

Appeal Decision

Site visit made on 22 May 2019

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2019

Appeal Ref: APP/U1105/W/19/3222734

San Remo, 55 Peasland Road, Sidmouth, Devon EX10 9BE

- 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 Jayne Ough against the decision of East Devon District Council.
 - The application Ref 18/2280/FUL, dated 1 October 2018, was refused by notice dated 4 December 2018.
 - The development proposed is described as the construction of two storey dwelling within garden and provision of additional parking space
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Decision

1. The appeal is allowed and planning permission is granted for the construction of two storey dwelling within garden and provision of additional parking space at San Remo, 55 Peasland Road, Sidmouth, Devon EX10 9BE in accordance with the terms of the application, Ref 18/2280/FUL, dated 1 October 2018, subject to the conditions contained within the attached Schedule.

Procedural Matters

2. I have taken the description of the development from the Council's decision notice as I consider this more accurately describes the appeal development before me.
3. A revised version of the National Planning Policy Framework (the Framework) was published on 19 February 2019. The revisions do not alter the national policy approach in respect of the issues raised in this appeal and therefore the main parties have not been prejudiced by the updates to this document.
4. Since the original decision was issued, it came to my attention that the Sid Valley Neighbourhood Plan 2014-2031 (SVNP) has been subject to an Independent Examination and the Council have advised that the SVNP will be subject to a referendum later in the year. As a consequence, in accordance with paragraph 48 of the Framework, due to the advance stage of preparation of the SVNP, the policies contained within it represent material considerations in the decision-making process. Policies from the SVNP were not referred to in the decision notice. As a consequence of its change in status since the original decision was reached, I wrote to the main parties seeking their comments on the implications of the SVNP to this appeal. I have assessed this appeal in light of the emerging policies contained in the SVNP where these are relevant.

Main Issue

5. The main issue in this case is the effect of the development on the character and appearance of the area with particular regard to its siting and whether it would represent a cramped form of development.

Reasons

6. The appeal site relates to an irregular shaped parcel of land which forms part of the domestic garden of the detached property 55 Peasland Road. The principal frontage of the proposal would be towards Peasland Road and it would also back onto another public highway Brewery Lane, these two roads meet to the west of the site.
7. From my site visit I noted that Peasland Road is characterised by terraced development to the same side and below the appeal site. These properties are slightly set back from the highway, behind mostly open front gardens and rise up towards the site from the east. Beyond the junction to the west, development continues to rise, but becomes more modern and spacious. Development opposite is sited at a higher level and is predominately behind tree cover and boundary coverage. As a consequence, the properties below and adjacent represent the prevailing character and appearance context for the site.
8. Whilst there is a generally consistent street facing elevational detail on these properties, there are some variations, particularly in close proximity to the appeal site itself. These include features such as projecting bay windows at a two-storey scale and gable details to the roofline.
9. 55 Peasland Road unlike other properties nearby, is detached, is set in larger grounds with a greater boundary enclosure and is of a differing form and appearance, including features such as a hipped roof and a two-storey turret to its western corner.
10. Due to the rising topography and the positioning at the road junction with Brewery Lane, the site is particularly visible when approaching along Peasland Road from the higher ground to the west. From this direction broad reaching views are provided across Sidmouth and these act as a pleasant backdrop to Peasland Road. From this direction the facades of the properties below the site are visible due to the building line angling towards the road part way down.
11. When leading upwards along Peasland Road from the opposite direction the site is less visible, being sited predominately behind the properties leading up towards it and with the elevation and rooflines of the properties further along Peasland Road set behind as a backdrop.
12. The proposed dwelling would follow the general design characteristics of 55 Peasland Road but at a lesser overall scale and mass. It would be sited forward of the building line of other properties along the road, including that of no. 55.
13. This differentiation in the siting of the proposed development would be most noticeable from Peasland Road leading upwards, whereby the proposed side elevation would be visible as a step forward from the buildings approaching up to the site. However, this step forward would not appear out of context due the subservient scale of the proposal, the different form of the nearby buildings

leading up to the site and the existing physical development behind, which already presents built form from this direction.

