



Appeal Decision

Site visit made on 13 July 2020

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2020

Appeal Ref: APP/Q1153/W/20/3249800

Robins Croft, Lifton Down, Devon PL16 0DA

- 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 W Ould against the decision of West Devon Borough Council.
 - The application Ref 3185/19/FUL, dated 20 September 2019, was refused by notice dated 8 January 2020.
 - The development proposed is the erection of dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development on the character and appearance of the area,
 - whether the proposal would provide adequate living conditions for the occupiers of Robins Croft, having regard to external space,
 - whether the proposed dwelling would provide adequate living conditions for future occupiers, having regard to internal and external space, and
 - whether the vehicular access arrangements would provide safe access to and from the site.

Reasons

Character and appearance

3. The site lies within the built-up area of Lifton Down where there are a variety of properties, mainly fronting the roads, with a mix of cottages, two storey dwellings and bungalows. Robins Croft is a two storey dwelling that fronts onto the side road and because of the corner plot location its rear elevation, with the lean-to projections, is visible from parts of the A388.
4. The proposed dwelling would extend over much of the plot width. It would face the road in a broadly similar way as other properties in the road and it would have an acceptable spacing to the adjoining bungalow. However, the two storey gable, with the related bulk of that part of the building, would come reasonably close to the rear elevation of Robins Croft. This angled relationship, particularly because of the position and appearance of the rear of Robins Croft in such proximity to the new dwelling, would appear somewhat awkward when viewed from the nearby road. The location of these buildings, together with the

adjoining single storey, stone garage building towards the corner, would appear quite tightly associated. In the circumstances of this corner plot, the combination of the proposed relationship and spacing between buildings, their orientation and bulk is such that the arrangement would appear cramped.

5. Accordingly, the construction of the proposed dwelling on this site would erode some of the positive open characteristics of the site and harm the appearance of the adjoining street scene. In this way, the proposal would not accord with the National Planning Policy Framework (the Framework) requirement that development should add to the overall quality of the area and be visually attractive as a result of layout.
6. In the light of the above, I conclude that the development would harm the character and appearance of the area thereby conflicting with Policy DEV10 and DEV20 of the Plymouth and South West Devon Joint Local Plan (2014-2034) (adopted March 2019) (the JLP) which seeks, amongst other things, that development protects and improves the quality of the built environment.

Living conditions for the occupiers of Robins Croft

7. Two dwellings have recently been constructed broadly to the north. The proposed dwelling and associated external amenity space would be on land that presently forms most of the existing open and grassed external amenity space that serves Robins Croft. If the new dwelling was built this would leave a reasonably limited area of amenity space around the existing dwelling to serve this property. This would include a space near the corner of the plot which would face the side road, provide little privacy and be bounded by the end gable of the dwelling and the adjoining garage building. This area would not provide a high quality or convenient external amenity area, especially as it would not immediately adjoin the rear doors to the dwelling.
8. Furthermore, the rear and end outside space around the single storey projections would be reasonably narrow, bounded by the buildings and fencing, and again would not provide a high quality and pleasant external amenity space.
9. Another main section of the external space would extend from the vehicular access alongside the length of the dwelling. This space would consist of car parking areas and back into the site there could be a general amenity area. However, this general amenity area would be fairly limited in size, with the built form of Robins Croft, the proposed dwelling and the adjoining new dwelling to the north providing a somewhat overbearing influence. There would be limited outlook and overall the location and area available would adversely affect the enjoyment that some users would experience when using this space. I am not satisfied that this would provide a sufficient size and a high standard of external amenity area that would be adequate to serve the occupiers of Robins Croft in the future.
10. I have taken into account the appellant's submissions regarding the provision of curtilage around the dwelling, however, in this case, for the reasons explained the external amenity spaces, both individually and cumulatively, would not provide a high standard of amenity for proposed users as required by the Framework.

