
Appeal Decision

Site visit made on 5 June 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 14th June 2017

Appeal Ref: APP/U1105/W/17/3170219

Foxhole, Pound Lane, Exmouth EX8 4NP

- 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 Mr Steve Taylor against the decision of East Devon District Council.
 - The application Ref 16/2399/FUL, dated 6 October 2016, was refused by notice dated 25 January 2017.
 - The development proposed is for the erection of detached 2 bedroomed dwelling with ancillary garden area.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are: the effect of the proposal on the character and appearance of the surrounding area; whether the proposal would provide suitable living conditions for future and existing occupiers having regard to outlook and amenity space and; the effect on conditions of highway safety and convenience.

Reasons

Character and appearance

3. The site comprises an area of under-used garden area associated with the two storey dwellinghouse, Foxhole, which is set back from the roadside and separated from the appeal plot by a 2m high stone/cob wall. The proposal would see the construction of a modest two storey, 2-bed house that would occupy a position close to the pavement edge. There does not appear to be any overriding criticism of the design of the dwelling in terms of its effect on the streetscene; I would concur with the Council's assessment in this regard.
 4. Immediately to the rear lies the domestic garage serving Foxhole, beyond which is the host property itself. Immediately to the east lies an existing property known as The Barn, which also occupies a similar position on the pavement edge as what is proposed in this appeal. The Council explains that the plot formed part of the curtilage area to The Barn at the time of the planning permission for that property; however it was subsequently severed with the result that The Barn does not have access or turning facilities.
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5. Whilst the property has been designed to prevent overlooking between the appeal building and Foxhole, this is at the expense of the outlook from the second bedroom, which will have a rooflight as its principal window.
6. The Council contends that the proposal would be an overdevelopment of the site, due to the limited amount of space available and the awkward relationship that would result between the proposal and the host property. The Council believes that the development as proposed would create a sense of enclosure that would be overbearing to the occupiers of Foxhole.
7. In reaching my decision, I have considered the nature and appearance of nearby development, including the close proximity of other buildings to the highway and the narrow plot depths of some properties on Read Close and indeed the adjoining dwelling immediately to the east. I have noted the appellant's contention that as the owner of Foxhole, the arrangement of dwellings at this location would not result in an unsatisfactory relationship given the size of the curtilage at Foxhole. However I am required to deal with the appeal proposal on its own individual merits.
8. It is a requirement of Policy D1 of the East Devon Local Plan (2013-2031) that all new development, amongst other things, is appropriate in scale, massing, density and design, taking account local context and character. Strategy 6 concerns development within built up areas and which is required to be compatible with the site and its surroundings. This policy and strategy are consistent with the core planning principle of the National Planning Policy Framework (the Framework) that seeks to ensure that developments always secure high quality of design as set out in section 7.
9. Whilst I accept that some nearby properties have limited plot depths, these have a distinctly different character compared to the detached dwellinghouse proposed here and I am not persuaded that they provide justification for allowing the appeal. Moreover, I consider that the restricted plot size would mean that the proposed dwelling would appear cramped and physically constrained on the site. Accordingly, it would be at odds and out of context with its surroundings and create an unacceptable relationship with its immediate neighbours. I therefore conclude that the proposal would be unacceptably harmful to the character and appearance of the area

Living conditions

10. The garden of the proposed dwelling would provide a rear depth of some 5m. The scheme would result in a poor outlook from the first floor windows of Foxhole. I also agree with the Council that one of the bedrooms to the proposed dwellinghouse would incorporate a rooflight, which would also offer a poor outlook and is reflective of the overall cramped nature of the proposed development. The adjoining property, The Barn was originally designed to include the appeal plot. Although this land has been severed from what was originally intended, that dwelling would also be impacted to an unacceptable degree in terms of space around buildings.
11. For these reasons I conclude that the proposal would provide unacceptable living conditions for existing occupants of Foxhole and The Barn and for future occupiers of the proposed dwelling contrary to Policy D1 of the East Devon Local Plan (2013-2031) that sets out in this context to protect the amenity of occupiers of adjoining residential properties. The proposal would also conflict

with paragraphs 9 and 17 of the Framework which seek to improve the conditions in which people live as well as securing a good standard of amenity for all existing occupants of land and buildings.

Highway safety and convenience

12. The proposal would not provide off street parking facilities; instead, the appeal proposal would be reliant upon on-road parking. Policy TC9 of the East Devon Local Plan (2013-2031) requires a minimum of two spaces although acknowledges that this provision could be relaxed in certain town centre locations and where there is access to very good public transport links.
13. I have noted the appellant's comments as regards bus services and reference to the promotion of sustainable transport as embodied within the Framework. The Framework seeks to maximise public transport, walking and cycling, and advises that parking standards should take account of the accessibility of development and the levels of car ownership. A Written Ministerial Statement (WMS) dated 25 March 2015 highlights that local parking standards should only be imposed where there is clear and compelling justification.
14. From my observations, Pound Lane lies in a sustainable location with a range of services and facilities close to hand, together with public transport links. Properties here generally enjoy good levels of off-street parking facilities. In the absence of evidence of a local parking issue, I do not consider that one additional dwelling would result in a material shortage in parking provision off road in this location. Nor has it been demonstrated that even if there was a material deficiency, it would be bound to have a harmful effect on highway safety.
15. Given also that the local Highway Authority raised no objection to the proposed development, I consider that the proposed development can reasonably fall within the exceptions defined in Policy TC9 and accord with the provisions of the Framework, which seek to provide adequate parking provision thereby avoiding harmful amenity and highway safety issues.

Other matters

16. The appeal is located within close proximity of two listed buildings, Travershes and Travershes Cottage, both Grade II Listed Buildings and situated immediately to the north-west. It therefore rests with me as the decision maker to apply the intended protection for heritage assets as specified in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
17. Travershes is a large square plan early 19th century stuccoed house set behind high brick and cob boundary walls and in large mature gardens. Travershes Cottage is attached to the house and listed for its group value. The Council explains that there were once a number of buildings along Pound Lane frontage. I would agree with the Council that due to the presence of boundary fencing and vegetation, the appeal site would have limited impact on the setting of these listed buildings, particularly as the appeal site and its neighbouring property, The Barn are at a lower level as Pound Lane drops down from the crest in the hill adjacent to Travershes.

18. Given these factors, the proposed development would have a neutral effect on the setting of the listed buildings and in some ways reinstate what was previously a built up frontage at this point along Pound Lane.

Conclusion

19. Despite my positive finding about parking and highway safety and the effects on the built heritage, for the reasons given, the scheme would amount to the unacceptable overdevelopment of the site to the detriment of character and appearance and living conditions of both existing and proposed occupiers of dwellings. These are the overriding considerations. Therefore, having had regard to all other matters raised, it is concluded that the appeal should be dismissed.

Gareth W Thomas

INSPECTOR