14. From Peasland Road looking down where the site is more noticeable, the stepping forward of the building line would not be overtly evident as it would be viewed within the context of the angular built form that leads down the road, and thereby the development would present similar to these properties. The inclusion of the turret style corner detail which would present in this direction would enable the building line to step back to the main elevation of the proposal and would then step back to no. 55 itself. As the turret detail would be lower in height to the main component of the proposed dwelling it would stagger the forward building line in a subservient manner and would reflect the turret feature on no.55. It would also provide an interesting corner component to the proposal.
15. As a consequence, whilst this siting of the development would represent a variation from the building line along the street, to my mind it would not appear intrusive or incongruous as a result. This would be due to the vantage points from which the proposal would be visible, the angled build line along the road, the variations in building form, the backdrop to the site and the design of the development itself.
16. The Council have also raised concerns that the proposal would appear visually cramped into the site as a consequence of its siting and the amount of allocated outdoor garden space. However, I consider that the subservient scale of the design in relation to no. 55 would mitigate any perception that the development would appear overly large for its plot. The retention and provision of boundary features, as put forward by the appellant, would also further address any concern that the proposal would appear visually forced into the site. I have included conditions that requires details of hard and soft landscaping, including the details of trees and hedges to be retained and boundary encloses to be provided and implemented before the commencement in the use of the development.
17. In conclusion, for the reasons I have outlined above, the proposed development would have an acceptable effect on the character and appearance of the area. It would not appear intrusive or incongruous as a result of its siting and neither would it appear visually cramped into the site.
18. The development would therefore align with Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan 2013 to 2031 (2016) which requires new development proposals to, amongst other matters, respect the key characteristics and special qualities of the area in which the development is proposed and to ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context. The proposal would also align with the design aspirations contained within the Framework.
19. The development would also accord with emerging policy 8 of the SVNP, which expects development proposals to have regard to the character of the immediate area as set out in the Sid Valley Place Analysis (Final Draft February 2018) and should be designed to complement and enhance the local distinctiveness of the character of its immediate locality.

Other Matters

20. A number of other matters have been brought to my attention through the appeal submissions. These include the objections from the Town Council, the representations submitted with regard to an earlier application at the site, that the property no.55 Peasland Road has been sub-divided without planning permission, that the appeal proposal would prejudice the future development at no.55 and concerns with regard to highway safety. I have given the points raised careful consideration, however they do not materially change my overriding conclusions on the appeal proposal in line with the development plan and material planning considerations.

Conditions

21. I have had regard to the conditions suggested by the Council and the advice in the Planning Practice Guidance. As a result, I have amended or omitted some of the conditions for consistency, enforceability, clarity and reasonableness. In addition to the standard time limit condition, for the avoidance of doubt it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
22. Conditions over the materials, landscaping, boundary treatments, are necessary in the interests of the character and appearance of the area and the living conditions of future and existing occupiers. A condition for parking provision is necessary in the interests of highway safety.
23. I have not imposed a condition removing permitted development rights as suggested by the Council as such a condition should only be applied in exceptional circumstances. In this case the suggested reason for the condition by the Council refers to the space available within the site and that additions to the appeal proposal could be detrimental to the character and appearance of the area, thereby the Council wish to retain control over future extensions. However, due to the location of the proposal in association with public highways and boundaries, the potential for extensions through permitted development rights that could have an effect on the character and appearance of the area would be extremely limited, if at all. Therefore, there is not the exceptional circumstances that would warrant this condition.

Conclusion

24. For the reasons given above, having regard to all matters raised, the appeal is allowed.

J Evans

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - JO/SR/017/01 - Block Plan (10 July 2017)
 - JO/SR/017/02 - Ground Floor Plan and North Elevation (10 July 2017)
 - JO/SR/017/03 - First Floor Plan, Roof Plan, Elevations and Section (10 July 2017)
 - JO/SP/017/04 - Street Scene (10 July 2017)
 - JO/SR/017/10 - Location Plan (14 October 2017)
3. No development above foundation level shall take place until details of all external materials have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.
4.
 - a) A scheme of hard and soft landscaping, including details of existing trees and hedges to be retained and the size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the local planning authority before the development hereby permitted is commenced, except for demolition works.
 - b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
 - c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.
5. Before the development hereby approved is first occupied, details of the boundary treatments shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
6. Before the development hereby permitted is first occupied or the use first commences the parking space shown on Drawing No. JO/SR/017/02; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.