
Appeal Decision

Site visit made on 21 March 2017

by Thomas Bristow BA MSc MRTPI

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

Decision date: 26 April 2017

Appeal Ref: APP/W1145/W/16/3165496

Land adjacent to Trebrea, Bridgerule, Holsworthy, Devon EX22 7ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs T Martyn against the decision of Torridge District Council.
 - The application Ref 1/0242/2016/FUL, dated 8 March 2016, was refused by notice dated 17 June 2016.
 - The development proposed is the erection of a single detached residential dwelling.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The address given within the banner heading above is that used in the Council's decision notice as it is clearer than the grid references and 'Pt 2181 – Land adjacent to the public road' given within the application form.
3. This appeal follows several previous proposals for development here. I have however determined the proposal before me on its particular merits, with all figures quoted as annotated on supporting plan 0446 – 05 j.

Main issues

4. The main issues are the effect of the proposal on the character and appearance of the area, and the effect of the proposal in respect of the living conditions of the occupants of nearby properties and of future occupants of the dwelling proposed.

Relevant policies

5. The development plan comprises saved policies of the Torridge District Local Plan adopted originally in September 2004 (the 'Local Plan'), with the emerging North Devon and Torridge Local Plan 2011-2031 yet to be adopted following examination.
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6. Saved policy DVT2 'Development at rural settlements' of the Local Plan, whilst supportive of appropriate development in such locations, requires that development is 'in keeping with the form, character, appearance and setting of the settlement'. Saved policy DVT11 'Impact of development on amenity' of the Local Plan requires that development secures or maintains amenity appropriate to the locality.
7. The National Planning Policy Framework (the 'Framework') establishes that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Although saved policies DVT2 and DVT11 are of some vintage, the relevant provisions thereof as cited above nonetheless broadly align with the approach in the Framework.
8. The Council's officer report associated with the application explains that the Council is presently unable to demonstrate a 5 year land supply of deliverable housing sites. I will return to this matter. However at this juncture I would note that I have determined the appeal in accordance with the development plan unless material considerations indicate otherwise.¹

Reasons

Character and appearance

9. The appeal site is a small parcel of grassed land.² It abuts the pavement alongside the unnamed minor carriageway which is the principal route through Bridgerule. Falling within the established built form of the village, the Council has no in-principle objection to residential development in this location.
10. Furthest from the carriageway the appeal site shares a common plot boundary with that of the Nos 18 and 20 Littlebridge Meadow. This boundary is demarcated by a substantial embankment of approximately 2.8 metres in height which serves a retaining function as the plots of Nos 18 and 20 are at a significantly higher level.
11. At the time of my site visit there was an established hedge above the embankment, and close-boarded fencing bounding the plot of No 18. The appellants have set out that these features reach approximately 2 metres above that of the embankment, which accords with my site visit observations.
12. Vehicular access to the dwelling proposed would via the existing driveway leading to the property Enscott, and the main areas of outside space proposed would fall either side of the dwelling proposed. They would be enclosed along the boundary with the pavement by a stone wall and timber fence above, which would together be approximately 1.8 metres in height.
13. Properties immediately around the appeal site are of varied design and reflective of the suburban expansion of Bridgerule. They are predominantly set back substantially from the carriageway, of greater size than the dwelling proposed, and fall within notably larger plots than that of the appeal site.

¹ Pursuant to Section 38(6) of the Planning and Compulsory Purchase Act 2004.

² Whilst there is reference within the information before me to the site having previously been used for residential purposes, presently the site is devoid of any remnants of development or fixed surface infrastructure.

14. The density of the settlement increases towards the east, where properties reflect a closer-knit historic pattern of development. However my observations of the immediate setting of the appeal site accord with that of the inspector in appeal Ref APP/W1145/W/14/3001689, i.e. that 'the plot size opens up considerably towards the appeal site... [with] a considerably more open grain'.³
15. The dwelling now proposed is set back slightly further into the appeal site and of a reduced overall scale than the dwellings proposed via the appeal referenced above. Nevertheless the dwelling would front the pavement at close proximity and be substantial in scale. This, combined with its limited plot size, would result in development which would be markedly out of keeping with the prevailing arrangement of nearby properties and detrimental to the consistency of the street scene in this particular location.
16. The undue visual dominance of the proposal would be further exacerbated by the substantial front boundary features proposed. Whilst there are some examples of such boundary features within the wider area, in this location these features would be detrimental to the sense of openness which I have identified above is characteristic of the area around the appeal site.
17. I therefore conclude that the proposal would be detrimental to the character and appearance of the area in conflict with the relevant provisions of policy DVT2 of the Local Plan and with relevant elements of the Framework.

Living conditions

18. The dwelling would be set close to the embankment at the rear, between approximately 1.4 and 1.5 metres distant. The rear elevation of the dwelling proposed would be approximately 13.7 metres distant from the rear elevation of No 20 Littlebridge Meadow and 9.4 metres away from that of No 18, representing a closer inter-relationship that appeared to be typical of the area.
19. Both Nos 18 and 20, and indeed many properties of Littlebridge Meadow, have comparatively limited outside space. As topography rises from the carriageway through the appeal site towards the north, and as the plots of many Littlebridge Meadow properties are demarcated by substantial close-boarded fencing, there is already a relatively strong sense of enclosure in respect of Nos 18 and 20. This accords some importance to preserving a degree of openness. That properties in the older part of the village fall within close proximity of one another is of limited relevance here, given that this pattern of development is not reflective of the character of development adjacent to the appeal site.
20. Although the overall height of the dwelling has been reduced from that proposed via the previous appeal referenced above, the dwelling would nevertheless reach approximately 6.7 metres at its highest point. Therefore the majority of the roof would be above the combined height of the embankment and hedge by approximately 1.3 to 1.9 metres.⁴

³ For the avoidance of doubt, the proposal in that appeal and this is clearly different to the present scheme (both in respect of the number of homes proposed and their form).

