

Appeal Decision

Site visit made on 10 April 2017

by Thomas Bristow BA MSc MRTPI

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

Decision date: 4 May 2017

Appeal Ref: APP/W1145/W/16/3161669

Land at Balleroy Close, Shebbear, Devon EX21 5RT

- 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 Andrew Shortridge against the decision of Torridge District Council.
 - The application Ref 1/0596/2016/FUL, dated 16 June 2016, was refused by notice dated 22 August 2016.
 - The development proposed is described in the application form as '1 new dwellings' (sic).
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The development plan comprises saved policies of the Torridge District Local Plan adopted originally in September 2004 (the 'Local Plan'), notwithstanding the emerging North Devon and Torridge Local Plan 2011-2031.
3. The appeal site is the northern part of the original application site in planning application Ref 1/1319/2015 (the '2015 permission'). However there is no extant consent for a dwelling within the appeal site.¹ For the sake of clarity I have determined the proposal before me on its particular merits.²
4. The Council acknowledge that they cannot demonstrate a 5 year land supply of deliverable housing sites relative to needs. I shall return to this subsequently. However I would note here that I have determined the appeal in accordance with the development plan unless material considerations indicate otherwise.³

Main issue

5. The main issue is the effect of the proposal on the character and appearance of the area.

¹ Notwithstanding that permission was granted here for a double garage via permission Ref 1/0399/2013/OUT. However there is no information before me related to that permission to enable a comparison between the permitted garage and the dwelling proposed here.

² Supported by plans entitled '15 130 15', '15 130 16' and '14 130 17'.

³ Pursuant to Section 38(6) of the Planning and Compulsory Purchase Act 2004.

Reasons

Character and appearance

6. The appeal site is within an established residential area of the village of Shebbear, which benefits from a range of services and facilities. As such the Council have no objection in-principle to residential development here.
7. The appeal site is an irregular plot of land at a sharp turn of Balleroy Close near to its junction with Barn Close. At the time of my site visit it was used for the storage of materials associated with the ongoing construction of the properties opposite related to the 2015 permission. There is an electricity transformer within the site, however no definitive information before to establish whether this is in use or consequently a constraint to development.
8. A footpath abuts the appeal site which otherwise shares common boundaries with an area of off-street parking and with the plots of neighbouring properties, the latter being demarcated by an embankment and hedging. On account of its location and the absence of screening as viewed from Balleroy Close, the appeal site is clearly visible from various nearby vantage points.
9. Properties nearby are typically of relatively recent construction and understated suburban appearance. Whilst there is some variety in the scale and form of dwellings and their plots, nevertheless there are certain commonalities which result in an ordered and harmonious character to the area.
10. I observed that dwellings are typically modest in footprint: the Council sets out in their officer report, and the appellant does not specifically dispute, that the typical footprint of nearby properties is around 54 square metres. The prevailing arrangement of properties within their plots is also generously set-back from the carriageway with front boundaries are typically demarcated only by modest boundary features.
11. Briefly stated, saved policy DVT6 'Local Distinctiveness' of the Local Plan requires that the design of development maintains a sense of place. Similarly saved policies DVT7 'Design Considerations' and HSC3 'Housing and Residential Estate Layouts' of the Local Plan require that development integrates appropriately with the character of its surroundings. Likewise the National Planning Policy Framework (the 'Framework') sets out that planning should always seek to secure high quality design, and that it is proper to reinforce local distinctiveness.
12. I accept that in numerical terms the size of the appeal site and the extent of outside space proposed, approximately 300 square metres and 114 square metres respectively, would be broadly comparable with, or greater than, the prevailing pattern of development nearby.⁴
13. However the footprint of the dwelling proposed at approximately 106 square metres would be substantially larger than that of most nearby properties, and

⁴ With reference to figure 1 appended to the appellant's statement of case.

the dwelling would therefore appear unduly imposing. The principal elevation of the dwelling proposed would also be set hard-up against the footpath abutting the property, which would exacerbate its incongruity given the existing consistent layout of the area as described above.

14. I therefore conclude that the atypically large footprint of the dwelling proposed, its intended situation within its plot, and the visual prominence of the appeal site would result in the dwelling proposed appearing clearly incongruous and therefore detrimental to the existing harmonious character and appearance of the area as identified above. Accordingly the proposal conflicts with the relevant provisions of saved policies DVT6, DVT7 and HSC3 of the Local Plan and with relevant elements of the Framework.

Planning balance

15. With reference to paragraphs 49 and 14 of the Framework and paragraph 4 of this decision, 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 design quality.
16. The Framework sets out that to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system. A new home in this location would enable the creation of an additional dwelling, alongside entailing some social and economic benefits in supporting employment during construction and as future occupants would make use of local services and facilities.
17. Any such benefits, however, would be modest in respect of one new home, and the support for delivering new homes in the Framework is not at the expense of ensuring that all dwellings are appropriately designed. 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

18. The Council's second reason for refusal given within their decision notice relates to the potential harm arising from the proposal to the hedgerows bounding the appeal site (with regard to the character and appearance of the area and to the living conditions of the occupants of neighbouring properties).
19. However the appellant has explained in his statement of case that 'we are not proposal [sic] any removal or work to this hedgerow', and no modification thereof is indicated within the scheme before me. In any event the preservation of the hedgerow, or the erection of alternative boundary features, could be ensured via appropriate conditions were the development otherwise acceptable, thereby preventing adverse effects arising.⁵

⁵ Consequently, for the avoidance of doubt, no conflict arises in this regard with the relevant provisions of policies DVT6 'Local Distinctiveness', DVT8 'Landscaping' or with section 11 of the Framework, which in summary variously

20. I acknowledge the concerns of nearby residents regarding the potential effects of the proposal in respect of privacy, parking, highway safety, refuse storage, and access to the electricity transformer. However there is nothing in the information before me, nor from my site visit observations, to find other than that the proposal would not result in unacceptable effects in respect of these matters on account of the nature of the development proposed and its surrounding context (as is the position of the Council here).
21. However that the proposal would not be unacceptable in respect of the matters identified in paragraphs 18-20 above, is effectively neutral in the planning balance rather than weighing positively in favour of the development proposed.
22. I further note the appellant's concerns regarding the manner in which the Council has handled the application. However this does not bear on the substantive merits of the proposal. Accordingly neither this, nor any other matter, is sufficient to outweigh or alter my reasoning as set out above.

Conclusion

23. For the above reasons, and having taken 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

seek to ensure that development integrates appropriately with its surroundings including in respect of protecting existing landscaping features.
