



Appeal Decision

Site visit made on 1 June 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 June 2020

Appeal Ref: APP/X1118/W/20/3245371

37 Silverwood Heights, Barnstaple EX32 7RJ

- 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 DJL Securities Ltd against the decision of North Devon District Council.
 - The application Ref 70182, dated 12 July 2019, was refused by notice dated 3 September 2019.
 - The development proposed is erection of one dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - Whether the proposal would adequately mitigate effects on the Braunton Burrows Special Area of Conservation.

Reasons

Character and appearance

3. Silverwood heights is characterised by modern, high density residential development. The dwellings are broadly arranged around a rectangular-shaped estate road with three storey dwellings around the outer edges, backing abruptly onto the surrounding countryside. The inner block predominantly comprises two storey dwellings. Many of the outer three storey dwellings are arranged in semi-detached pairs, with the pairs grouped closely together. Building materials within the estate are predominately render and brick, with these materials used in a variety of different arrangements to provide a subtle degree of variety.
4. The site is a gap lying between Nos 37 and 38 Silverwood Heights. The gap is narrow and rises steeply to the south, with an overgrown stepped pathway to an area of open space. To the north, there is a passageway between Nos 70, 71, 59 and 60 to provide a cut-through from the northern part of the estate to the open space. These gaps are deliberate and valuable for their rarity within the wider estate.
5. The appeal proposal would introduce a single dwelling of three storeys in height within the available space. As it would be detached, rather than part of a semi-

detached pair to match the dwellings on either side along the street, it would appear incongruous in the street scene. Whilst it would also have three storeys to assimilate with the large majority of three storey dwellings (two main levels of accommodation above a garage), it would be smaller in height, narrower, and inconsistent in both design and materials to the rest of the surrounding dwellings.

6. Whilst modest in size, the appeal site provides some relief in an otherwise relenting expanse of built mass. Due to its siting within one of the limited number of gaps between buildings within the estate, the proposal would also result in the outer southern edge of the estate being almost fully enclosed. The addition of another dwelling, and particularly one which would not assimilate well with its neighbouring counterparts would therefore harm, rather than reinforce, the deliberate street pattern which is based on providing pedestrian permeability to an area of open space.
7. In view of this main issue, the proposal would harm the character and appearance of the area. It would therefore conflict with, in particular, Policies ST04 and DM04 of the North Devon and Torridge Local Plan 2011 - 2031 (adopted 2018). Read together, these Policies seek to achieve high quality inclusive and sustainable design, acceptable in terms of overall scale, density, massing, height, landscape, layout, materials, access and appearance.

Special Area of Conservation

8. The site lies within the influence of the Braunton Burrows Special Area of Conservation (SAC). It cannot be ruled out that residential development in this location, both individually and cumulatively with other schemes, would have significant effects on the features of interest of the SAC due to increased recreational use and other domestic activity. This is not disputed by the appellant, although it is claimed that this was not made clear at an earlier stage in the processing of the appeal application.
9. The appellant and Council agree that any harmful effects on the SAC can be mitigated through contributions, which the appellant has agreed to pay despite the absence of an agreement or obligation to this effect. However, as the circumstances that could have led to the granting of planning permission are not present, it is not necessary for me to ascertain the appropriateness and delivery of the mitigation within an Appropriate Assessment. Consequently, as I am dismissing the appeal for other reasons, I have not taken this matter further.

Other Matters

10. I noted during my site visit that the site had been previously enclosed with temporary fencing. There is inconclusive evidence about whether the appeal site forms part of the designated and/or adopted public open space through which protection may be afforded under Local Plan Policy DM09 and I note the appellant's claim that this space is 'functionless'. Though the issue of designation and/or access is a matter for the Council to resolve, the site contributes to the area aesthetically and my decision would not be different even if the site were found to be in private ownership.

Planning balance and conclusion

11. Though the proposal would contribute to the local housing stock and would result in limited economic and social benefits in this regard, these factors do not outweigh the identified harm to the character and appearance of the area.
12. The proposal therefore conflicts with the Development Plan and there are no other considerations of sufficient materiality that indicate that a decision should be taken other than in accordance therewith.
13. For these reasons, the appeal is dismissed.

Hollie Nicholls

INSPECTOR