



Appeal Decision

Site visit made on 11 July 2017

by David Walker MA MRTPI

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

Decision date: 21st August 2017

Appeal Ref: APP/U1105/W/17/3169246
Cranbrook, Church Street, Uplyme DT7 3TS

- 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 Tony Traynor against the decision of East Devon District Council.
 - The application Ref 16/1991/FUL, dated 18 August 2016, was refused by notice dated 10 November 2016.
 - The development proposed is erection of a new two storey 3 bedroom domestic dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - i) the effect of the proposal on the character and appearance of the area
 - ii) the effect of the proposal on the living conditions of the occupants of properties along Church Street in relation to scale and proximity and having regard to the availability of privacy and outlook, and
 - iii) whether the proposal would have a satisfactory effect on trees.

Reasons

Character and appearance

3. The appeal site forms part of a green corridor in the Lim Valley at the heart of the village. It is a significant corridor, with a public footpath connecting both sides of Church Street with the countryside that surrounds Uplyme. Accessed off a rough track with woodland on one side and only a few properties set back over extensive planted frontages the appeal site has a rural character within the wider village context.
4. Although there is an existing parking area there are no obvious signs of other buildings at the appeal site for it to amount to being previously developed land. With the closest properties being small cottages fronting directly onto Church Street the proposal would be the only dwelling along the south side of the track.
5. The introduction of a sizeable domestic building and extended parking areas would erode the rural qualities of the green corridor. It would be harmful to the character and appearance of the area. The generally pleasing design of the

dwelling would not be sufficient to mitigate for the scale and visual intrusion of a building in this setting and its ensuing urbanising effect.

6. With Uplyme falling within the East Devon Area of Outstanding Natural Beauty (AONB) there would be a corresponding conflict with the statutory purpose to conserve and enhance the natural beauty of the designated area, to which I attach great weight. This would bring the proposal into conflict with the requirement for development not to undermine landscape quality of Strategic Policy 46 of the East Devon Local Plan 2016 (the Local Plan).
7. The harm to the rural character I have identified at this part of Uplyme would also conflict with Strategy Policy 7 of the Local Plan that seeks to restrict development in the countryside. The built-up area boundaries referred to within the Local Plan have yet to be identified within the development plan. However, it is the intention of the emerging East Devon Villages Plan (the EDVP) that the green corridor around the appeal site and along the Lim Valley is excluded from the built-up area boundary for Uplyme.
8. Only limited weight can be attributed to the EDVP at this time. But as the Council claims to maintain a sufficient supply of housing land I have no reason for setting aside the policies of the Local Plan. My attention has been brought to other permissions nearby, some of which relate to sites outside of established built-up areas. I do not find parallels however with the specific conditions I have identified in relation to the character of the appeal site and so have determined the appeal on its merits.
9. Having regard therefore to the rural character of the appeal site and the resulting conflict with Strategy Policies 7 and 46 of the Local Plan, the proposal cannot amount to being a sustainable development within the terms set out at paragraph 14 of the National Planning Policy Framework.

Living conditions

10. With properties along Church Street close to the proposed dwelling new facing windows would afford direct views towards existing windows, particularly at the upper floor. There would be potential for a loss of privacy that would be harmful to the living conditions of the occupants of neighbouring properties. Such harm as would be significant would not be sufficiently reduced with mitigation planting.
11. Additionally, the two storey height of a new dwelling in close proximity would introduce a domineering structure into an open and natural setting. It would diminish the outlook available to the existing occupants that would further harm, to an unacceptable level, the living conditions presently enjoyed.
12. The harm I have identified under this issue would bring the proposal into conflict with the requirements of Policy D1 of the Local Plan for the scale and height of development to relate well to its context and to not adversely affect the amenity of occupiers of adjoining residential properties, amongst other considerations.

Trees

13. Crown lifting required to form a satisfactory access for construction vehicles and to ensure a suitable residential environment for future occupants of the proposed dwelling would fundamentally change the shape of prominent and

protected trees. The net loss of tree quality would be permanent in the vicinity of the proposed dwelling and would further reduce the natural appearance and rural character of the green corridor. There would be a conflict with the aims of Policy D3 of the Local Plan for development to deliver a harmonious and sustainable relationship between structures and trees.

14. I am satisfied however that ground works and ancillary operations involved in forming the dwelling are shown to be adequately mitigated within the submitted tree protection plan. As I have no alternative technical evidence of harm before me I have no reason to doubt that the health of the affected trees would be compromised.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

David Walker

INSPECTOR