
Appeal Decision

Site visit made on 15 January 2019

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th February 2019

Appeal Ref: APP/X1118/W/18/3213041

Heather Haven, Bay View Road, Woolacombe EX34 7DQ

- 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 and Mrs Drake Browning against the decision of North Devon District Council.
 - The application Ref 65022, dated 24 May 2018, was refused by notice dated 8 August 2018.
 - The development proposed was originally described as a new dwelling on the site of Heather Haven along with a new garage for Heather Haven.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Notwithstanding the description of the development set out above, which is taken from the application form, it is clear from the plans and accompanying details, that the development comprises the erection of a dwelling together with erection of garage for Heather Haven. The Council dealt with the proposal on that basis and it was described as such on the appeal form.
3. The Council's reasons for refusal refer to a number of policies from the North Devon Local Plan (2006). Since the Council's decision these policies have been superseded by those in the North Devon & Torridge Local Plan 2011-2031 (the NDTLP), which was formally adopted on 29 October 2018 and now forms part of the Development Plan. The Council has drawn my attention, in particular, to policies DM04 – Design Principles; DM07 - Historic Environment; ST15 - Conserving Heritage Assets; ST09 - Coast and Estuary Strategy; and ST14 – Enhancing Environmental Assets. The appellant has had the opportunity to comment on the implications of the change in status of the NDTLP since the Council's decision.

Main Issues

4. The main issues are:
 - a) The effect of the proposed development on the character and appearance of the Conservation Area; and
 - b) The effect of the proposed development on the natural beauty of the protected landscape.

Reasons

Character and appearance of the Conservation Area

5. The appeal site lies in the Woolacombe Conservation Area (the CA), which covers the western part of the town. I observed that the CA has 2 quite distinct parts; the densely developed town centre area, and the more spacious residential area on the sloping headland. The appeal site lies in the latter part. The character of this part of the CA is derived from the pattern of development, which has been largely dictated by the topography, and the relationship of the buildings with the surrounding landscape. The buildings are arranged along roads that follow the contours of the steeply sloping land. There is no uniformity to the design of the buildings, but the pattern is of detached buildings, in a spacious landscaped setting. As a consequence, this part of the town sits comfortably in its protected landscape setting when viewed from outside the CA. The generally large gaps between the houses also mean that views of the coast and surrounding countryside are readily available from within the CA.
6. The appeal site comprises a detached house on a sloping site at the junction of Bay View Road and Sunnyside Road. In common with the other houses in Bay View Road, it is set back from the frontage behind a stone wall and planting. It is also set back from the Sunnyside Road frontage, as are the other houses in the immediate vicinity. The side garden of the house slopes up from Bay View Road to Sunnyside Road and tapers to a point where the two roads join. The garden adds significantly to the spacious landscaped character of this part of the CA. It also provides a gap through which the coast can be seen from Sunnyside Road. The site therefore makes a positive contribution to the character and appearance of the CA.
7. The proposed house would occupy a very substantial proportion of the plot, which is not characteristic of the pattern of development in this part of the CA. The building would also be very close to the plot boundaries; its rear wall would abut Sunnyside Road for a length of nearly 16 metres, and the southwest corner of the building would be hard against Bay View Road. It would also be close to the new boundary with Heather Haven, so there would be little space between the two houses. As a result, the house would appear cramped and out of character with the CA, and views through the site to the coast would be lost from a considerable stretch of the road. Although a small area of garden would be retained at the junction of the two roads, this would be dominated by the gable end of the proposed house, and would not maintain the current spacious feel at this road junction.
8. I am mindful of the appellant's case that the ridge height is no higher than that of Heather Haven. However, the proposed dwelling would be on a more constrained plot, so the ridge will be much closer to the roads than that of the existing house, and will therefore appear more dominant. I also understand the appellant's desire to make efficient use of the site by building up to the boundaries. However, for the reasons given above, this contributes to my conclusion that the proposals would be harmful to the character and appearance of the CA.
9. The harm that would arise would be localised and therefore the impact on the CA as a whole is less than substantial within the meaning of Paragraph 193 of the National Planning Policy Framework (the NPPF). The NPPF advises that 'less

than substantial harm' should be considered in a balanced manner against benefits associated with the development. In this regard I have been asked to consider that house prices are high in Woolacombe, and the intended occupant of the dwelling is the appellants' son, who works locally. Therefore this is an opportunity to allow a person to live in the village in which he was born. However, no reference is made in the application or appeal submission to the proposed house being a local needs restricted dwelling, or an affordable housing unit. As no planning obligation has been submitted, no planning control could be exercised over the occupancy of the dwelling, so the realisation of this benefit cannot be secured. The creation of an additional dwelling would, nevertheless, still benefit local housing supply and employment, but these benefits would be modest due to the small scale of the development.

10. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Paragraph 193 of the NPPF advises that any harm to the CA requires clear and convincing justification and great weight should be given to the conservation of designated heritage assets. The public benefits of the appeal scheme are limited and, consequently, would not outweigh the harm that I have identified to the character and appearance of the CA. I therefore conclude that the proposals would be contrary to Policies ST15, DM04 and DM07 of the NDTLP, which seek to conserve and enhance heritage assets and reinforce the key characteristics and qualities of the area.

Natural beauty of the protected landscape

11. The appeal site lies within the North Devon Coast Area of Outstanding Natural Beauty (the AONB), Heritage Coast and Coast and Estuary Zone. The AONB is a nationally important landscape covering an extensive coastal area of North Devon. I observed that the landscape value of this part of the AONB results from the relationship between the undulating green fields on the higher land and the sandy beach and rugged headlands below. Paragraph 172 of the NPPF requires great weight to be given to conserving and enhancing landscape and scenic beauty in AONBs.
12. The appeal site lies within a residential area, which sits between the coast and the undeveloped hills above. It is a domestic garden that accommodates a garage and a summerhouse. The site is not contiguous with the wider landscape, as there are houses at a higher level before the settlement gives way to the undeveloped landscape beyond. The density of development here is such that the area is included within the Woolacombe Development Boundary. Consequently, although I have found that this garden is a characteristic and positive feature within the CA, I find that it makes little contribution to the wider landscape character of the AONB.
13. The proposed development would lead to an increase in the concentration of built development in this part of Woolacombe, but for the reasons given above, I find that this would not affect the special character and qualities of the AONB. Similarly, there would be no harm to the undeveloped character of the Heritage Coast. I therefore conclude that the proposals would accord with Policies ST09 and ST14 of the NDTLP which, amongst other things, seek to conserve the special character and qualities of the AONB and support development within the Undeveloped Coast and estuary where it does not detract from the unspoilt

character, appearance and tranquillity of the area, or the undeveloped character of the Heritage Coasts.

Other Matters

14. The appellant argues that other “gap” sites have been developed in Woolacombe over the years, and provides photographs of some examples. I have not been supplied with any details of the planning considerations behind these examples, so have not been able to draw any comparison with the scheme before me. In any event, I have had to consider the case on its own merits.
15. I appreciate that the Parish Council did not object to the application, and accept the appellant’s view that this would be a sustainable location for a dwelling. However neither of these matters alters my conclusion that the proposed development would harm the character and appearance of the CA.
16. The appellant has suggested that a scheme of landscaping, involving the planting of trees and shrubs, would enhance the scheme. However, there would be little space for any meaningful planting, so I have concluded that the harm to the CA could not be overcome by the imposition of a condition. The appellant has also indicated a willingness to omit the proposed garage and reduce the scale of the dwelling, however I have to determine the appeal on the basis of the plans that have been submitted.

Conclusion

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

Nick Davies

INSPECTOR