
Appeal Decision

Site visit made on 15 November 2017

by Andy Harwood CMS MSc MRTPI

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

Decision date: 05 December 2017

Appeal Ref: APP/U1105/W/17/3179770
13 Orchard Close, Sidford, EX10 9RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Robin Wickham against the decision of East Devon District Council.
 - The application Ref 17/0610/OUT, dated 13 March 2017, was refused by notice dated 6 June 2017.
 - The development proposed is 2 new dwelling houses.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The proposal has been made in outline form with the access to and layout of the 2 dwellings being the only detailed matters.

Main Issues

3. The suitability of the site for the proposed development with respect to:
 - The character and appearance of the area;
 - The effect upon living conditions for occupiers at the neighbouring dwellings at 33 and 34 Orchard Close; and
 - The effect of the proposals upon parking pressure in the area.

Reasons

Character and appearance

4. The appeal site currently includes a semi-detached, 2-storey dwelling positioned next to a substantial space enclosed by a low wall, where the proposed dwellings would be sited. This area is raised a little above the footpath to the rear that separates the site from the gardens of Nos 33 and 34. This path also leads to the garage courtyard within Warrens Mead. The pleasant public open space to the front and side of the appeal site includes a large attractive London plane to the front and substantial grassed area. The appeal site along with the public open space provide some visual relief between this and neighbouring dwellings which is significant to the setting and distinctiveness of this part of the settlement.

5. The intention is for the 2 dwellings to be a similar scale as the nearby pairs of semi-detached dwellings. These would extend across much of the width of the site, substantially filling the existing gap that helps to separate No 13 from other buildings, when looking through from the road and dwellings in this part of Orchard Close. I have no information about development levels but 2, 2-storey dwellings would substantially enclose the appeal site. This would reduce the existing openness of the area in the background of the attractive open space. As well as being noticeable from Orchard Close, the loss of openness would also be particularly noticeable from the rear, substantially enclosing the footpath.
6. The density of development would not be higher than is generally the case nearby within Sidford. However the proposal would result in a substantial loss of openness of this area, thereby not respecting a key characteristic of this part of the settlement. In relation to this main issue, the proposal would have a harmful impact upon the character and appearance of the area. This would not comply in this respect with Local Plan¹ Policy D1 or the advice within paragraph 56 of the National Planning Policy Framework (Framework) to attach great importance to the design of the built environment.

Living conditions

7. The proposed dwellings would be set into the site and although the 2 storey elevations would enclose the footpath, the distance from the lower gardens of Nos 33 and 34 would be sufficient to prevent the development looming over those areas. This would not feel oppressive for people within those gardens.
8. The floorplans show that the proposed dwellings would have living room windows facing towards those gardens. These windows could enable some overlooking of the nearby gardens although they would mainly look towards the sides and roof of the nearest garage and shed. Moreover, those gardens are not very private due to the position of the footpath, the lack of enclosure alongside and because it is already possible to see into them from the site. The living room windows would not cause an unreasonable additional amount of overlooking from the appeal site.
9. In relation to this main issue, the proposal would not have a harmful effect upon living conditions for occupiers at the neighbouring dwellings at 33 and 34 Orchard Close. The amenity of those occupiers would be safeguarded and in this respect the proposal would comply with LP Policy D1. This would comply with the requirement in paragraph 17 of the Framework to secure a good standard of amenity for all existing and future occupants of land and buildings.

Parking pressure

10. I have not been provided with surveys to demonstrate the existing extent of parking generally within the carriageway of Orchard Close. The photographs within the appellant's design and access statement show that parking already takes place in front of the site. Although 3 additional off-road spaces are indicated, at the time of my site visit, some parking was available but this was after 09.00 hours on a weekday when residents may have left for work.
11. Sidford is on the outskirts of Sidmouth but contains a range of services and facilities as well as being connected, I am told albeit with limited details, with

¹ East Devon Local Plan 2013 to 2031, adopted 28 January 2016

bus services. Prospective occupiers of the proposed dwellings would not rely entirely on private vehicles for many day to day activities. It is a moderately accessible area.

12. LP Policy TC9 generally requires 2 car parking spaces per 2 bedroom although allows exceptions to this where there is access to public car parks and/or on-street parking and in exceptional cases where there is also very good public transport access. The Framework at paragraph 39 was updated by a Written Ministerial Statement on 25 March 2015. This requires local planning authorities to only impose local parking standards where there is clear and compelling justification that it is necessary to manage their local road network.
13. In the absence of evidence to indicate that on-street parking currently causes highway safety concerns or impacts due to parking stress, I am not persuaded that the proposed number of parking spaces would cause harm in either of these respects. In relation to this main issue, I do not consider the proposal would lead to additional parking pressure in the surrounding area. The proposal would not comply with LP Policy TC9 but I consider that this is outweighed by the other material considerations in relation to this main issue.

Other Matters

14. At a late stage in the appeal process, the Council has raised the matter of the proximity of the site to the East Devon Pebblebed Heaths Special Protection Area. Given my conclusions on the main issues, I do not need to reach a conclusion on that matter.
15. The 2 dwellings would provide a useful contribution to the housing stock of the area. However from the information provided, this matter and my conclusions in relation to the second and third main issues do not outweigh my conclusions on the first main issue.

Conclusion

16. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

Andy Harwood

INSPECTOR