



Appeal Decision

Site visit made on 19 November 2019

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 December 2019

Appeal Ref: APP/X1118/W/19/3235075

4 Davids Hill, Georgeham, Devon EX33 1QF

- 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 Richard Hill against the decision of North Devon District Council.
 - The application Ref 66783, dated 28 May 2019, was refused by notice dated 22 July 2019.
 - The development proposed is conversion of existing garage and play room and side extension to form a one bedroom dwelling and associated parking and garden.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing garage and play room and side extension to form a one bedroom dwelling and associated parking and garden at 4 Davids Hill, Georgeham, Devon EX33 1QF in accordance with the terms of the application, Ref 66783, dated 28 May 2019, subject to the following 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: Location Plan and Existing Block Plan; Existing Floor Plan and Elevations; Proposed Floor Plan and Elevations.
 - 3) Prior to the commencement of the use hereby permitted, a bat and bird box shall be sited on the either the south or west elevation of the building and shall thereafter be retained as such.

Preliminary matters

2. The Council refused planning permission for 4 reasons. However, the Council's appeal statement indicates the living conditions of future residents and parking provision for the development, which were the subject of the second and third reasons, would be acceptable. Therefore, I do not consider these matters to be main issues.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the area; and the effect on the Braunton Burrows Special Area of Conservation (SAC).

Reasons

Character and appearance

4. The wider area of Davids Hill is a mix of one and two storey dwellings of similar appearance. Nos. 1-5 stand in their own cul-de-sac of 5 bungalows which includes the appeal site. The arrangement is broadly symmetrical with No.3 standing opposite the entrance facing down the cul-de-sac. Beyond Nos. 1 and 5 either side of the entrance, the cul-de-sac widens around a turning head across which Nos. 2 and 4 face each other. There are landscaped areas to the front of the dwellings, broken only by the private drives of each of the 5 dwellings.
5. The appeal site is an existing structure associated with No.4. Its size gives it a subservient appearance to that dwelling and No.3 with which it stands alongside, such that its existing garage door faces forwards up the cul-de-sac like No.3 rather than across the turning head like its host property. However, it sits comfortably alongside No.3 and does not appear cramped in the street scene.
6. The proposal would make changes to the front elevation, replacing the garage door with a pedestrian door and windows. However, this would not make the building appear more cramped in the street scene. A side extension would be set back from the front elevation, and although glimpses of it might be available, due to the location of the building within the cul-de-sac and position of the extension to the side, it would not dominate views or significantly alter the existing overall composition of buildings. Nor, given the alignment of the proposal with No.4, towards which the building would be extended, would it significantly reduce the gap between these buildings such that it would result in a more cramped appearance.
7. The dwelling would appear smaller than others in the locality and the Council has suggested that the subordinate function of the garage would be removed, but there is no substantive evidence as to why this is required to safeguard the character and appearance of the area. In light of the above, I find that the changes to the building would not harm the character and appearance of the area.
8. The increase in hard surfacing to accommodate parking and reduction in grassed frontage to the site would be somewhat at odds with the other dwellings in the cul-de-sac. However, given the site's location it would only be seen at very close range or from those closest dwellings around the site. Some grass could be retained between the parking spaces and so they would not result in harm to the overall character and appearance of the area.
9. With regard to the above, I find that the proposal would not conflict with those aspects of Policy DM04 of the North Devon and Torridge Local Plan (LP) or the objectives set out at paragraph 127 of the National Planning Policy Framework (the Framework) that seek to promote good design, including through respect for a development's setting, the characteristics of the area and reinforcement of local distinctiveness.

Braunton Burrows SAC

10. The above indicates that the circumstances that could lead to a grant of planning permission are present. In such a situation, there appears to be no

dispute between the main parties that the proposal could lead to additional recreational pressure on the Branton Burrows SAC. Accordingly, in combination with other development, there are pathways that could lead to harm to the integrity of the SAC. Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 (CHSR) is, therefore, required. This I have carried out on a proportionate basis with regard to the evidence provided by the appellant.

