
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: 07 November 2019

Appeal Ref: APP/U1105/W/19/3233902

Land adjacent to 114 Sidford Road, Sidmouth EX10 9PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Paul Whiston against the decision of East Devon District Council.
 - The application Ref 18/2849/OUT, dated 9 December 2018, was refused by notice dated 14 February 2019.
 - The development proposed is erection of a detached dwelling and construction of new access off Sidford Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all matters reserved. A number of essentially similar indicative schemes have however been presented as possible alternatives for development of the site. The very tight confines of the plot clearly limit scope for variation in layout. Furthermore, the proposal has been presented as a direct response to previous findings in appeal decision APP/U1105/W/17/3189864 (the previous appeal), particularly with regard to building height and scale, in addition to access related to highways safety. As such I have placed significant weight on the details shown in the indicative schemes in my reasons below.
3. The Sid Valley Neighbourhood Plan (NP) was adopted following a referendum in September 2019. However, no NP policies were cited in the decision notice, and though the Council has provided a list of Policies, no clear indication of whether or not the development would comply with these Policies has been supplied. I have thus based my assessment on the Policies of the East Devon Local Plan 2013 to 2031 Adopted January 2016 (the Local Plan), cited within the decision notice. In so doing I have however taken into account the fact that the Parish/Town Council has objected to the proposed development.

Main Issues

4. The main issues are the effects of the development on:
 - the living conditions of future occupants with regard to outlook and outdoor space, and of the occupants of neighbouring dwellings with regard to outlook;
 - the character and appearance of the area; and
 - drainage and highways safety.

Reasons

Living conditions

5. In the indicative schemes presented, the proposed dwelling would be a wedge-shaped single storey form, tightly fitted a similarly shaped plot, and sunken into the ground.
6. The long north and west elevations would stand immediately adjacent to the boundary fences on either side, and it is likely that the front elevation would either be similarly enclosed, or blank. The only clear outlook would therefore be from the shortest elevation to the rear. Even this would be limited in extent given the heavy enclosure and small size of the tapering back garden space. Whilst windows placed in the roof could provide the occupants with air and light, this would not compensate for the fact that most rooms within the dwelling would have little or no meaningful outlook. This would create unacceptably claustrophobic living conditions for future occupants.
7. Whilst the appellant states that the area of outdoor space provided would comply with recommendations set out on the Planning Portal, these are not nationally adopted standards. Indeed, there are no adopted standards against which to measure the proposal. Nonetheless, I have had regard to paragraph 127(f) of the National Planning Policy Framework (the Framework), which states that decisions should ensure that developments provide a high standard of amenity for future users.
8. A 2-bed dwelling would most likely accommodate a single occupant, or couple. This would potentially limit the amount of outdoor space required to service a minimum range of basic uses. These might include sitting out and hanging washing. The awkward, tapering shape of the garden space, would nonetheless severely limit scope for constructive use, particularly if this space was also required for storage of bins and cycles. The shape of the space, combined with its heavy enclosure would furthermore provide a cramped and oppressive environment for its users, which would be accentuated by any excavation necessary to sink the dwelling into the ground. The very poor standard of outdoor space provided would not be justified by reference to the prevailing context, given that gardens sizes within the immediate area are, on the whole, larger.
9. In the event that a car-free scheme was to be considered acceptable, a very small enclosed garden space and windows could be provided at the front. The outlook from such windows would however be much more restricted than any placed at the rear, and the garden space even more cramped than that at the back. As such this would not deliver any significant improvement.
10. A scheme approved elsewhere in Sidmouth has been brought to my attention. This featured provision of a smaller garden space than is currently proposed. The developed context however differed. Furthermore, whilst the dwelling was similarly wedge shaped, the accommodation does not appear to have had the restricted outlook that would be a feature of the proposed development. As such the 2 schemes are not directly comparable.
11. Given that the dwelling would be likely to stand below, or at a similar level to the boundary fences, no obvious scope for overbearing of adjacent dwellings would exist.
12. For the reasons outlined above I conclude that whilst the development would not adversely affect the living conditions of occupants of neighbouring dwellings, it would provide unacceptable living conditions for its future occupants. Though the

Council has cited Policy D1 of the Local Plan, this sets out a very limited range of considerations in relation to the occupants of proposed future residential properties, none of which are applicable in this instance. The development would nonetheless conflict with national policy as set out in paragraph 127(f) of the Framework, and outlined above.

