The Planning Inspectorate

# Appeal Decision

Site visit made on 19 March 2019

**by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practicing)**

**an Inspector appointed by the Secretary of State**

**Decision date: 17th April 2019.**

**Appeal Ref: APP/Q1153/W/18/3210614**
**Challoch, The Crescent, Crapstone, Yelverton, Devon PL20 7PS**

- 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 Charles Gray Limited against the decision of West Devon Borough Council.
- The application Ref 1697/18/FUL, dated 16 May 2018, was refused by notice dated 10 August 2018.
- The development proposed is the development of 4 No. dwellings, new access road and external works.

## Decision

1. The appeal is dismissed.

## Procedural Matters

2. I have amended the original description of development to reflect that provided within the Council's decision notice and as stated at section E of the appeal form in the interests of accuracy and consistency.

3. The revised National Planning Policy Framework (the Framework) was published in February 2019 and, as such, references to the Framework in this decision therefore reflect the revised Framework as published in February 2019.

4. During the course of the appeal, the Plymouth and South West Devon Joint Local Plan 2014-2034 (the Joint Local Plan) was adopted and replaced the West Devon Borough Council Local Development Framework Core Strategy Development Plan Document 2006-2026 and the West Devon Borough Council Local Plan Review (2005) as referred to in the Council's decision notice. Furthermore, as a consequence of the adoption of the Joint Local Plan, Policy DEV24 referred to in the Decision Notice dated 10 August 2018, has been renumbered as Policy DEV23 of the Joint Local Plan. The appellant has been made aware of this and has had the opportunity to comment

## Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area, given the appeal site's location within the Tamar Valley Area of Outstanding Natural Beauty (the AONB).

## Reasons

6. The proposal is to erect 4 detached dwellings on gently sloping land on the periphery of the village of Crapstone. The appeal site is located in a prominent location on an elevated position above the highway close to a junction. The site currently comprises a bungalow set within generous grounds, with an outbuilding to the rear and with a single point of access onto The Crescent. The site is located close to the boundary of Dartmoor National Park.

7. The appeal site is located within the settlement boundary, and whilst there is some variety in style and design of properties which are located on this part of The Crescent, they generally have a traditional appearance and are broadly consistent. These properties predominately comprise well-proportioned detached dwellings, with white or light-coloured external walls, which sit comfortably within verdant and spacious grounds. Whilst there are examples of cottages with more modest sized gardens to the northwest of the site situated closer to the centre of the village, the appeal site makes a positive contribution to the character and appearance of this part of the Crescent by adding to the area's verdant and spacious nature.

8. The appeal site would be separated into four plots of approximately equal size and would utilise the existing access in relation to the proposed dwelling at plot 4. The remaining proposed dwellings would be arranged either side of a new central access road which, through the demolition of a section of wall, would join The Crescent. Although the site is relatively large and roughly rectangular in shape, due to the inclusion of a new central access road at the site, and by reason of their scale, the proposed dwellings would be positioned close to the boundaries of the site. This would cause the development to appear relatively cramped within the width and depth of the site, and would result in an uncharacteristic cluster of dwellings in closer proximity to each other than most in the area.

9. The appeal site is in a prominent position and given that the appearance of the proposed development would be significantly at odds with the current appearance of properties within this part of The Crescent, the appeal scheme would sit awkwardly within the overall street scene and would draw the eye. Although the effect on the AONB would be localised as the proposal would be situated within the settlement boundary, this would also detract from the quality of this highly protected landscape.

10. In support of the appeal, the appellant has drawn my attention to the nearby development at Woodchurch and maintains that the appeal scheme would be comparable in terms of their close proximity to boundaries with neighbouring properties, and comparable in terms of the density of the development. However, I saw that this form of higher density development was very much in the minority within the surrounding area, and I do not know the circumstances of that development or the policies that applied at the time of its consideration. In any event, such developments served to confirm that closely grouped dwellings arranged, on modest sized plots, resulted in a change to the character and appearance of the area which diminished local distinctiveness.

11. The appellant has further put it me that the proposed dwellings would have comparable sizes of gardens to nearby properties at Tolgarrek, Oakleigh and Heathfield House. However, from the evidence before me and based upon the observations of these nearby properties made on my site visit, it would appear

that these properties have a greater amount of external space and are arranged so as to not be in close proximity to their neighbours. I conclude, therefore, that these examples do not represent comparable development to the appeal scheme.