⁴ The appellants explain in their statement of case that, as viewed from Littlebridge Meadow, the proposal would appear as a single storey dwelling.

21. Given the proximity of the dwelling proposed to the rear elevations of No 18 in particular, but also to a lesser degree in relation to No 20, as viewed from habitable rooms within these properties and their gardens, the proposal would in my view lead to an undue sense of enclosure with reference to the present situation. The living conditions of the occupants of these properties would accordingly be detrimentally affected. This effect would not be materially reduced by the removal of the modest chimney stack proposed, as has been suggested by the appellants.
22. The appellants contend that a structure of similar height could be constructed via the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015. I cannot support this contention as the maximum permissible height of buildings brought forward via Class E is 4 metres above the immediately adjacent ground level, whereas the dwelling proposed would reach a maximum height of approximately 6.7 metres.⁵ In any event there is no definitive information before me in this respect, such as a certificate of lawful development, to indicate whether such a building could be erected here.
23. I accept that there is a sense of enclosure within the outside spaces of a number of properties within Bridgerule resulting from the close inter-relationship of buildings and the use of substantial boundary features (such as No 4 Bailey Gardens and the Meadows). However it appeared to me that the sense of enclosure within the outside space proposed here would be particularly acute on account of the modest size of the garden and it being almost entirely surrounded by substantial boundary features or the form of the dwelling itself. That the bank and hedge to the rear is essentially natural in character would not in my view mitigate their overbearing presence.
24. I acknowledge that future occupants would make an informed choice as to whether to reside here, and that no development plan policy specifying a definitive quantity of quality of outside space exists. Nevertheless in my view the outside space proposed would be cramped, excessively enclosed, and as a consequence impractical for comfortable residential use.
25. For the above reasons I conclude that the proposal would be detrimental to the living conditions of the occupants of nearby properties, and that the dwelling proposed would fail to provide suitable outside space for its intended future occupants. The proposal therefore conflicts with the relevant provisions of policy DVT11 of the Local Plan and with relevant elements of the Framework.

Planning balance

26. With reference to paragraphs 49 and 14 of the Framework, relevant policies for the supply of housing must be considered out-of-date. However the relevance of under-supply here is confined to that fact that the proposal would make an incremental numerical contribution to housing stock rather than in terms of quality.
27. The Framework sets out that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously

⁵ With reference to Article 2(2) of that Order.

through the planning system. A new home in this location would provide an additional dwelling of modest scale and entail some social and economic benefits in supporting jobs during construction and as future occupants would make use of local services and facilities.

28. Any such benefits, however, would be small in respect of one new home, and the support for delivering new homes in the Framework is clearly not at the expense of appropriately designed dwellings. Consequently the benefits of the proposal carry very limited weight in favour of the appeal and therefore the harm arising in my view would significantly and demonstrably outweigh such benefits.

Other Matters

29. I have noted the concerns raised by nearby residents including in relation to privacy, parking provision, highways effects, and with regard to the accuracy of the size of the appeal site as illustrated in supporting plans and to the nature of the appellants' other land holdings.
30. As the only rear-facing first floor window proposed would be screened by the hedge bounding the appeal site and would serve the landing of the property rather than habitable room, I am not of the view that undue effects in respect of privacy would arise. The Council raise no objection to the proposal with regard to parking and highways effects, and there is nothing before me to arrive at a different assessment in these respects. Matters of land ownership are not material to the merits of the development proposed, and I am satisfied that the information before me is a reasonable basis upon which to reach a decision.
31. The appellants have brought a number of examples of approved dwellings and boundary features elsewhere to my attention.⁶ However none fall within the immediate vicinity of the appeal site, and there is limited information before me in respect of their integration with the surrounding context or of the planning considerations relevant. Moreover each proposal must be determined on its particular merits. Whilst I have also taken account of the history of engagement between the appellant and Council in respect of this proposal, this relates to procedural matters rather than to the merits of the proposal.
32. There is furthermore some discussion in the information before me as to whether development here would be supported were it for an affordable home. However this is not the proposal before me, and there is no way in which I can legitimately render the proposal such.⁷ Whilst the appellants further explain that the proposal may be intended for occupation by a family member, there is similarly no mechanism before me to secure this.⁸ Accordingly neither these matters, nor any others, are of such significance so as to outweigh or alter my findings in respect of the main issues in this case.

⁶ Including appeal Ref APP/W1145/A/10/2140073 and as referenced in enclosures and photographs appended to the appellants' appeal statement.

⁷ With reference Planning Practice Guidance Reference ID: 21a-012-20140306.

⁸ Notwithstanding that there is some ambiguity in the information before me as to whether this remains the intention, given that paragraph 4.38 of the appellants' statement of case explains that the home is designed for 'a first-time householder or couple'.

Conclusion

33. For the above reasons, and having taking all other matters raised into account, the proposal conflicts with the development plan taken as a whole and with the approach in the Framework. I therefore conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR