
Appeal Decision

Site visit made on 16 November 2016

by J F Powis BA (Hons) MSc MRTPI

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

Decision date: 10 March 2017

Appeal Ref: APP/Q1153/W/16/3154578

Land at Newcombe Close, Okehampton, Devon EX20 1UG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr L Waldron of Linden Homes SW against West Devon Borough Council.
 - The application Ref 0543/16/OPA, is dated 19 February 2016.
 - The development proposed is erection of a single bungalow and single garage. Creation of ample amenity space.
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Decision

1. The appeal is dismissed and planning permission for the erection of a single bungalow and single garage with creation of ample amenity space on Land at Newcombe Close, Okehampton, Devon EX20 1UG is refused.

Application for costs

2. An application for costs was made by Mr L Waldron against West Devon Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was made in outline with all matters except landscaping reserved for future consideration. I have dealt with the appeal on this basis, treating the submitted plans as illustrative, except insofar as they relate to landscaping. For reasons of clarity, the postcode set out in the site address above is taken from the Council's statement.

Background and Main Issues

4. The appeal is made against the Council's failure to determine the application within the statutory period. The main issues are:
 - the effect of the proposed development on the character and appearance of the site and surrounding area;
 - the effect of the proposal on the living conditions of the occupiers of nos. 4 and 6 Newcombe Close, with particular reference to outlook; and,
 - whether or not adequate provision for surface water drainage could be accommodated on the site.
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Reasons

The Effect on Character and Appearance

5. The appeal site is a parcel of undeveloped land to the south of Newcombe Close in a residential area of Okehampton. Newcombe Close is a small cul-de-sac comprising detached bungalows with attached single garages in a uniform style. The existing bungalows sit close to their neighbours on each side and typically have only modest garden areas to the front and rear. As such, the appeal site, which currently forms an open grassed area adjacent to the existing turning circle, is important in providing some relief from the built form and helping to create a relatively spacious feel in the street.
6. At the time of my visit, the appeal site appeared to be well-maintained, with the grass trimmed and some attractive planting. Whilst I have been provided with some original conveyancing material that identifies the site as public open space, the evidence before me indicates that the site was never adopted as such and therefore does not constitute public open space. However, the representations of local residents suggest that the visual contribution of the site as undeveloped land is valued locally and that it has been maintained by members of the community over a considerable time period, although I have only anecdotal evidence in this regard.
7. The proposed development would introduce onto the site a single storey dwelling together with single garage and garden space. Whilst the details of design and layout would be for a subsequent reserved matters application, it is clear that the proposal would lead to the loss of the only undeveloped space in the close. In my view, this intensification of the built form would significantly erode the established spacious character of the close.
8. I note the appellant's submissions that the existing trees and landscaping along the rear boundary of the site could be retained and co-exist with the proposed development, which would assist in maintaining a visual break with the flatted development at Stanary Court to the rear of the site. However, this would not overcome my concerns that the proposal would result in a cramped form of development that would undermine the distinctive character of Newcombe Close.
9. I therefore conclude that the proposal would cause unacceptable harm to the character and appearance of the site and surrounding area. Consequently, it would be contrary to Policy BE4 of the West Devon Local Plan Review (adopted March 2005) (LP) and Policy SP20 of the West Devon Local Development Framework: Core Strategy Development Plan Document 2006-2026 (adopted April 2011) (CS), which together seek to achieve high quality design which protects local features, provides appropriate public open spaces and reflects the distinctive character of local areas.

The Effect on Living Conditions

10. The proposed dwelling and garage would be sited between the existing bungalows at nos. 4 and 6 Newcombe Close. Due to the layout of the built form around the double turning circle of the cul-de-sac, the existing bungalows at nos. 4 and 6 are orientated such that their front elevations both face directly toward the appeal site. As a result, both properties currently benefit from a

light and open outlook from the window and door openings on their main elevations, albeit interspersed with some established planting.

11. As an outline application, I am mindful that the layout of the proposed development on the site is not a matter before me. However, in light of the particular site constraints, it is reasonable to expect that the bungalow would have its main elevation fronting onto Newcombe Close. This would inevitably mean that the outlook from the front of nos. 4 and 6 would be directly onto the side elevations of the new building, which would materially reduce the open outlook available to the occupiers of the existing properties.
12. The application form indicates that the proposed bungalow would comprise three bedrooms which would make it comparable in size to the surrounding bungalows. Having viewed the site, it is my assessment that in order to accommodate a bungalow of that scale within the site, it would be necessary to utilise a significant proportion of the site for built form. As such, I consider that the resulting development would sit so close to the front elevations of nos. 4 and 6 as to appear harmfully large and overbearing when viewed from within the existing properties. These effects would be especially pronounced in respect of no.4, which sits on slightly lower ground than the appeal site and would therefore feel particularly enclosed by the development.
13. The illustrative plans provided by the appellant indicating a possible site arrangement do not give me any assurance that a bungalow and garage in-keeping in style with those around it could be comfortably accommodated on the site such that the residential amenity of adjacent neighbours would be satisfactorily protected. Therefore, whilst the proposed bungalow may be capable of being designed in a way that avoids harmful overlooking of the existing properties through the careful arrangement of window and door openings, I am not persuaded that it could be designed to prevent detriment to the outlook of the occupiers of the existing properties.
14. As a result, I conclude that the proposed development would have a significantly harmful effect on the living conditions of the occupiers of nos. 4 and 6 Newcombe Close with particular reference to outlook. As such, I find conflict with Policy H28 of the LP and Policy SP20 of the CS, insofar as they seek to achieve functional and inclusive development that protects the amenity of adjacent residents.

Provision for Surface Water Drainage

15. The appellant has stated on the application form an intention to dispose of surface water run-off via the main sewer. The Council's position that combined discharge to the public sewer would not provide an acceptable solution for surface water drainage reflects advice from South West Water. This echoes the provisions of Policy PS2 of the LP, which seeks the use of sustainable urban drainage systems in all developments and requires that surface water run-off is not allowed to enter the foul sewage system with the intention of protecting the capacity of sewage treatment infrastructure in the area.
16. No information, such as percolation test results or details of soakaway sizes and positions, appears to have been provided by the appellant to demonstrate that surface water drainage could be accommodated within the site. Notwithstanding this, I also do not have any evidence to indicate that the particular site characteristics in this case would make it physically impractical

or otherwise unfeasible to accommodate surface water drainage provision within the site boundary.

17. Having examined the details of this case, I consider that it would be possible to impose a planning condition requiring that full details of surface water drainage measures to be implemented and maintained are submitted to and approved by the local planning authority prior to commencement of the development. I am satisfied that this would ensure that the revised drainage pattern resulting from the proposals could be appropriately mitigated.
18. This leads me to conclude that it would be possible to secure measures via planning condition to accommodate adequate provision for surface water drainage on the site. On this basis, I find no conflict with Policy PS2 of the LP or with paragraph 162 of the National Planning Policy Framework insofar as it requires proper consideration of the effects of new development on the quality and capacity of waste water infrastructure.

Planning Balance and Conclusions

19. My findings indicate that the proposed development would cause unacceptable harm in terms of both its effects on the character and appearance of the area and the living conditions of occupiers of neighbouring properties. I have found that measures to ensure that the development made adequate provision within the site for surface water drainage would be capable of being secured via planning condition, which constitutes a neutral effect in the overall planning balance.
20. The proposed development would result in the provision of one additional dwelling within the settlement of Okehampton which would bring a small social benefit and an efficient use of land, bringing minor environmental benefits. However, these benefits would not be sufficient to outweigh the unacceptable harm that I have identified in respect of two of the main issues in this case and therefore the appeal must fail.
21. For the reasons given above I conclude that the appeal should be dismissed.

J F Powis

INSPECTOR