The Planning Inspectorate

Appeal Decision

Site visit made on 21 January 2020

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 05 February 2020

Appeal Ref: APP/U1105/D/19/3238372
Sunbeams, Rhode Lane, Uplyme DT7 3TX

- 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 Aaron Ray against the decision of East Devon District Council.
- The application Ref 19/1839/FUL, dated 16 August 2019, was refused by notice dated 18 September 2019.
- The development proposed is described as the demolition of single garage and construction of replacement double garage with workshop (revision to 18/2470/FUL).

Decision

1. The appeal is allowed and planning permission is granted for the demolition of a single garage and construction of replacement garage with workshop (revision to 18/2470/FUL) at Sunbeams, Rhode Lane, Uplyme DT7 3TX, in accordance with the terms of application, Ref: 19/1839/FUL, dated 16 August 2019, subject to the conditions in the attached schedule.

Procedural Matters

2. In the interests of consistency, I have taken the description of development from the original planning application for use in the heading above. However, I note that interested parties have raised concerns about the description of development provided and, in the interests of accuracy and based upon the evidence before me, I have amended the description of development within the formal decision given above, by removing reference to a "double" garage.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, having particular regard to the location of the appeal site within the East Devon Area of Outstanding Natural Beauty (the AONB).

Reasons

4. The appeal site is located within Rhode Lane, being a single track road which is characterised by low density, well proportioned detached dwellings, situated within spacious plots, and set back from the highway. Residential dwellings within Rhode Lane and close to the appeal site, are arranged in a ribbon along both sides of the highway, with generous spacing between the detached dwellings.

5. The appeal site is located within the AONB. The statutory purpose of including land within the AONB is to conserve and enhance its natural beauty. Paragraph 172 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues.

6. The evidence before me indicates that planning permission[1] was recently granted for the construction of a garage and workshop at the site (the Existing Planning Permission). The appeal scheme seeks to revise the Existing Planning Permission, by altering the design and height of the roof in order to incorporate a pitched roof with rooflights.

7. The Council Officer's report maintains that the increased height of the proposed garage, would be significant and would be detrimental to the landscape and scenic beauty of the AONB, and would further be harmful to the character and appearance of the area to the detriment of residential amenity. It is contended that this harm would be exacerbated by the proposed removal of a section of hedge adjacent to Rhode Lane which forms part of a proposed development to the rear of Sunbeams[2].

8. In respect of the above, from the evidence before me and from observations made on my site visit, properties which are located within Rhode Lane and close to the appeal site, in the main, include substantial garages and outbuildings which are located close to or abutting onto the highway. Whilst I acknowledge that in some instances these garages are incorporated and attached to the host dwelling, there are examples where these garages are detached from the host property and which are situated in very close proximity to, or abutting, the highway.

9. Furthermore, the garages and outbuildings of nearby dwellings with Rhode Lane as described above, are constructed in a variety of styles and designs. Some, such as the garage at Little Croft almost immediately opposite the appeal site and the garage structure at Crosstrees, are structures of significant size and scale which are positioned between the host dwelling and the highway. These examples of garages also incorporate mono-pitched and dual-pitched roof designs, with no substantial sections of hedging screening these structures from views from within Rhode Lane.

10. In light of the above, in my view the design and appearance of appeal scheme would be consistent with other forms of development within Rhode Lane and would be seen in the context of nearby, neighbouring properties with regards to its scale, height and position within the appeal site adjacent to the highway. The proposed structure would appear subservient to the host dwelling, would reflect and reinforce the prevailing character of surrounding area and would not be detrimental to the street scene within Rhode Lane.

11. Furthermore, whilst I have not been provided with full details of the application which relates to development at the rear of Sunbeams, it is apparent that even in the event that a section of the hedge which separates the appeal property from the highway, was removed in order to improve visibility, that such a change would reflect that of the property at Little Croft located opposite of the

[1] Local Planning Authority Reference: 18/2470/FUL
[2] Local Planning Authority Reference: 19/11043/OUT

site. Whilst I acknowledge that such an action would result in the appeal proposal being more prominent within the street scene than the Existing Planning Permission, it would nonetheless still reflect and respect existing development within Rhode Lane.

12. In light of the above, the appeal proposal would not be harmful to the character and appearance of the surrounding area and would not be harmful to the street scene or the amenity of nearby or future residents. The scheme would be seen within the context of neighbouring development, in terms of scale, height and prominence, and therefore would not be harmful or detrimental to the landscape and scenic beauty of the AONB when viewed from within the wider surrounding area.

13. Whilst I have placed great weight on the conservation and enhancement of the AONB, taking the above factors into account, I conclude that the proposed development would not result in a significant adverse effect on the character and appearance of the area nor would be harmful to the AONB. Furthermore, I conclude that the proposal would not be harmful to the residential amenity of nearby residents nor would be harmful to the amenity of future residents of Sunbeams.

14. Therefore, the proposal would comply with Policies D1 and Strategy 46 of the East Devon Local Plan 2012-2031 which, amongst other things, seek to ensure that local distinctiveness and the character and appearance of the area, including the landscape and scenic beauty of the AONB, is protected and that development does not adversely affect the amenity of nearby residents or future residents at the appeal property.

15. Further to the above, the Council's Officer Report confirms that Policy UEN3 of the Uplyme Neighbourhood Plan (the UNP) provides that development "should not be prominent in scale, visually dominant or significantly change the character of the village. Any proposals for new development should reflect the grain, density, quality and materials of the immediate area within which it will be located". In this respect, and for the reasons given above with regards to the acceptable height, scale and prominence of the proposed garage and workshop which is consistent with development within Rhode Lane, the appeal scheme would accord with the provisions of Policy UEN3 of the UNP.

Conditions

16. In light of paragraph 55 of the Framework and the advice in the Planning Policy Guidance, I have considered whether planning conditions are required in relation to this proposed development.

17. In addition to the standard three year period implementation condition, which is a statutory requirement, it is necessary, in the interest of certainty and precision, to define the plans with which the appeal scheme should accord.

18. In addition to the above, and in the interests of protecting the amenity of nearby residents and future occupants of Sunbeams, I also find it reasonable to include a condition which requires that the garage remain ancillary to the host dwelling and not be used as a separate dwelling or business.

Conclusions

19. For the reasons given above, the appeal succeeds and planning permission is granted subject to the conditions identified.

A Spencer-Peet

INSPECTOR

Schedule of Conditions

1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

2) The development hereby approved shall in all respects accord strictly with drawing numbers: EDS245-04d, EDS245-03c and EDS245-locg received by the Local Planning Authority on 16 August 2019.

3) The detached building hereby permitted shall be used only in conjunction with, and ancillary to, the use of Sunbeams, Rhode Lane as a single dwelling house and shall not be used as a separate dwelling or for any commercial, industrial or business purpose.