



Appeal Decision

Site visit made on 24 February 2020

by Mrs H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th March 2020.

Appeal Ref: APP/W1145/W/19/3239774

Land at Sanctuary Road, Sanctuary Road, Holsworthy EX22 6DQ

- 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 Tamar Land and Property Company Limited against the decision of Torridge District Council.
 - The application Ref 1/0226/2019/FUL, dated 12 March 2019, was refused by notice dated 5 July 2019.
 - The development proposed is erection of one new dwelling, together with associated works.
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Decision

1. The appeal is allowed and planning permission is granted for erection of one new dwelling, together with associated works at Land at Sanctuary Road, Sanctuary Road, Holsworthy, EX22 6DQ, in accordance with the terms of the application, Ref 1/0226/2019/FUL, dated 12 March 2019, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appellant submitted a costs application on the basis that the Council had added two additional facets to its case. Upon clarification, these were not additional to the Council's case and the appellant withdrew the application for costs. I shall proceed on this basis.
3. I note that the proposed plan Ref 2018-48.P1.E is not the plan upon which the Council made its decision. However, this plan only differs from plan Ref 2018-48.P1.D insofar as it shows the sight lines from windows of neighbouring dwellings towards the appeal dwelling. As it does not alter the nature of the proposal, I have considered the original plan in arriving at my decision.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the area and on the living conditions of future occupiers, with particular regard to outlook and adequacy of amenity space.

Reasons

Character and appearance

5. The surrounding area is characterised by modern residential development with dwellings, including both two storey houses and bungalows, sharing a unifying simplistic vernacular and limited palette of construction materials.

6. The appeal site lies to the rear of Nos 14, 15 and 16 Honey Meadows, The Firs, Nos 17, 19 and 21 Sanctuary Road, Okemoor and Lane - N. It is accessed via a lane which passes by the side of No 21 Sanctuary Road. A single domestic garage also lies adjacent to the site and is accessed from the same lane. Owing to the level changes there is a large embankment currently occupying the southern part of the site. The boundaries enclosing most sides of the site are formed from timber boarded fencing.
7. The proposal would introduce a contemporary-style bungalow, set a short distance away from a retaining wall to the south of the site. The access to the nearby garage would be maintained in front of the dwelling and a new parking area would be created to the eastern side. A modest amenity space would be provided to the west of the dwelling, and a small landscaped space would separate the principal elevation from the access lane and garage.
8. The modest scale, simple design and proposed construction materials of the proposed dwelling would allow it to assimilate well with its surroundings. Due to the enclosed location of the site, the proposed floor level and overall height of the dwelling, its contribution in the streetscene would be particularly limited. It would be visible to a degree from the rear gardens and windows of neighbouring dwellings, but due to its siting and overall scale, it would not form a harmful or intrusive feature in such views.
9. The dwelling would be close to the boundaries of adjoining dwellings, but this would not appear irregular in the context of the surroundings which has a high proportion of terraced housing and a moderately high density overall. As it is designed, the dwelling would capably fit into the site without appearing unduly cramped, although there would be extremely limited scope for any future alterations or extensions thereto. Whilst the garden area would be modest in size, there would be adequate circulation space around the dwelling, and it would be sufficiently set back from the lane so as to avoid the occupiers conflicting with unrelated vehicular movements past the house in connection with the nearby garage. On balance, whilst the garden would not be of an optimal size for use by a family, for a limited number of occupants that have no such desire for a large garden, it would be sufficient in the context of this tight-knit urban arrangement and in the absence of any particular policy requirements requiring minimum garden size standards.
10. Therefore, in relation to this main issue, the proposal would not harm the character and appearance of the area and therefore complies with North Devon and Torridge Local Plan (2018) (NDTLP) Policy DM04 which requires, amongst other things, that proposals are appropriate and sympathetic to setting in terms of scale, density, massing, height, layout and relationship to buildings and landscape features in the local neighbourhood.