11. Branton Burrows is an area of sandy foreshore, mobile and fixed sand dune, dune grassland and scrub¹. They have a diverse flora with some 400 flowering plant species, over 60 species of lichen and many fungi, moss, liverwort and fern species. The SAC is designated for its shifting dunes along the shoreline with *Ammophila arenaria*, fixed dunes with herbaceous vegetation, humid dune slacks, dunes with *Salix repens ssp. argentea*, Mudflats and sandflats not covered by seawater at low tide, and Petalwort *Petalophyllum ralfsii*².
12. The features of interest are at risk from significant adverse effect as a consequence of increased recreational pressure. In particular, there are risks of trampling, wildfires including as a result of barbeques, and eutrophication from dog faeces. Furthermore, dog walking in the area has resulted in a cessation of sheep grazing, which is required to control scrub³. Increased pressure is likely to arise from additional residents in the area such as from the proposed dwelling, when considered in combination with other development.
13. The SAC assessment of impacts report⁴ sets out that it is possible to mitigate adverse effects, but this requires changes in visitor behaviour that is best managed at a strategic level. Increased visitor awareness can be achieved through various measures including the setting up of a parking permit system, wardening, information and activities focussed at dog walkers, and monitoring of visitor behaviour. Alongside this, improved site management is required.
14. Whilst an overall strategy is developed, the Council has developed an interim scheme⁵ (IS). The IS indicates that the full range of measures that are likely to be required are not yet in place, but sets out an interim payment scheme to ensure planning permission can still be granted for net increases in new residential dwellings until the management plan can be implemented. As an interim measure, a full-time environmental warden has been identified and the Council anticipates that it would be paid for by developer contributions.
15. I have consulted Natural England (NE) in respect of the proposed mitigation and specifically whether the IS is sufficient to mitigate all potential adverse impacts. Whilst expressing some concern that a formal management plan has yet to emerge, NE has confirmed that the IS is sufficient as a temporary measure until a such a plan is published as the risks identified are best managed through a wardening scheme.
16. To that end, the appellant has made a payment to the Council and submitted an undertaking under S111 of the Local Government Act 1972. The undertaking indicates that the payment would be made to mitigate against any

¹ Branton Burrows SAC – an assessment of the potential recreational impacts of non plan-led development. Unpublished report by Footprint Ecology for North Devon Council (18.03.2019).

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Branton Burrows SAC Recreation Mitigation. Interim Scheme – May 2019.

adverse effect of the development on the Branton Burrows SAC. However, the undertaking does not bind the Council to spend the money in any particular way, or deliver the mitigation. Taking a precautionary approach, this is cause for concern.

17. However, in the particular circumstances of this case, the evidence indicates that the wardening scheme detailed in the IS is already in place and there is no evidence that it would not remain so until a wider mitigation plan is published. As NE as Statutory Nature Conservation Body are content with these measures in the short term, I am satisfied that the proposal, in combination with other development, would not lead to adverse effects on the integrity of the SAC.

Other matters

18. The presence of an additional dwelling at the site would increase the amount of traffic in the cul-de-sac. However, as the Council has now confirmed that the parking provision would be appropriate and the additional traffic movements from one dwelling would be small, there is no substantive evidence that there would be harm to highway safety or inconvenience to other nearby residents. In light of my findings in respect of the first main issue, there is no compelling reason that the additional parking spaces would harm the outlook from neighbouring dwellings.
19. The new dwelling would be small and would also remove storage from the existing property. However, it does not necessarily follow that there would be inadequate storage remaining for future residents. There would appear to be adequate space within the two garden areas to store refuse bins and the like. Some concern has been raised about surface water drainage, but the Council's officer report indicates that no harm would arise in that regard.
20. It has been suggested that the existing property is used as holiday accommodation and the proposal may be similarly used. Whilst I acknowledge those concerns relating to a gradual decline in permanent residents in Georgeham, the Council's officer report indicates that there is no policy justification to prevent such uses. I have no reason to disagree. There may be other garages within the area that could be converted, but any such proposal would need to be considered on its own individual merits.

Conditions

21. A plans condition is required in the interests of certainty. LP Policy ST14 seeks to ensure enhancement of biodiversity, so a condition requiring the provision of a bat and bird box is justified. I have made revisions to the Council's suggested condition in the interests of clarity.
22. The Council has suggested a condition removing permitted development (PD) rights. Whilst the site is small, there is no particular evidence that any development that could be carried out under PD rights would cause harm to the character and appearance of the area or living conditions. Therefore, I have not imposed such a condition.
23. The Council has also suggested a condition limiting the occupation of the dwelling to a single person, but it is not clear how such a condition would meet the test of enforceability. I acknowledge that the Council's withdrawal of its objection to the second and third reasons for refusal is linked to single occupancy. However, whether or not the Council could be justified in using the

nationally described space standard to assess the quality of proposed accommodation, I am mindful of advice in the Planning Practice Guidance that requiring those standards requires reference in the Local Plan. In light of this, coupled with my concerns over enforceability, I have not, therefore, imposed such a condition.

Conclusion

24. For the reasons given above I conclude that the appeal should be allowed.

M Bale

INSPECTOR