
Appeal Decision

Site visit made on 27 November 2017

by Robert Parker BSc (Hons) Dip TP MRTPI

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

Decision date: 19th December 2017

Appeal Ref: APP/X1118/W/17/3180290

Land at Westmead Close, Braunton EX33 1NL

- 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 Neil Meldrum of Pixar Property Ltd against the decision of North Devon District Council.
 - The application Ref 62155, dated 9 November 2016, was refused by notice dated 27 January 2017.
 - The development proposed is residential development.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Pixar Property Ltd against North Devon District Council. This application is the subject of a separate decision.

Procedural Matter

3. The above description of development is taken from the application form. The plans indicate that the proposal is for the erection of a single-storey dwelling.

Main Issue

4. The main issue in this case is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal relates to a parcel of open land on the north side of Westmead Close. The site is laid to grass and extends to the highway kerb, giving the impression of public amenity space. It contains a number of trees, including two particularly large specimens, which collectively make a positive contribution to the character and appearance of the area. The land also provides an attractive setting for Westmead House, a substantial property whose principal façade overlooks the site from the rear. The recent erection of a close board fence along the boundary gives a clue to the fact that the site lies in different ownership, but a strong visual connection is maintained.

6. An earlier proposal for four detached dwellings on the site was dismissed on appeal¹. The latest scheme attempts to address the comments of the Inspector by reducing the scale and quantum of development and restricting the built form to the western third of the site. This would represent an improvement by retaining the existing trees and views towards Westmead House.
7. Notwithstanding this, the proposed single-storey dwelling would read as an arbitrary addition to Westmead Close, not least because its design would lack affinity with surrounding buildings which comprise mainly two-storey houses with the upper storey contained within the roof space and lit using dormers. Although the proposed dwelling has been designed to be as low as possible, it would be an alien feature in the street scene, detracting from the openness of the site and intruding into the setting of Westmead House.
8. The development would lie outside of the root protection areas for the trees on the site and the appellant has offered to accept a planning condition in relation to root barriers and foundation design. Together with protective fencing during construction, this would be sufficient to protect the long term health of the trees. I do not share the Council's view that the scheme would lead to pressure to fell trees. The layout of accommodation would create well-lit living spaces and the garden would provide an acceptable mix of sunny areas and shady spots.
9. The appeal site is not publicly accessible open space and is neither designated nor protected for recreational purposes under the North Devon Local Plan (2006) (NDLP). Despite being in private ownership, it has amenity value which is important in the context of Westmead Close. This would continue to be the case even if the appellant chooses to erect 1m high fencing across the road frontage, as such fencing would still permit views into and across the site.
10. Accordingly, I conclude that the proposal would cause significant harm to the character and appearance of the area, contrary to Policy DVS1 of the NDLP. This policy is consistent with the National Planning Policy Framework (the Framework) in seeking to ensure that development responds to local character.

Other Matters

11. The appellant expresses frustration at being unable to secure permission for housing when the development of Folly Farm Close attracted no objections. I do not know the background to that scheme, but it is far more discrete than the appeal proposal and therefore not directly comparable.
12. Evidence is provided to demonstrate that there are sufficient open spaces and recreation facilities available to serve the local population. However, this does not address my concerns regarding the effect of the proposal on the character and appearance of the area.
13. Although the appellant is clearly aggrieved regarding the Council's handling of the planning application, this does not affect my consideration of the appeal which has been determined on its own planning merits.
14. I have taken into account the reduced level of objection in comparison with the earlier scheme for the site, and the parish council's support for the application. However, this does not persuade me that the proposal is acceptable.

¹ APP/X1118/W/15/3141427

Planning Balance

15. The Council concedes that it is unable to demonstrate a five-year supply of deliverable housing sites. Paragraph 49 of the Framework states that in such circumstances relevant policies for the supply of housing should not be considered up-to-date. Paragraph 14 states that where relevant policies of the development plan are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
16. The Framework explains that there are three dimensions to sustainable development which should be sought jointly and simultaneously through the planning system. The proposal would contribute to the social role by delivering an additional home and it would support the economic role during the construction phase. However, the adverse impact on the character and appearance of the area would bring the scheme into conflict with the environmental dimension and this harm would significantly and demonstrably outweigh the modest benefits arising from a single dwelling. As such, I find that the proposal would not constitute sustainable development.

Conclusion

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

Robert Parker

INSPECTOR