11. For the reasons explained above, I conclude that the proposal would not provide adequate living conditions for the occupiers of Robins Croft. The scheme would therefore fail to comply with Policies DEV1, DEV10 and DEV20 of the JLP which, in this respect, requires that development provides adequate space to achieve good living standards.

Living conditions for the future occupiers of the dwelling

12. Policy DEV10 of the JLP requires, amongst other criteria, that new dwellings should be of sufficient size and layout to provide good quality accommodation to meet the needs of their occupants, with developers required to meet Nationally Described Space Standards¹.
13. The plans show a four bedroom property and the Council planning report indicates that the gross internal floor space would be about 77sqm. The Nationally Described Space Standards sets out that for a 4 bedroom property, which can accommodate 6 persons, the floorspace should be at least 106sqm. The scheme would fail to meet the approved standard and consequently provide an inadequate extent of space to provide the living conditions appropriate for the number of residents that could be accommodated. This would be contrary to Policy DEV10 of the JLP and the Framework in this respect.
14. In terms of external amenity space, there would be an area to the rear of the proposed dwelling. This would be reasonably private although surrounded by some fences and, to the rear, the new dwelling would be prominent. However, in addition there would be the strip of land extending to the north. This area could be a little inconvenient to access, nevertheless, the space would be reasonably sizeable, level and the height of the boundary fencing would reduce overlooking from adjoining properties. The combination of areas would provide sufficient external amenity space to ensure satisfactory living conditions in this respect for future occupiers.
15. Notwithstanding that the external amenity space would be satisfactory, I conclude that the floorspace of the dwelling would be inadequate to meet the needs of future residents for this four bedroom property. In this way, the scheme would not provide good quality accommodation and therefore conflict with Policy DEV10 of the JLP in this respect.

Access arrangements

16. The site fronts onto the A388 and a earlier scheme for a dwelling showed two accesses to the frontage which would have allowed in and out vehicular movements to the property. The Highway Authority did not raise objection to that arrangement. However, the Block Plan submitted with the present scheme shows the frontage as a single open area with splays and the Highway Authority objected on safety grounds. In contrast, the plan which shows the extent of curtilage with the present proposal shows two accesses with splays.
17. It appears that a scheme can be devised to meet with the safety requirements of the Highway Authority. There is sufficient sight lines and verge, some of which is owned by the appellant, available to provide a satisfactory layout. In any approval it would be possible to attach a condition to require the

¹ Technical housing standards – nationally described space standard - March 2015 - Department for Communities and Local Government.

submission of a highway scheme to enable the provision of a safe and satisfactory layout. In these circumstances, I conclude that the vehicular access arrangements could provide safe access to and from the site and thereby the scheme could comply with Policy DEV29 of the JLP in this respect.

Planning Balance and Conclusion

18. The evidence indicates that for planning purposes the site falls within Lifton and therefore is located within the Smaller Towns and Key Villages category of Policy TTV1 of the JLP. Consequently, the principle of a dwelling would be acceptable and this is one of the locations where development is to be generally directed. The construction of the dwelling would provide a small addition to the supply of housing in a location with reasonable access to services and facilities. There would be social and economic benefits to the local economy during construction and in subsequent occupation, although these would be to a limited degree due to the scale of the proposal, and in respect of construction would only be for a limited time.
19. The dwelling would be delivered on a windfall site and would make efficient use of the land. This would meet with the policies of the Framework in these respects. However, as only a single unit of accommodation would be provided, and in an area where the Council is able to demonstrate a 5 year housing land supply, the cumulative benefits afford only limited weight.
20. The proposed dwelling could be provided with a safe and satisfactory highway access and would have satisfactory external amenity space. These are matters which are neutral in the overall planning balance. However, the proposal would harm the character and appearance of the area, would adversely affect the living conditions of the occupants of Robins Croft and the floorspace would be substandard to provide for the potential number of occupants. These are matters that are contrary to development plan policies and this identified planning harm weighs heavily against the scheme. It is such that the harm would not be outweighed by the benefits, including that the principle of a dwelling would be acceptable.
21. For the reasons given above, the scheme would not comply with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR