
Appeal Decision

Site visit made on 11 July 2017

by Mrs J Wilson BA BTP MRTPI DMS

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

Decision date: 15th August 2017

Appeal Ref: APP/Y1138/W/17/3172240
19 Exeter Road, Silverton, Devon EX5 4HX

- 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 D Wright against the decision of Mid Devon District Council.
 - The application Ref 16/00180/FULL, dated 31 January 2016, was refused by notice dated 7 October 2016.
 - The development proposed is the demolition of the existing dwelling and redevelopment of the site for two dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my visit the site was cleared with the dwelling already demolished. Whilst site preparation was evident no construction work had begun. I am therefore dealing with the application only on the basis of the erection of two dwellings.
3. The Council made its decision on the basis of amended plans which were dated July 2017 rev 3 (Dwg nos 01/P/16 and 03/P/16. I have considered the appeal on the same basis.

Main Issue

4. The main issue is whether the development would preserve or enhance the character and appearance of the Silverton Conservation Area (CA).

Reasons

5. The front and side boundaries of the site are shared with the CA boundary. Roadside treatments in the vicinity are characterised by a combination of walled roadside banks, often with substantial hedging behind, or by buildings set tight to the road. These are factors which are also highlighted in the Conservation Area Appraisal as characteristic of this part of the CA. On the approach from the South glimpses of the Church are also afforded over and between houses. Overall there is a strong sense of enclosure when approaching the Conservation Area along Exeter Road.
6. The creation of a joint vehicular access would result in the loss of a substantial part of the front boundary to create the access and the remainder would be altered or reduced to ensure adequate visibility. This would be in stark contrast to boundary treatments opposite which are tight to the roadside edge. This

would lead to a significantly different appearance to the front of the site which would detract from the character of the site on the edge of the CA and which would be to the detriment of its setting.

7. The proposed dwellings, their scale, mass, design and parking arrangements take their architectural lead from more recent properties to the south rather than reflecting the local character or distinctiveness in the adjacent CA. As a result they would be dominant, would appear incongruous and result in a stark and abrupt visual change at the boundary of the CA detracting from the setting of the CA. The proposal would fail to make a positive contribution to the CA, the boundary of which is common to the front and side boundaries of the appeal site.
8. The proposed location of the north plot would, in its revised position, be located up against the boundary wall (also the boundary of the CA). It would appear squashed against it in a manner which conflicts with the prevailing character of the area. Both proposed dwellings would, due to their scale and tightly grouped nature, result in the loss of views towards the church when approaching the CA along Exeter Road.
9. The above factors taken together would detract from and harm the setting of the CA, though this harm in the words of the Framework would be less than substantial. Where such harm would occur, it is necessary to weigh it against the public benefits of the proposal. The appellant suggests that the provision of two modest affordable homes would be a more effective use of a sustainable site in the village. Whilst the addition of one unit of accommodation would make a small contribution to the housing stock in the area this would not outweigh the harm which I have identified to the setting of the CA, a matter which the Framework states should be given great weight¹.
10. For these reasons I conclude that the proposed development would be in conflict with: Policies COR2 of the Mid Devon Core Strategy (2007); Policies DM2(a, c, e)i, e)ii, e)iv), DM14(a) and DM27(b) of the Mid Devon Local Plan Part 3 Development Management Policies (2013) and to Paragraph 132 of the Framework. These policies, amongst other things state: that great weight should be given to protecting the setting of designated heritage assets; to ensure that the development does not detract from the setting of the CA; and that development makes a positive contribution to local character and reflects its local setting.

Other Matters

11. The appellant has provided a supporting document outlining the planning history of a number of sites in Silverton. I do not have full details of all these schemes and cannot therefore be certain of the circumstances of each case nor the policies in place at the time of each decision. I was pointed in particular to the new properties immediately behind the application site (on Newcourt Road). These properties occupy a marginally larger site than the appeal proposal, they are set at a lower level and have sufficient space to allow for circulation between the properties and the boundary. The site also has a different relationship with the CA and they should not be used as a reason to justify similar works on the appeal site.

¹ Paragraph 132 of the National Planning Policy Framework

12. The appellant points to the negotiations which took place with the Council and the fact that the application was recommended for approval, he also points to the fact that a larger single dwelling has been approved on the site since the appeal proposal was determined by the Council. Pre-application negotiations with the Council or recommendations to a planning committee do not fetter the ability of the Council to reach its conclusion on the proposal, and the subsequent approval represents a substantively different proposal to that before me now. In any event I have considered the appeal proposal on its own merits.
13. I have had regard to other matters raised including letters of support which point to the need for more smaller dwellings in the village to cater for families, that it is preferable to build additional houses within the village to protect space outside it and that the scheme would add to the range of designs along Exeter road which are already mixed. I acknowledge and appreciate these concerns and recognise that they are not uncommon issues facing rural villages in the provision of affordable housing. However, I do not consider that these factors outweigh the harm which I have identified in relation to this appeal proposal.
14. I note the submission of a Unilateral Undertaking to secure a financial contribution towards public open space and play areas and there is no dispute between the parties on this matter. However it is not necessary for me to consider this matter further given my conclusions on other issues.

Conclusion

15. For the reasons set out above, and having regard to all other matters raised I conclude that the appeal should be dismissed.

Janet Wilson

INSPECTOR