



Appeal Decision

Site visit made on 9 October 2019

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 31 October 2019

Appeal Ref: APP/U1105/W/19/3233791

Highlands, Capper Close, Newton Poppleford EX10 0HD

- 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 Mark and Amanda Maynard against the decision of East Devon District Council.
 - The application Ref 18/2016/FUL, dated 21 August 2018, was refused by notice dated 10 June 2019.
 - The development proposed is construction of dwelling and formation of new access, driveway and parking area.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As originally submitted, the planning application was for 2 dwellings. One of these dwellings was deleted during the course of the Council's determination of the planning application, and the Council made its decision on the basis of revised plans. I have therefore used the Council's description of the development in the banner heading above, as it reflects the amended scheme.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The site is located at the junction of High Street with Capper Close, and currently forms part of the front garden of a detached dwelling. The site, as too most of the plot of which it forms part, stands elevated well above the level of High Street and Capper Close. This provides both the site and the existing dwelling with a significant degree of visual prominence within the streetscene, which is further accentuated by reasonably open views towards it across the adjacent pub car park.
5. The proposed dwelling would be located within the front garden of the existing dwelling. Though many dwellings along High Street lack front gardens, and other dwellings can occasionally be seen to the rear of the main street frontage, the arrangement proposed would appear wholly exceptional. Indeed, the proposed dwelling would appear to directly encroach upon the setting of the existing dwelling, compromising both its outlook and its relationship with

High Street. The perception of such conflict would not be obscured by the lowering of site levels, orientation of the proposed dwelling towards the existing, or its lesser scale and mass.

6. Though the north elevation is described by the appellant as the 'side', taking into account the location of the front door, the shape of the dwelling, and fact that the east and west gables are blank, the north elevation would, in effect, be the rear. As such the proposed dwelling would be orientated with its rear elevation facing High Street. The prevailing pattern along High Street is for dwellings to face front, or, less frequently, to be orientated side-on. Again, given the visual prominence of the site, the atypical arrangement proposed would be clearly appreciable within the streetscene, and given that it would be obviously at odds with the layout of existing development, would appear obtrusive.
7. Along High Street many dwellings are positioned close to, if not on their front boundaries. As such the proposed dwelling would not be located unusually close to its front boundary. Proximity to the boundary, combined with the height of the dwelling above pavement level would, however, act to accentuate the atypical aspects of the scheme design outlined above. In this regard the visual harm caused would be increased.
8. I acknowledge that an attempt has been made to achieve integration through the specification of a palette of materials which are similar to those used in older buildings along High Street. This would not however diminish in any significant way the harm caused by other aspects of the scheme design.
9. My attention has been drawn to buildings which stand adjacent to the junction of High Street with School Lane, and of High Street with King Alfred's Road. However, whilst these buildings are also elevated above street level, in neither case are the orientations, layouts and relationships formed with other buildings substantially similar to those which would be created by the appeal scheme.
10. My attention has also been drawn to the fact that dwellings in Capper Close are positioned on higher ground than the appeal site, that the adjacent pub is large building, and that the ridge heights of other buildings in the vicinity are greater than that of the proposed dwelling. None of these points would however have any meaningful bearing on perception of the harm caused by the proposed development outlined above.
11. The site is located within the East Devon Area of Outstanding Natural Beauty (the AONB). I have therefore had regard to the statutory purposes of the AONB's designation, most particularly to conserve and enhance the natural beauty of the area, and paragraph 172 of the National Planning Policy Framework (the Framework), which states that great weight should be given to conserving and enhancing landscape and scenic beauty within ANOBs. As the site is located within a built-up area, and is not exposed to the broader landscape, the development would not have any obvious adverse effect on the landscape or scenic beauty of the AONB.
12. For the reasons outlined above I conclude that the development would have an unacceptably adverse effect on the character and appearance of the area. It would therefore conflict with Policy D1 of the East Devon Local Plan 2013 – 2031 Adopted 28 January 2016 (the LP), which amongst other things requires development to respect the key characteristics and special qualities of the area

in which it is proposed; Strategy 6 of the LP, which amongst other things requires development to be compatible with the character of the site and its surroundings; and provisions relating to design quality set out within the Framework.

Other Matters

13. The Council states that as a result of increased recreational pressure the development would have a likely significant in-combination effect on the integrity of the East Devon Pebblebed Heaths Special Area of Conservation (the SAC. It states that this can be mitigated through payment of CIL and other financial contributions which are used to fund the provision of SANGs, and site access, management and monitoring measures. To this end a Section 111 Agreement recording payment of a contribution by the appellant has been provided. Had I been minded to allow the appeal, and thus circumstances existed in which planning permission could be granted, it would have been necessary for me to consider this matter in greater detail. As I am dismissing the appeal for other reasons however, further consideration is unnecessary.

Conclusion

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

Benjamin Webb

INSPECTOR