



Appeal Decision

Site visit made on 27 August 2019

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9TH October 2019.

Appeal Ref: APP/P1133/W/19/3229959

**Wheatley House, Road from Providence Court Farm to Wheatley Garage,
Pocombe Bridge EX4 2HA**

- 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 A and M Down against the decision of Teignbridge District Council.
 - The application Ref 18/02502/FUL, dated 5 December 2018, was refused by notice dated 12 April 2019.
 - The development proposed is for the construction of a new dwelling on land adjacent to Wheatley House.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal are: (i) whether or not the proposed development would provide a suitable location for housing, having regard to the accessibility of services and facilities; and (ii) the effect of the proposed development on character and appearance of the area.

Reasons

Location of proposed development

3. The appeal site comprises the side parking and garden area of Wheatley House, a large end of terrace property containing two flats located at the end of a row of dwellings on Tedburn Road, that extends from its junction with the B3212. On the opposite side of the road to the appeal site is a long line of mature trees, enclosing an undeveloped frontage. Further to the north east but separated by fields and pasture land is a small cluster of dwellings and farm buildings, some of which are occupied by businesses.
4. The appeal site forms part of the loosely developed area of Pocombe Bridge, which does not feature in the Council's list of settlements in Policies S21 and S22 of the Teignbridge Local Plan 2013-2033 (the TLP). Accordingly, the site and surrounding area is classed as open countryside where the latter Policy indicates that development will be strictly managed with certain exceptions. It has not been suggested that the development would fall into any of these.

5. Notwithstanding this, the Appellant has indicated that the proposed dwelling would enhance and maintain the vitality of the rural community and nearby settlements in accordance with the National Planning Policy Framework (the Framework). However, while indicating that there are services and facilities in nearby settlements, St. Thomas and Alphington appear part of the built-up area of Exeter, while the village Longdown is some way from the appeal site. Whilst Ide is closer, there is no convincing evidence that future occupiers would necessarily travel to the villages referred to as opposed to accessing services and facilities in Exeter and therefore whether the development would accord with the Framework's policy of locating housing where it will enhance or maintain the vitality of rural communities.
6. The Appellant has not provided any details of public transport and cycling routes that would allow access to nearby services. Furthermore, I noted from my site visit, that the appeal site fronts onto a heavily trafficked and unlit road with no pedestrian footway, that would make walking to the nearest services and facilities unsafe. As such I have not been persuaded that future occupants of the development could access services without being largely reliant on the private motor car. Taking particular account of this impact it has not been demonstrated that the proposal would take account of the impact on overall travel patterns arising from the scale and type of development proposed.
7. I have also had regard to paragraphs 77 and 79 of the Framework, in addition to the Braintree judgement¹. The proposed dwelling would not be spatially isolated in the sense that it would be a close distance from other residential development. However, just because the dwelling would not be isolated in that sense this does mean that it would still not accord with the Development Plan policies.
8. The proposed development would not provide a suitable location for housing, as the proposal would not meet any of the exceptions outlined in Policy S22 of the TLP to which it would be contrary. In concluding on this matter, I have had regard to other material considerations including the Framework, which do not outweigh the harm arising from the conflict with the development plan.
9. The appellant states that the proposed development would "round-off" development in this part of Pocombe Bridge. However, I have afforded little weight to this argument, as it would lead to further unjustified encroachment into the open countryside.

Character and appearance

10. The appeal site comprises part of the domestic garden of Wheatley House and a hardstanding area used for the parking of vehicles. When approaching from the south, the site is partially visible from the road through the existing access, however, from the north, leylandii trees along the front boundary screen the site from view. These trees would need to be partially removed, to create a visibility splay for the proposed dwelling and would therefore open up the frontage making the site more visible from Tedburn Road.
11. To the south of the appeal site, are approximately 13, mostly detached properties of varying designs, that include, bungalows and two storey dwellings. Although there are a variety of dwelling designs, there is consistency

¹ Braintree District Council v SSCLG & Ors [2017] EWHC 2743 (Admin), and Court of Appeal judgement: Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2017] EWHC 2743 (Admin).

in terms of material finishes used, with external walls being either brick or render, whilst dwellings have conventional pitched and hipped roofs. The existing dwellings do not follow a rigid building line, rather they are set back from the highway at various distances and in most cases elevated above Tedburn Road on higher ground. Some properties have modest single storey garages forward of the front elevation and in close proximity to Tedburn Road. The built frontage is softened by existing trees and shrubs along property boundaries and in front gardens, whilst more mature trees on higher ground to the rear of dwellings rise above their roof lines. The verdant qualities of the area are further enhanced by the long line of established trees on the opposite side of the road to the appeal site.

12. The proposal involves the construction of a two-storey dwelling which would have a contemporary design comprising of two shallow mono pitched roofs with a zinc covering. The dwelling's lower half would predominantly be rendered whilst the majority of the first-floor elevations would be timber clad.
13. Sited close to Tedburn Road and forward of the building lines of neighbouring dwellings, the proposal's bulky profile, external material finishes, and modern design would appear prominent and stark in the street. It would have one of its flank walls facing the road giving the dwelling an unwelcoming appearance, in contrast to the neighbouring dwellings which have their primary elevations facing the highway. Furthermore, the mono pitched roof structure would be wholly inconsistent and out of keeping with the design of existing dwellings which have more conventional pitched and hipped roofs. Consequently, this would add to the proposal's incongruity in the street to the detriment of the prevailing character.
14. It is acknowledged that the proposed dwelling has attempted to incorporate some of the design features of the 3 dwellings located at the junction between Tedburn Road and the B3212, in terms of the wooden cladding and larger window openings. However, there is only a modest amount of cladding on these existing properties, in contrast to the large expanse proposed on the upper portion of the appeal proposal which would appear visually jarring amongst dwellings of brick and render finish. Moreover, the three dwellings have pitched roofs and front elevations facing the road that are more in keeping with the prevailing pattern of development in the street.
15. The appellant has pointed to the rising ground to the west and north of the proposed dwelling, which, it is considered, would visually enclose the dwelling and make its impact localised. However, this would not detract from the dwelling's impact when viewed from the street and it would still be clearly visible as an incompatible development through the plot's partially open frontage with the road. It would also be seen rising above the trees along the plot's front boundary. I also note the appellant's argument that the proposal would enhance the local environment by replacing an area of unkempt parking and outside storage. However, this is not sufficient a reason to allow the development and would not overcome the harm I have already set out / identified.
16. As a result, I find that the proposed development would have a significant harmful effect on the character and appearance of the area, and consequently would conflict with policy S2 and EN2A of the TLP. These policies, amongst other matters, require development to integrate with the adjoining built and

natural environment, and conserve and enhance the qualities, character and distinctiveness of the locality.

Other Matter

17. The appellant's case for the appeal makes reference to what they consider to be a precedent established by the two nearby housing sites each comprising 3 dwellings. However, I do not have full details of the circumstances that led to these proposals being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal to the appeal proposal. I am unable to attach significant weight to these decisions either for or against the appeal scheme. In any event, each proposal should be considered on its own merits, as I have done in this instance and those other developments do not lead me to a different conclusion in respect of the appeal proposal.

Conclusion

18. For the above reasons, I conclude that the appeal should be dismissed.

R. E. Jones

INSPECTOR