance due to the small size of the plot, which would be detrimental to character and appearance of the area. I agree that the dwelling would be screened to a certain extent by the host dwelling, but it would be visible in views from the north.
 8. I conclude on this issue that the proposal would not meet the aims of Strategy 6 of the East Devon Local Plan 2013 to 2031 (adopted January 2016) (the Local Plan), which seeks to ensure development is compatible with the character of the site and its surroundings, and Policy D1 which seeks, amongst other things, to ensure development respects the key characteristics and special qualities of the area. Moreover, the proposal would not conserve and enhance the natural beauty of the area, contrary to the statutory purpose of the AONB designation, and would not meet the aims of Strategy 46 of the Local Plan or the National Planning Policy Framework (the Framework).

Living Conditions

9. There is an existing driveway as far as the rear wall of the host dwelling, which would be extended to provide access to the proposed development. Due to the size and position of the existing house, there would be no other way to gain access to the plot. This means that any vehicles would pass close to the host dwelling and its rear garden area. I saw from my site visit that there are windows to main habitable rooms, and a rear patio area, that would be particularly close to the proposed driveway. It is likely that the additional use of the access by vehicles and pedestrians would lead to an increased level of noise and disturbance to the detriment of the living conditions of the existing occupiers. This would be exacerbated if a turning area were to be provided at the rear of the host dwelling. I have considered the appellant's suggestion that parking could be provided at the entrance with pedestrian access only to the proposed dwelling. However, this would not create suitable living conditions for future occupiers and, in any event, would not overcome the issue of increased noise and disturbance from pedestrians.

10. The Council has also raised concerns about the effects of overlooking and dominance. I saw from my site visit that both side boundaries have mature trees and shrubs which would provide screening to the adjoining properties. However, the dwelling would be relatively close to the host dwelling and at a higher level. It is likely that there would be overlooking of the host dwelling and its rear garden area. Appropriate fencing may limit views between properties, however, this is unlikely to mitigate overlooking towards the host dwelling due to the land levels. The effects of dominance could be mitigated through a low profile design, but this would not necessarily reflect the character of the area, as described above.
11. I conclude on this issue that the proposal would have an adverse effect on the living conditions of the occupiers of the host dwelling due to noise and disturbance and loss of privacy. Therefore, the proposal would not meet the aims of Policy D1 of the Local Plan which seeks to ensure, amongst other things, that development does not adversely affect the amenity of adjoining occupiers. The proposal would not meet the aims of the Framework insofar as it seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

12. I note that a Unilateral Undertaking, under Section 106 of the Town and Country Planning Act 1990, has been submitted to secure a financial contribution towards mitigating the impacts of development on the Special Protection Area. The Council is satisfied with the provisions of the Unilateral Undertaking. However, as I have found the development to be unacceptable for the reasons given above, it is not necessary for me to consider whether this would meet the tests of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and Paragraph 204 of the Framework.

Conclusion

13. I have considered the benefits of the proposal, that it would make a very small contribution towards the District's housing supply and would be designed to minimise the environmental impact. However, the Framework advises that great weight should be given to conserving landscape and scenic beauty in AONBs, and the benefits do not outweigh the harm described above. Consequently, the appeal should be dismissed.

Debbie Moore

Inspector