
Appeal Decision

Site visit made on 24 October 2017

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 10th November 2017

Appeal Ref: APP/K1128/W/17/3179162

Springfield, Jubilee Road, Totnes, Devon TQ9 5BW

- 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 Mrs Sarah Woodman against the decision of South Hams District Council.
 - The application Ref 0368/17/FUL, dated 2 February 2017, was refused by notice dated 11 April 2017.
 - The development proposed is erection of a 2 bed 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 standard of accommodation to be provided in terms of the living conditions of future occupants; and
 - iii) whether or not it has been demonstrated that acceptable means of drainage could be provided.

Reasons

Character and Appearance

3. Springfield is a large detached house which has been divided into four flats. Jubilee Road is to the rear and at a higher level and provides vehicular access to the property. In the area generally there are large houses standing in extensive gardens and this forms a predominant part of the character of the area. There has been infill development which has increased the density in places but nonetheless the overall character of the area immediately surrounding the site is of low density development in a spacious setting.
4. This character is recognised and protected in the South Hams Local Plan (1996) (LP). Saved policy TP7 (1) concerns northern Bridgetown, which is shown as Policy Area 5 on the Proposals Map. That policy resists development which would alter the low density character of this area. The supporting text identifies this density and the mature gardens as being of importance both to the character of the area and in views across the valley.

5. Directly adjacent to the site is a stone building adjoining the road frontage. The Council advises that this was an outbuilding which has been converted. I also saw on my visit that there is another building on the same side of the road a short distance from the site, known as 'The Cedars'. It is not clear when that building was built but this appears to have been part of a wider development. The proposal would have similarities with both of those buildings in terms of its siting, form and materials. However it would have an enclosing effect along the street frontage thereby obscuring open views across the valley. This effect would be much greater than the enclosure provided by the existing wall along the frontage. The existing buildings do not establish a precedent for further building because their circumstances differ. For these reasons the development would have a significant effect on the spacious character of the area.
6. I also have concern that the size of the plot would be very small in comparison to those surrounding the site. The restricted size of the garden would be out of character with those in the area. For these reasons the proposal would not accord with saved policy TP7 (1) of the LP. Neither would it accord with policy CS7 of the South Hams Core Strategy (2006) (CS) or policy DP1 of the South Hams Development Policies (2010) (DP) which require development to respect the character of the site and its surroundings. I conclude on this issue that the proposal would unacceptably harm the character and appearance of the area.

Standard of Accommodation

7. The existing access is to a small parking area for the flats and also serves other adjacent properties. The drive into the appeal site would be angled across the car park and this would restrict the manoeuvring space available. It has not been demonstrated that manoeuvres into and out of the parking spaces would be possible without encroaching onto the site. However even if such manoeuvres were possible it seems likely that drivers using those spaces would turn on the drive to the proposed dwelling from time to time because of the layout. Any such vehicular movements would be very intrusive for the occupants of the proposed dwelling, particularly given the limited size of its garden area.
8. While adequate natural light would be provided to the accommodation the dwelling would have only two aspects. From the kitchen window the boundary hedge would be in very close proximity and from the lounge the outlook would be towards the neighbouring property across the drive and car park. Limited areas of garden within the site would provide some relief but the close proximity to the site boundaries and to vehicular movements within the car park would not provide a high quality of design as is required by policies CS7 and DP1 and the National Planning Policy Framework. For these reasons the standard of accommodation to be provided in terms of the living conditions of future occupants would be insufficient.

Drainage

9. The Council states that the site is within a Critical Drainage Area as designated by the Environment Agency. Such areas are at higher than normal risk of flooding. The appellant disputes that the site is in such an area but no evidence to demonstrate this has been put to me.

10. If the site is within a Critical Drainage Area then stricter than normal requirements apply in that it would be necessary to demonstrate that surface water run-off would not exceed specified rates. This would be achieved by testing the suitability of the ground for soakaways and providing information regarding infiltration rates. This information has not been provided and the Council's Drainage Engineer maintains an objection to the proposal. The Council advises that its standard guidance on soakaway construction is not applicable in areas of higher risk of flooding. In addition to the lack of information regarding surface water drainage I also note that the utility provider has not confirmed that the foul sewer has capacity to serve the development.
11. In the absence of evidence in these respects it has not been demonstrated that acceptable means of drainage could be provided. The required information is critical in order to determine whether the development would be acceptable and therefore it would not be possible to deal with this through the imposition of conditions. Policies CS11 of the CS and DP4 of the DP require sustainable drainage and avoidance or mitigation of any increase to the risks of flooding. It has not been demonstrated that those policy requirements would be met.
12. I have taken into account all other matters raised including the neglected state of the site but find nothing to alter my conclusion.

Conclusion

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

Nick Palmer

INSPECTOR