
Appeal Decision

Site visit made on 15 November 2016

by H Porter BA(Hons) PGDip IHBC

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

Decision date: 20 December 2016

Appeal Ref: APP/U1105/W/16/3155015

1 Meadow Close, Budleigh Salterton, Devon EX9 6JN

- 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 Robert Walmsley against the decision of East Devon District Council.
 - The application Ref 15/2408/OUT, dated 16 October 2015, was refused by notice dated 30 June 2016.
 - The development proposed is erection of detached dwelling and a garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline, with all detailed matters reserved. I have dealt with the appeal on that basis, treating the site plans, elevations and parking layout as illustrative.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of occupiers of neighbouring properties, with regard to privacy, outlook, noise and disturbance.

Reasons

Character and appearance

4. The appeal site is situated on the western side of Meadow Road, a residential street close to the centre of Budleigh Salterton. Whilst building ages and architectural styles vary, the broadly consistent building-line, with properties set behind front gardens of a similar depth, gives cohesion to the street scene. Detached and semi-detached houses also tend to have generous rear garden plots, with gaps between individual and pairs of houses giving views through to the mature trees and planting within them. Coupled with the relatively hilly local topography, the plot rhythm and spacing of houses plays an important role in off-setting the density of built form and contributes positively to the sense of a verdant and spacious environment.
 5. Number 1 Meadow Close (No 1) is the last house on the hill of Meadow Road as it rounds into Meadow Close. The L-shaped garden extends behind that of
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Number 8a Meadow Road (No 8a), so that, viewed from the street, the rear gardens provide a green buffer to the development in Little Knowle. The views to the trees and vegetation on and around the appeal site make a positive contribution to the Meadow Road street scene.

6. The proposed development would introduce a detached dwelling on the rear garden plot of No 1. Irrespective of the final layout, the new dwelling would reduce the important gap that currently exists between the surrounding dwellings and replace views to private planting with built form. The sense of openness that characterises the area around the appeal site would consequently be eroded. This impact would be exacerbated by the loss of a portion of the existing front garden to facilitate off-street parking. Overall, the appeal scheme would materially change the character of the garden, and the site's contribution to the greening of the street scene would be markedly diminished.
7. Even if tucked into the rearmost corner of the garden plot, the development would be visible from the street, and set back noticeably from the established building-line. What would remain of the garden for No 1 would be substantially truncated, and that for the proposed dwelling would also be uncharacteristically small. While the resulting gardens would be of a similar size to No 8a, this would be atypical of the area and undermine the established pattern of long, rear garden plots. Irrespective of the detailed design of the dwelling, it is the tight relationship between the proposal and its neighbours that would result in the appearance of a cramped development on a constrained plot. The appeal scheme would therefore harmfully erode the sense of spaciousness, to the detriment of the site and the surrounding area.
8. Overall, I conclude that the proposed new dwelling would fail to respect the existing pattern of development and would be harmful to the character and appearance of the area. The development would therefore conflict with Strategy 6 and Policy D1 of the East Devon Local Plan 2013 – 2031 (the Local Plan), insofar as they require development to be compatible with the character of the site and its surroundings, and to respect the characteristics and special qualities of the area. The scheme would also not be in accordance with the policies within the National Planning Policy Framework (NPPF), which require good design that responds to local character.

Living conditions

9. Towards the rearmost corner, the plot slopes up as it meets the back gardens of Meadow Close properties and the garden to the side of 10 Little Knowle. The existing garden of No 1 is relatively long and wraps behind that of No 8a, which sits lower on the hillside. The generous garden sizes that currently exist provide ample separation between neighbouring properties and gardens, limiting opportunities for overlooking.
10. As the scheme is in outline, there are no details at this stage by which to judge the final layout and design, although it is accepted that the development will be towards the northern corner. While the proposed development site is bounded on all sides by neighbouring gardens, I consider the topography would establish a certain sense of seclusion between a single-storey and its neighbours. However, at two-storeys, first floor windows would overlook at least one of the neighbouring gardens and undermine the good degree of privacy the existing occupiers currently enjoy.

11. Whether a house or bungalow, the proposed dwelling would reduce the garden area of No 1 substantially. Its proximity to the rear elevation of No 1 would cause it to have an overbearing impact on the occupiers of that neighbouring property. Given that the extension approved for No 1 would result in a closer relationship, this effect would be exacerbated if the extension were to be built. It seems to me, at either one or two storeys, the distances involved and the relationship between existing and proposed dwellings would be insufficient to avoid a harmfully overbearing impact.
12. The side elevation of No 1, along which the access driveway runs, has a frosted window and access door on the ground floor and two large windows on the first floor. I observed No 8a to have two small windows in its flank wall, and the dwelling and small garden are separated from the access drive by a close-board fence. Access to the proposed dwelling would be via this driveway. Even if it were not used by vehicles, the occupants of the new dwelling and their visitors would walk along it, potentially frequently, and would be very close to No 8a and to No 1. In my view, given this relationship, it is reasonably likely that such comings and goings would lead to the occupants of both No 8a and No 1 experiencing noise and disturbance. That the driveway has been in use for some time does not justify allowing the harm this would cause.
13. I conclude therefore that the appeal proposal would result in significant harm to the living conditions of the occupiers of neighbouring properties, with regard to privacy, outlook, noise and disturbance. The development therefore fails to accord with Policy D1 of the Local Plan and the core principles of the NPPF, where they seek to avoid development that adversely affects the amenity of occupiers of proposed future and adjoining residential properties.

Other matters

14. In support of the appeal, my attention was drawn to other properties in the area that have been developed in garden plots, a number of which I was able to observe during my site visit. While not having any details of the planning considerations that led to these proposals being accepted, it would appear that the circumstances were not directly comparable with the appeal proposal. For example, those that I observed during my site visit were materially different in terms of the characteristics of each site, their location, plot size and impact on the wider setting. I therefore do not consider they represent a direct or useful parallel to the appeal scheme, which I have determined on its own merits.
15. I note that a number of neighbours have expressed the support for the appeal proposal and that the scheme would meet local density guidelines, and provide two smaller homes for the area. However, these factors do not outweigh the harm that I find the scheme would cause. I also note the argument that the permitted extension would have a greater impact than the proposed new dwelling. As I haven't seen the details, I am unable to make a proper judgement. In any event, the Council has permitted this extension and I see no reason why any harm it would cause should lead me to sanction the other harm I find that would result from the appeal proposal.
16. An obligation is provided to secure a financial contribution for mitigation of the effects on the Exe Estuary and Pebblebed Heaths. However, the appeal is harmful in relation to the substantive issues, so the existence of this obligation and a modest contribution to housing supply do not alter my overall conclusion, nor does the lack of an objection from neighbouring residents or the Highways

Authority. I note the appellant's comments about the manner in which the Council determined the application; however, my role in this matter is confined to a consideration of the proposal on its individual planning merits.

Conclusion

17. For the reasons set out above, I conclude the appeal should be dismissed.

H Porter

INSPECTOR