

Appeal Decision

Site visit made on 20 June 2017

by K Taylor BSc (Hons) PGDip MRTPI

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

Decision date: 29th June 2017

Appeal Ref: APP/Q1153/W/17/3169048

83 Plymouth Road, Tavistock PL19 8BZ

- 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 T Faircloth against the decision of West Devon Borough Council.
 - The application Ref 2461/16/FUL, dated 6 August 2016, was refused by notice dated 22 November 2016.
 - The development proposed is the erection of a dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of the future occupiers of the proposed dwelling in respect of outlook and available garden space and the existing occupiers of 83 Plymouth Road in respect of available garden space.

Reasons

Character and appearance

3. The appeal site is located in an area which is primarily of a residential character. Number 83 Plymouth Road is a semi-detached dwelling; it forms part of a cluster of 3 pairs of dwellings which are sited in a horseshoe shape with their frontages facing into the access road. Each of the dwellings has an area of garden land located to the side of the dwelling. This arrangement has resulted in a sense of space to the side of each property providing relatively regular spacing between the pairs of housing, which is an important characteristic of this small group of dwellings. Although some of the dwellings have been extended to their sides, the space that remains is such that the characteristic pattern of development has not been degraded.
 4. The appeal dwelling would be located to the side of No.83; it would take up the majority of the width of the side garden area and appear largely tucked in behind the flank of No.85. This siting would appear uncharacteristic of the existing pattern of development, harmfully disrupting the horseshoe shaped siting and regularity of the open space that surrounds the houses. It would constitute an incongruous element that detracted unacceptably from the character and appearance of the area.
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5. Due to its detached nature, the dwelling would have an appreciably more significant effect than the existing side extensions and the one that has been granted planning permission at this site. It would extend further to the south and, unlike the extensions, it would not appear as a subservient addition to an existing dwelling. There is a range of styles of dwellings in the area; however the character of the appeal site is primarily derived from the 3 pairs of semi-detached dwellings. Other new housing has been accommodated in the area, such as No.89a. However that dwelling is located at the end of a terrace and the context is not directly comparable and it does not justify the appeal scheme.
6. I therefore conclude that the development would have a harmful effect on the character and appearance of the area. It would be contrary to Policies SP1, SP6 and SP20 of the West Devon Borough Council Core Strategy, 2006-2026 (the CS) and Policy H28 of the West Devon Borough Council Local Plan Review March 2005 (the LPR). These policies seek to ensure that development respects the distinctive local character of the area, balancing the need to achieve high densities while also creating an attractive living environment. There would also be conflict with the National Planning Policy Framework's (the Framework's) requirement to reinforce local distinctiveness.

Living conditions

7. A two storey block of flats is located to the rear of the site; it is sited so that it sits across almost the entire width of the appeal site and a good portion of the width of No.83. The side elevation of this building is set only very modestly away from the common boundary. The rear of the appeal dwelling would be located very close to the boundary, the outlook from the rear living room windows and two of the bedrooms would be dominated by the side wall of the flats. This would create harmfully oppressive living conditions for the future occupiers of the dwelling.
8. The living room would also have a side window. Currently there is a low boundary between the site and the side garden at No.85. To ensure that garden was not unacceptably overlooked from the proposed side living room window it would be necessary to secure a higher boundary treatment through a condition. Consequently the outlook from this side window would be dominated by the boundary.
9. The outside space to the rear and side of the dwelling would be extremely limited and would amount to little more than a narrow yard area dominated by the boundaries and the side wall of the flats. The front of the site would be largely taken up by parking and vehicle manoeuvring space. Even if only a single space was provided, the usable outside garden would still be limited, and this area would not be private.
10. At the site visit I observed that the appeal site had been subdivided by a fence from No.83. However it has historically been part of the garden. The loss of this garden would also result in very little outside space for the existing house which would all appear as being hemmed in by the side walls of the flats and the appeal dwelling. The removal of the existing conservatory would only marginally increase the outside space but would do little to minimise the dominant effect from the surrounding development.

11. The nearby No. 89a Plymouth Road has a significantly larger rear garden than would be available for the appeal dwelling and No.83. Furthermore, its rear outlook is much more open with only a low flat roofed single storey building at the rear of the garden. The small dwelling at Crelake Park has a small outdoor space to the front which is largely given over to parking. This is a modest dwelling and I do not consider it comparable to a 3 bedroomed house which could be used as a family home. The outlook from the living space and bedroom is also not as compromised as would be the case at the rear of the appeal dwelling.
12. I have also been referred to the recent development at 71 Plymouth Road. I do not have full details of that scheme. However from the information I have, and my observations on site, I noted that, while the garden area retained for the Toll House is small and overlooked, it nevertheless retained an open aspect. The flats appeared to have little garden space, although some had balconies or terrace areas. It appeared that the outlook from the main living spaces was mainly to the front where there is an open aspect. The appellant also asserts that many nearby properties and many properties in built up areas generally have restricted outside space, similar to the appeal scheme. From my observations of the local area, I did not see any directly comparable development, and, in any case, even if other such development does exist, it is not a good reason to allow further harmful development.
13. I note that the site is in close proximity to a number of outside spaces and facilities. While such facilities would be available to occupiers of the appeal dwelling and No.83, it would not mitigate the limited and low quality living environment that would be created.
14. The Council does not have a standard for the provision of outside space. As such this must be a matter of judgement based on the facts of each case. For the above reasons, there would be a harmfully restricted outlook from the appeal dwelling and the outside space for both the appeal dwelling and No.83 would be inadequate. I therefore conclude that the development would result in a harmful effect on the living conditions of the occupiers of No.83 and the future occupiers of the appeal dwelling. It would be contrary to Policies SP1 and SP6 of the CS and Policy H28 of the LPR. These policies seek high quality design and that a satisfactory standard of living conditions are provided for neighbours and future occupiers. There would also be conflict with the Framework's requirement to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

15. The dwelling would make a contribution to the local housing stock, in a location which is close to various facilities and public transport options. This would result in social and economic benefits. However the evidence before me suggests that the Council is able to demonstrate a five-year supply of deliverable housing sites. Therefore I give only limited weight to these benefits.
16. Policy SP6 of the CS seeks to achieve the highest densities possible. However it is clear that this aspiration must be balanced against the need to create high quality living environments and safeguard the living conditions of residents. I acknowledge that the appeal scheme would go some way to increasing the density of dwellings. However, for the reasons given above, it would also result

in harm to the character and appearance of the area and the living conditions of occupiers. The development does not therefore comply with this Policy.

17. Due to the distance from the Conservation Area and the listed cottages the development would not result in harm to the setting of either. Adequate access and parking could be provided and there would be no significant effects on biodiversity or the living conditions of other neighbouring residents. I note that the proposal would comply with some of the specific subsections of the relevant development plan policies. These matters all indicate a lack of harm in their particular respects but they do little to add any weight in favour of the development.
18. Policy H39 of the LPR addresses the redevelopment of large residential plots, and the supporting text clarifies that the policy relates to the replacement of single dwellings. This scheme does not involve the replacement of a dwelling nor is the plot large. As such I find no conflict with this Policy, but this does not minimise the harm I have identified.

Conclusion

19. The benefits associated with the provision of an additional dwelling to the housing stock do not outweigh the harm that would arise to the character and appearance of the area and the living conditions of occupiers of the appeal dwelling and No.83. The adverse effects of the development are sufficient to mean that the proposal would conflict with the development plan when taken as a whole. For the above reasons, I conclude that the appeal should be dismissed.

K Taylor

INSPECTOR