



Appeal Decision

Site visit made on 12 October 2020

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2020

Appeal Ref: APP/U1105/W/20/3256468

6 The Chase, Honiton EX14 1QB

- 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 Matthew Knight against the decision of East Devon District Council.
 - The application Ref 19/2667/FUL, dated 4 December 2019, was refused by notice dated 23 January 2020.
 - The development proposed is described as the construction of 1 no. dwelling (resubmission of application ref. 19/0754/FUL).
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Decision

1. The appeal is allowed and planning permission is granted for the construction of 1 no. dwelling at 6 The Chase, Honiton EX14 1QB in accordance with the terms of the application, Ref 19/2667/FUL, dated 4 December 2019, and subject to the conditions set out in the schedule to this decision.

Procedural Matters

2. The description of development in the banner heading above has been taken from the planning application form. However, I have omitted the text 'resubmission of application ref. 19/0754/FUL' from the description of development in my decision because such words are not acts of development.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. Forming part of the garden of 6 The Chase, the appeal site is situated at the end of a turning head between two single-storey bungalows. The surrounding area has a relatively open and spacious character due to the set-back of existing properties behind open front gardens. However, existing properties on The Chase are generally located in relatively close proximity to one another and are set within a variety of plot sizes.
5. The set back of the proposed dwelling and its open front garden would mean that the appeal proposal would respect and maintain the open and spacious character of the well-planned streetscene. The proposed development would also sufficiently relate to its context given the dwelling's single-storey nature, its similar form, design and appearance to surrounding bungalows and its spacing to adjoining properties.

6. The proposed dwelling would be located within a relatively small plot and its proximity to the rear boundary would be evident from the street given the presence of extensive soft landscaping running along the slip road. However, the plot would not appear incongruous given the variation of plot sizes in the surrounding area while the layout and modest scale of the dwelling would read as a suitable design response to its context and the characteristics and size of the site. The proposed development would therefore be experienced as an appropriate in-fill development that would neither be unacceptably cramped nor at odds with the surrounding development pattern. The orientation and layout of the dwelling and the door and window on its western elevation would also sufficiently address the street.
7. I note that a previous development on the site was dismissed at appeal (Ref APP/U1105/W/19/3230253). However, I place limited weight on that scheme because it was for a dwelling with a different scale, layout and design. I also give limited weight to the example put to me of a development on Marlborough Close given it is in a different area with different characteristics. Accordingly, I have determined the appeal proposal on its individual merits.
8. For the above reasons, I conclude that the proposed development would not harm the character and appearance of the surrounding area. I therefore find that it accords with Policy D1 of the East Devon Local Plan 2013 to 2031 which, amongst other aspects, requires development to be of a high quality design, relate well to their context and respect the area's key characteristics. The proposal would also be consistent with the provisions in the National Planning Policy Framework (Framework) in relation to achieving well-designed places.

Conditions

9. I have had regard to the various planning conditions that have been suggested by the main parties. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents, for clarity and consistency and to ensure that details are submitted to and considered by the Council where relevant.
10. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. A condition relating to external materials is necessary in order to ensure that the development's external appearance would be appropriate in relation to its surroundings. A condition covering drainage on the site is necessary in relation to pollution and flooding considerations.
11. The PPG indicates that conditions removing permitted development rights should only be used in exceptional circumstances. However, in this instance, with open front gardens and limited boundary treatment providing a strong sense of openness in the surrounding area, such a condition is necessary and reasonable in order to protect the character and appearance of the locality and ensure that the development integrates with its surroundings.
12. A condition requiring the submission of tree protection measures for trees on adjoining land is necessary in order to safeguard existing trees which screen the adjoining trunk road and provide wildlife habitat. The condition needs to be a pre-commencement condition because it is necessary for tree protection

measures to be agreed and implemented prior to any construction works commencing. I have however split the Council's proposed condition into two and amended it in the interests of clarity and certainty.

Conclusion

13. For the above reasons, the appeal is allowed.

Tobias Gethin

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan – 6 The Chase; DRWG.NO.CHA_DWE_1B (Site Plan, Rev. B, October 2019, amended scheme); and DRWG.NO.CHA_DWE_2A (Proposed Plans & Elevations, Rev. A, October 2019, amended scheme).
- 3) Prior to the commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) for the protection of trees on adjoining land shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details. The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process. Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS. The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures.
- 4) Before development above foundation level is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 5) Prior to occupation of the development hereby permitted, the completed AMS site monitoring log shall be signed off by the supervising arboriculturalist and submitted to and approved in writing by the Local Planning Authority.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no

fences, gates or walls shall be erected within the curtilage of the dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.

- 7) The foul drainage associated with the development hereby permitted shall be connected to the public foul sewer and shall be kept separate from clean surface and roof water. The details of the means of disposing of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and shall be provided in accordance with the approved details prior to the occupation of the dwelling hereby approved.

END OF SCHEDULE