



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: 8 June 2020

Appeal Ref: APP/X1118/W/19/3242329

Denes, Acland Road, Landkey, Barnstaple EX32 0LB

- 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 Neil & Mrs Sophia Hookway against the decision of North Devon District Council.
 - The application Ref 66499, dated 26 March 2019, was refused by notice dated 17 September 2019.
 - The development proposed is new dwelling on land adjacent Denes, demolition of existing garage and modifications to existing private driveway. Resubmitted following withdrawal of application 65878.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on the character and appearance of the area, and the effects on the living conditions of neighbouring occupiers at No 33 Barleycorn Fields, with particular regard to overlooking.

Reasons

Character and appearance

3. The appeal site lies within a residential area and is a space currently occupied by a detached garage and area of lawn belonging to the host dwelling, Denes. The site is elevated above the adjoining road and has a large degree of enclosure from existing mature trees. The marked level difference is greater to the south of the site. Views of the appeal site are easiest to obtain from Acland Road in front of the host dwelling, although this view is also partly obscured by a large tree. Views can also be obtained from neighbouring private properties and from the nearby estate, 'Mazzard View'.
4. The proposal would introduce a two storey detached dwelling onto the site, with two external parking spaces and rear garden. The extent of the footprint of the dwelling would be largely acceptable, although the garden would be modest and would experience shading owing to the height of the surrounding trees to be retained. The siting of the dwelling, alongside Denes and observing the same building line, would also be acceptable, with a modest compromise on the outlook from existing windows in the ground floor side elevation.
5. The main statement made by the proposal would be that of its form and design. It would have a strong, twin-gable form and would incorporate highly contemporary, glazing arrangements to front and rear elevations. Whilst I note

that there are gable features, either individual, incorporating less glazing, or as a less dominant architectural expression of dwellings nearby, none are so defined by such a feature. The appeal proposal's striking modernity would place it at odds with the buildings in the wider area. This would be emphasised by its scale and elevation, notwithstanding that it has been reduced in size since initial submission.

6. I note the appellant's claim that the twin gable form has a smaller mass than when compared to a single pitched roof dwelling with wider span. Whilst that may be so, and the ridge height may have been set to lower than that of Denes, the volumetric calculation and height are not the only factors in relation to whether the proposal assimilates with surrounding dwellings.
7. A large housing development, 'Mazzard View', has been built in close proximity to the north of the appeal site. That development utilises predominately traditional forms, including projecting gable features, with contemporary, yet subtle architectural expression and materials. It incorporates attractive and innovative elements that still maintain the polite and gentle sense of place conveyed by the existing built form, which the proposed standalone dwelling would not do.
8. From the evidence, I note that planning permission has recently been granted for a dwelling on the appeal site. This indicates that there is a design solution appropriate for the site and that every scheme is assessed on its own merits. In this case, despite the absence of any specific designation, the partial visibility of the site within the street scene and the numerous adaptations made to the plans, the current scheme is not considered suitably compatible with the surrounding area.
9. In view of this main issue, the proposal would harm the character and appearance of the area, contrary to Policies ST04 and DM04 of the Local Plan¹. Read together, these Policies seek to achieve high quality, inclusive and sustainable design which is appropriate and sympathetic in terms of scale, density, massing, height, layout, appearance and fenestration. For similar reasons, the proposal would also conflict with policies in the National Planning Policy Framework.
10. The Landkey/Swimbridge Newland Village Design Statement (1999) is clearly of some age. Whilst it contains some useful contextual information and key guiding principles for new development in the area, it does not add anything further to the aforementioned Development Plan policies with which the proposal has been found to conflict.

Living conditions of neighbouring occupiers

11. The closest neighbouring dwelling to the site, with the exception of the host dwelling, is No 33 Barleycorn Fields. It is a single storey dwelling with a garden that backs onto the appeal site and extends around to the east adjoining the road. It is set modestly lower than the appeal site.
12. The garden of No 33 is separated from the site by an intervening fence of approximately 2 metres in height and large trees, including both evergreen and deciduous trees. These trees, with the deciduous tree in full leaf, largely block all views towards the dwelling and garden at higher levels and the fence

¹ North Devon and Torridge Local Plan 2011 – 2031 (adopted 2018)

prevents intervisibility between the gardens and windows at ground floor level. For an urban context, No 33 Barleycorn Fields, the host dwelling and appeal site benefit from a good degree of privacy.

13. The elevation of the site, the position and the design of the dwelling would combine to result in an enhanced potential for overlooking than presently exists. I accept that the trees are not protected by any specific order and that there would be reliance on them, along with other mitigation measures sought by condition, including obscured glazing and additional planting, to avoid any materially harmful overlooking. However, subject to these measures being implemented and retained thereafter, the views would be sufficiently prevented or at least filtered to an extent that would render the proposal acceptable in terms of the effects on the living conditions of neighbouring occupiers.
14. In view of this main issue, the proposal would not harm the living conditions of neighbouring occupiers in terms of overlooking. It would therefore comply with Policies DM01 and DM04 of the Local Plan, which seek to avoid significant harm to the amenities of any neighbouring occupiers.

Planning balance and conclusion

15. The scheme would generate modest social and economic impacts from the construction of a dwelling and its contribution to the local housing stock. The scheme would also safeguard the living conditions of neighbouring occupiers. However, these considerations do not outweigh the identified harm and associated conflict with the Development Plan.
16. For the reasons outlined above, the appeal is dismissed.

Hollie Nicholls

INSPECTOR