Living conditions of future occupiers

11. The proposed two bedroom bungalow would be in front of a retaining structure and would also be lower than the boundary fences to either side. As a result, there would be no outlook to the rear. One of the bedrooms would have a particularly limited outlook towards a retaining wall from a short distance away. The other bedroom would have an outlook over the amenity space. The outlook from the main habitable room which would be an open plan living and dining space would be both to the front and side. There would be other windows in

the kitchen, bathroom, utility and WC, along with a rooflight to allow the ingress of light into other areas of the living space.

12. Whilst the outlook from the proposed dwelling would not be particularly attractive, each room has at least a window, and in some cases, two windows, that allow light into the respective rooms. Although one of the bedroom windows would offer a particularly limited outlook, this would be in contrast to the outlook from the main habitable rooms which would be adequate with a degree of spaciousness between the windows and surrounding boundary treatments.
13. Due to the tight-knit urban layout of the area, the amenity spaces serving some neighbouring dwellings are similarly modest in scale. In this regard, the proposed amenity space would be comparable with those found in the immediate area. For similar reasons, many of the existing rear garden spaces are to an extent overlooked or have the perception of being overlooked due to the close proximity of first floor windows of neighbouring dwellings. Whilst this may be heightened to an extent for the occupiers of the proposed dwelling, its garden space would not be directly overlooked and would afford a sufficient degree of privacy. Anyone considering occupying the proposed dwelling would be aware of the modest size, layout and its siting in the context of nearby dwellings, and would make an informed choice as to whether or not it was suitable.
14. Therefore, in relation to this main issue, the proposal would afford reasonable living conditions to future occupiers, with particular regard to the adequacy of garden space and outlook. Therefore, the proposal would comply with, in particular, Policy DM01 of the NDTLP, which requires proposals to perform well against a range of criteria, including the impact from existing or committed developments on the health, safety or amenity of occupants or users of the proposed development.

Other Matters

15. A neighbouring occupier has expressed concern in relation to the potential noise and privacy impacts during the construction period. A condition would limit the working hours to ensure that noise impacts were minimised accordingly. In respect of privacy, whilst the layout and existing boundary treatments are sufficient to protect the living conditions of neighbouring occupiers, I do not consider that there would be any specific harm arising from the construction phase given that this would be for a limited duration.
16. In respect of longer term disruption and noise from the use of the lane adjoining 21 Sanctuary Road and the residential occupation of the site, I note that the lane is already used by traffic associated with the garage. Whilst there would inevitably be an increase in its use, I do not consider that this would be to an extent that would be harmful to the occupiers of neighbouring occupiers given the existing use of the site.
17. I note that the Parish Council raised a concern in connection with the glare from solar panels. Given the level differences, orientation and design of the solar panels which are intended to absorb maximum sunlight, there is limited evidence to suggest that this would be harmful to neighbouring occupiers.

Conditions

18. I have considered the suggested conditions in light of the National Planning Policy Framework and the Planning Practice Guidance. I have made some minor amendments in the interests of precision.
19. In addition to the statutory time limit, it is necessary to condition the approved plans in the interests of certainty.
20. In order to minimise the disruption to neighbouring occupiers during the construction phase, it is also necessary to condition the permitted construction working hours.
21. Whilst the Council has not suggested a condition restricted permitted development rights, given the constrained nature of the site and degree to which any alterations, even of a minor nature, could affect both the future and neighbouring occupiers, I consider it necessary to impose such a condition. Whilst the Planning Practice Guidance typically advises against such a limiting condition unless in exceptional circumstances, I consider that the characteristics of this infill proposal are so unique that such an approach is warranted.

Planning balance and conclusion

22. For the reasons set out above, the proposal is considered to accord with the Development Plan and should therefore be allowed.

Hollie Nicholls

INSPECTOR

SCHEDULE OF 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 plan ref 2018-48.P1.D dated June 2019.
- 3) Demolition or construction works shall take place only between 0800 and 1800 Monday to Fridays, 0900 and 1300 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 4) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no development of the types referred to in Classes A, B, C and E of Schedule 1, Part 2 relating to extensions, alterations to the dwelling or outbuildings shall be undertaken on the application site.