12. The Council are further concerned that the proposed development would have a harmful effect on several protected trees which are situated within the appeal site. The tree report which accompanied the application confirms that a horse chestnut (T2) situated in the southwestern section of the site, and an oak (T1) situated in the southern section of the site, are category B trees being of moderate quality. The tree report further confirms that two beech trees (T4 and T6) and an oak (T7) which are located close to the north east boundary of the site, are category A trees being of high quality. I consider all of these trees make a positive contribution towards the character and appearance of the surrounding area, due to their position and stature.

13. Whilst the Tree Protection Plan (the TPP) shows that part of the parking area for the proposed dwelling at plot 4 would encroach upon the root protection area (the RPA) of tree T1, the tree report concludes that due to the presence of an existing driveway, the probability of significant harm to this tree is negligible to marginal. The same conclusion is reached in relation to the effect of a new access visibility splay upon the RPA of tree T2. However, it is apparent from the TPP that part of the footprint of the proposed dwelling at plot 1 would encroach on the RPA of tree T2, and no assessment of this impact on the tree has been put forward.

14. The proposed dwelling at plot 2 would encroach to some degree upon the RPA of tree T4, and due to the limited amount of root area which would be affected by the proposal, the tree report concludes that probability of harm to this tree is negligible. In the absence of evidence to the contrary I am satisfied that the proposal would not have a significant harmful effect on the roots of this tree.

15. However, given that the mentioned trees would be in such close proximity to the proposed dwellings, it is possible that future occupiers would apply pressure to have these trees lopped, topped or even removed to improve outlook and light. The appellant maintains that the dwellings would receive sufficient light and that in any case the management of the protected trees would be controlled by the Council. However, whilst trees may allow for sufficient light to reach the proposed dwellings, falling leaves and other debris from the trees would, in my view, significantly add to the pressure to cut back parts of these trees. Accordingly, there is an increased risk that the contribution of these trees to the character and appearance of the area could be reduced if the proposal were to proceed. Whilst I acknowledge that these trees are subject to Tree Protection Orders (TPO), the increased pressure to cut back the trees due to falling debris, would undermine the purpose of the TPO designation.

16. Taking all of these points together, I consider that the proposal would be a visually intrusive form of the development that would materially harm the character and qualities of the site at a sensitive interface between existing development and the open landscape. As a result, it would be deleterious to the landscape qualities and the intrinsic character of this part of the AONB. Additional planting and landscaping conditions could not satisfactorily mitigate its harmful impact. Furthermore, whilst I acknowledge that the appellant

contends that the existing bungalow is unsympathetic to the character of the area and that there would be no impact on listed buildings, these are not matters which would lead me to reach a different view in relation to the main issue.

17. Consequently, the proposal would conflict with Policies DEV20, DEV21 and DEV23 of the Joint Local Plan. Together these policies seek to ensure, amongst other things, that local distinctiveness and the character and appearance of the area is protected.

18. In addition to the above, the proposal would conflict with the landscape character protection aim of paragraph 172 of the Framework, and would not comply with paragraph 127 of the Framework which contains, amongst other matters, the requirement for developments to be high quality design which is sympathetic to the character of the area.

**Other Matters**

19. Interested parties raise several additional objections to the proposal including potential noise and disturbance, drainage and highway safety. These are all important matters and I have taken into account all of the evidence before me. However, given my findings in relation to the main issue, these are not matters that have been critical to my decision.

**Planning Balance and Conclusions**

20. In the absence of a five year supply of housing, the Framework provides that relevant policies for the supply of housing should not be considered up to date, and further states that where the development plan is 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.

21. For the reasons given, I find the proposal would have a harmful effect on the character and appearance of the surrounding area and would be harmful to the landscape and scenic beauty of the AONB, the conservation of which must be afforded great weight. I have found that the proposed development would be contrary to those policies of the Core Strategy and the Local Plan, as detailed above. For this appeal, I have found these policies to be generally consistent with the relevant aims of the Framework and whilst they can act to restrict the supply of housing, I attach substantial weight to them.

22. In the context of assessing the three objectives of sustainable development identified in the Framework, the economic benefits of the proposal would be very modest in scale and scope, being limited to short term employment during construction. I also accept that additional dwellings at this site could play a small part in supporting the viability of services within Crapstone and would provide additional Council Tax revenue and the New Home Bonus. The proposed scheme would also provide social benefits in providing four units towards housing land supply, in a location which has access to services and facilities.

23. However, having regard to all of the above matters, and given the modest scale of the proposed development, the benefits of the proposed scheme would be limited. Such benefits either individually or in combination do not outweigh the identified harm and the associated development plan conflict. The adverse

impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Therefore, the proposal would not represent sustainable development

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

*A Spencer-Peet*

INSPECTOR