
Appeal Decision

Site visit made on 17 January 2017

by CD Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 26 January 2017

Appeal Ref: APP/U1105/W/16/3156809

Land adjacent Plot 17, Glebelands, Uplyme, Devon DT7 3TB

- 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 Betterment Properties (Weymouth) Ltd against the decision of East Devon District Council.
 - The application Ref 16/0301/FUL, dated 5 February 2016, was refused by notice dated 8 June 2016.
 - The development proposed is new detached two storey residential dwelling with associated off street parking, accessed via existing dropped kerb.
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Decision

1. The appeal is allowed and planning permission is granted for new detached two storey residential dwelling with associated off street parking, accessed via existing dropped kerb at Land adjacent Plot 17, Glebelands, Uplyme, Devon DT7 3TB in accordance with the terms of the application, Ref: 16/0301/FUL, dated 5 February 2016, subject to the conditions set out in the Schedule at the end of this Decision.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. Glebelands is a residential cul-de-sac containing a number of large, detached dwellings. While architectural styles vary, most of these dwellings are simply proportioned and have slate roofs with either natural stone or rendered walls. A relatively high degree of visual consistency is therefore maintained. It is also a low density development, with gardens and mature trees being prominent features within the street scene. This provides Glebelands with a characteristically open and verdant appearance.
 4. Contributing to these open and verdant qualities is an area of undeveloped land which surrounds the cul-de-sac on three sides and contains groups of protected trees, together with areas of grassland and scrub. The appeal site forms part of this undeveloped area and occupies the street frontage directly adjacent to No 17 Glebelands. I note that planning permission was granted to fell some of the protected trees on the site and I saw on my visit that it is mostly open in nature. The appeal site and wider landscape is situated within a designated Area of Outstanding Natural Beauty (AONB).
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5. Due to the surrounding topography, the proposed new dwelling would not be conspicuous in longer distance views from within the AONB, although it would be clearly seen at closer quarters within Glebelands. From here it would be viewed in the context of nearby residential development. Considering that the dwelling would appear similar to neighbouring properties in terms of its scale and overall design, it would be read as part of the existing estate. In this respect, the dwelling would be in keeping with its surroundings.
6. The plans indicate that the dwelling would be set back from the street frontage behind a front garden, and an area of undeveloped space would be maintained between the properties in Church Street to the west. The undeveloped space to the south of the site, towards the entrance of Glebelands, would also be unaffected by the proposal. Hence, the spacious, low density appearance of the cul-de-sac would be maintained. Furthermore, because the site sits low within the landscape and slopes away from the road frontage, the dwelling would not appear particularly prominent within its setting. It would be situated in front of the belt of protected trees to the north, which would provide the development with a wooded backdrop. Overall, therefore, the verdant and open characteristics of the street scene would be maintained.
7. I am mindful that the dwelling would extend the built form of the estate further to the west, in an area that draft Policy UEN7 of the emerging Uplyme Neighbourhood Plan identifies as Local Green Space and seeks to protect from development. Although this document does not yet form part of the statutory development plan, it nonetheless forms a material consideration to which I assign moderate weight based on its relatively advanced stage of preparation. The appeal site is identified in Appendix F of the plan, with paragraph 10.6.1 explaining that it provides a tree-bounded setting for the Glebelands development with direct links to other areas of open space.
8. However, while I recognise the intention of the emerging plan to keep the area free from development, I have already established that the proposed dwelling would maintain the generally spacious appearance of the area, with the tree lined boundaries of the site remaining visible within the street scene. Furthermore, as there would be areas of undeveloped space to the immediate north, west and south of the proposed dwelling, visual linkages with adjoining open spaces would be maintained. I note the Council's point that the proposal would lead to the loss of recreational land, but given the steeply sloping nature of the site I do not consider that it provides a particularly attractive option for pursuing outdoor activities. Hence, even though the proposal would not directly comply with draft Policy UEN7, it would nonetheless be compatible with the overall intention of the emerging Neighbourhood Plan to protect the landscape and amenity value of the Local Green Space.
9. I therefore conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area. There would be no conflict with Policy D1 of the adopted East Devon Local Plan 2013-2031 which aims to protect local distinctiveness. There would also be no conflict with Strategy 46 of this plan, which aims to protect the character of the AONB. In reaching this decision, I have taken account of the 'great weight' that the National Planning Policy Framework assigns to the protection of scenic beauty within AONB designated landscapes.

Other matters

10. The potential for overlooking from the proposed raised decking to the rear of the new dwelling could be reduced by appropriate boundary treatments and a condition could be imposed to require further details of this. Neighbouring residents indicate that there are ongoing problems with the local sewage network. However, there are likely to be technical solutions to any problems and these would typically be addressed through Building Regulations and consultation with the water authority rather than the planning process.
11. It has been suggested that future occupiers of the dwelling may subsequently submit a planning application for a garage. However, my decision in this appeal does not set a precedent for further development. Indeed, differing circumstances and the potential for cumulative harm would represent matters to be considered were other proposals to be advanced in the future.

Conditions

12. In the interests of certainty, a condition requiring compliance with the approved plans has been imposed, together with the standard time limit condition. To help protect the character and appearance of the area, a condition is imposed requiring further details of external materials. For similar reasons, there is also a condition requiring details of a landscaping scheme. This also includes details of boundary treatments.

Conclusion

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

CD Cresswell

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 002 (Location Plan) 004B (Proposed Site Plan) 006B (Proposed Floor Plans) 007B (Proposed Elevation) 007.1B (Proposed Elevation).
- 3) No development past slab level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed along with existing planting to be retained. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
- 4) Prior to their instillation a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.