



Appeal Decision

Site visit made on 6 October 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th November 2020.

Appeal Ref: APP/W1145/W/20/3254359

15 New Street, Appledore, Bideford, Devon EX39 1QJ

- 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 Rofo against the decision of Torridge District Council.
 - The application Ref 1/0109/2020/FUL, dated 5 March 2020, was refused by notice dated 28 April 2020.
 - The development proposed is subdivision of annexe from main dwelling to create two dwellings (to include removal of annexe occupancy condition 3 of planning permission ref: 1/1675/95/14/39).
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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;
 - the effect of the proposal on future and neighbouring occupiers, including those resident in the appeal building, the occupiers of the host dwelling, No 15 New Street, and occupiers of adjoining dwellings; and
 - the effect of the proposal on the availability of parking.

Background

3. From the evidence, the appeal building was originally extended from a garage and lower store to form an annexe associated with the host dwelling and was linked to it by way of a planning condition.

Reasons

Character and appearance

4. The host dwelling is a mid-terrace two storey house situated on New Street, which is narrow and inaccessible by vehicles. Pedestrian access can be achieved to the front, but most dwellings benefit from parking and access via the service lane which appears to be known as 'Backfield'.
5. The historic 19th Century housing in New Street has been included in the Appledore Conservation Area (CA). The appeal site falls within the traditional pattern of linear rows of terraces fronting a narrow shared carriageway with utility areas and outbuildings located discretely to the rear served by a modest service lane.

6. The appeal building is clad in timber and has a corrugated metal sheet roof. It is largely orientated to face north-east, towards the rear of the host dwelling and those that adjoin it. Its rear elevation fronts Backfield but contains no windows or door openings that result in any interaction with the street.
7. Whilst appreciating that the building exists and no further changes are proposed to its external appearance, it has an appearance more akin to an outbuilding than a dwelling. As a principal residence, with its limited aspect and sole access from the service lane, it would be at odds with the surrounding grain of development. As a dwelling, its utilitarian form and insubstantial appearance, as distinct from an ancillary outbuilding, would also break harmfully from the area's comparatively more sophisticated and well-proportioned terraced housing.
8. In view of this main issue, the proposal would be harmful to the character and appearance of the area, contrary to, Policies ST04 and DM04 of the North Devon and Torridge Local Plan (2011 - 2031) (adopted 2018) (Local Plan). These Policies seek to encourage improved design quality, ensure developments contribute positively to local distinctiveness and create successful, vibrant places.

Effect on future and neighbouring occupiers

9. The evidence indicates that the building is capable of self-contained accommodation despite that the submitted plans omit reference to a kitchen. During my visit I noted that a kitchen was present in the building and that other rooms appeared to have functions typical of a dwelling, i.e. bedrooms. However, its capability to be occupied independently is not the sole determiner of its acceptability, but more broadly whether its detachment in planning terms from the host dwelling would enable both dwellings to provide satisfactory living environments for their respective occupants.
10. The external amenity space for No 15 adjoins the appeal building and provides an area for sitting out. Whilst modest in size and to a degree detached from the host dwelling, it is still capable of serving its intended purpose. To remove this space as a garden from the host dwelling and prevent any shared use would deprive its occupants of a quality living environment, as the amenity space that otherwise exists adjacent to the rear elevation is negligible in size.
11. The removal of a rear access and area for refuse storage are also factors that would detract from the living environment for occupants of the host dwelling, making the mid-terraced dwelling more difficult to access and the already cramped outdoor space less useable for recreational opportunities. Whilst it may be unusual for dwellings in the wider surroundings to have rear accesses, No 15 and most others in the New Street terrace appear to have them and are well used given the constrained access to the front elevation.
12. In terms of impacts on neighbouring occupiers, the building is sited in close proximity to the rear of the terrace. The first floor full-length doors spanning the width of the rear elevation of the building provide views towards the rear windows in the terrace. Despite the suggestion in the evidence that the area of flat roof was not in use as a balcony, it was in situ at the time of my visit with associated balustrades enclosing a seating area. The balcony affords users a view towards gardens belonging to Nos 14A, 16 and 17. Whilst some degree of overlooking is expected in built up areas, and notwithstanding that some built

features partially block views of the garden of No 16, the degree of overlooking of adjoining dwellings and gardens would be harmful to neighbouring occupiers.

13. In view of this main issue, the proposal is harmful to the living conditions of neighbouring occupiers, including those of the host dwelling, contrary to Policy DM01 of the Local Plan which seeks to avoid significant harm to the amenities of any neighbouring occupiers or uses.

Availability of parking

14. In allowing for the building to be used as an annexe, the additional ancillary floorspace was not predicted to result in an increase in demand for car parking, and the relevant condition clearly required the car parking to be shared. Whilst there is a suggestion that the host dwelling has already lost access to the parking space, the condition remains effective at the present time.
15. There is a general shortage of parking available in the vicinity of the appeal site. Though I note that the appellant has drawn attention to local car parks, and that these serve a role for visitors to the area generally, the loss of a conveniently located car parking space would be a poor outcome. The removal of the garage formerly associated with the host dwelling would also limit the ability to store bicycles, undermining the ability of occupants to opt for sustainable modes of travel.
16. Though the loss of one parking space would be unlikely to result in a highway safety effect or severe cumulative impact when considered in combination with other developments, Local Plan Policy DM06 requires that development proposals will be expected to provide an appropriate scale and range of parking provision to meet anticipated needs, having regard to aspects such as the accessibility and sustainability of the site and availability of public transport.
17. Notwithstanding that there are bus services available locally, the area is not so sustainably located that residents can avoid a reliance on private vehicles. The proposal would therefore result in an increased demand for car parking by an additional household in an area which already has a short supply.
18. The proposal therefore conflicts with, in particular, Local Plan Policy DM06.

Other Matters

19. The Council did not find that the proposal would result in more than a limited impact on the character or appearance of the CA and I have no reason to reach an alternative conclusion.
20. The appellant has referred to another annexe which has become a self-contained dwelling elsewhere in New Street. I have limited details about that particular case but it is unlikely that the circumstances are so similar that it would outweigh the identified harm and justify granting permission in this instance.

Planning balance and conclusion

21. The parties agree that the Council is currently incapable of demonstrating a 5 year supply of housing land (5YHLS). This means that the 'tilted balance' outlined in paragraph 11 (d) of the Framework is engaged. The tilted balance sets out that planning permission should be granted unless any adverse

- impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
22. From the evidence, there is a 4.23 years' worth of housing supply against the required five years. I acknowledge that even small developments can make a contribution towards bridging the gap.
23. In terms of the benefits of the proposal, the proposal would deliver a modest-sized dwelling, thus widening opportunities for home ownership, with resultant social benefits. It would be located in an area where residents can walk to a range of local facilities and there would be some economic benefits from future occupiers spending money in local shops and other businesses.
24. However, I find the proposal to be harmful to the character and appearance of the area, harmful to the living conditions of neighbouring occupiers and incapable of providing sufficient parking. Considered holistically, these factors result in adverse impacts that significantly and demonstrably outweigh the benefits.
25. The proposal conflicts with the Development Plan, considered as a whole. There are no considerations of sufficient materiality, including the application of the tilted balance, that outweigh the identified conflict.
26. For the reasons set out above, the appeal is dismissed.

Hollie Nicholls

INSPECTOR