Character and appearance

13. Existing development along Sidford Road is chiefly characterised by 2-storey detached dwellings with pitched or hipped roofs, which are set back from the street frontage in large, well enclosed plots. Some localised change occurs in the vicinity of Jubilee Gardens, parts of which abut the site, within and opposite which the layout of 2-storey dwellings is denser, and frontages are more open.
14. As the proposed dwelling would be single storey, with flat, or almost flat roof, its design would be directly at odds with the character of development within its immediate setting. This would be obviously apparent to any user of Sidford Road passing the site in the event that the dwelling was clearly exposed to view. However, as the dwelling would be fully screened, and potentially set at a similar or lower level to the boundaries, it would be more or less concealed from view. Though some views of the roof might nonetheless be possible from dwellings standing on higher ground to the north, little perceived harm would arise within the streetscene at large.
15. Parking would occur directly on the frontage, and it is unlikely that this could be safely enclosed. The adjacent gable of 2 Jubilee Gardens would however provide a point of direct visual reference. Viewed in this context, the parking space could appear much like the driveways seen adjacent to dwellings elsewhere along Jubilee Gardens, and therefore not incongruous in itself.
16. For the reasons outlined above. I conclude that the development would not have an unacceptably harmful effect on the character and appearance of the area. It would thus comply with Policy D1 of the Local Plan, which amongst other things requires developments to respect the key characteristics of the area in which the development is proposed.

Drainage and highways safety

17. The space available within the plot imposes significant constraints on provision of surface water drainage. This has not been contested by the appellant, who has indicated that drainage could be via a drain or the sewer, rather than by soakaway. This has in turn been agreed in principle by South West Water, albeit attenuation would be required. It is not clear where in the plot the required below-ground infrastructure would be located. However, taking into account the small scale of the development, I see no reason why attenuation could not be achieved, with details secured by condition.
18. The Inspector in the previous appeal noted that backing onto Sidford Road would be dangerous. I have no reason to question this view and it has not been challenged by the appellant. Most of the submitted schemes therefore show a parking space with a turntable. The turntable would help to avoid vehicles backing out of or into the site. This, in combination with the good level of visibility that would exist towards the site access for pedestrians and on-coming traffic, would minimise the potential for collisions.
19. The potential would inevitably exist that future occupants might choose not to operate the turntable. This could be the case even though backing out of the site would be a more dangerous option than would be leaving it in forward gear. The

same might however equally apply even if there was sufficient manoeuvring space within the plot to turn manually. In this regard, use of the turntable would be made more likely by the fact that occupants would need to park directly on it, and by an ongoing requirement to maintain the turntable in an operational state, which could be secured by condition. I see no reason why compliance should be difficult to monitor if required.

20. Brief periods within which the turntable was out of service might nonetheless occur. It is possible that some backing out of or into the site could also take place at these times. It is however also apparent that future occupants could park on-street within the local area instead, without this necessarily giving rise to any adverse effect of its own. This would presumably be necessary in any case, in order to allow the turntable to be fixed. Any increased risk associated with the turntable breaking down would therefore appear minimal.
21. For the reasons outlined above I conclude that the development would not have a demonstrably unacceptable effect on drainage or highways safety. As such it would comply with Policy EN22 of the Local Plan which amongst other things requires the surface water run-off implications of a proposal to be fully considered; Policy TC9 of the Local Plan which requires the provision of parking space; and Policy TC7 of the Local Plan, which states that permission will not be granted if a proposed access, or the traffic generated by a development would be detrimental to the safe and satisfactory operation of the highway network.

Other Matters

22. 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. It states that this can be mitigated through payment of CIL and other financial contributions. The Council notes that a contribution has been secured, but I do not appear to have been provided with any evidence. 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

23. Notwithstanding the fact that an acceptable scheme could be secured with regard to the character and appearance of the area, drainage, highways safety and the living conditions of occupants of neighbouring dwellings, the development would provide unacceptable living conditions for future occupants. Therefore, 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