



Appeal Decision

Site visit made on 20 October 2020

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2020

Appeal Ref: APP/J9497/W/20/3255928

Land r/o 50-51 Crowder Park, South Brent TQ10 9DB

- 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 Steve Powell against the decision of Dartmoor National Park Authority.
 - The application Ref 0573/19, dated 27 November 2019, was refused by notice dated 1 June 2020.
 - The development proposed is demolition of existing buildings and erection of two dwellings (one for affordable housing purposes) with detached garage and parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site comprises a group of garage buildings and related land. The Council considers the land use to be B1 (now Class E(g)), the appellant has referred to it at different times as either B1 or B2, and there are also references to a previous storage use. However, it is not for me to establish the current land use within this section 78 appeal. That said, I have had regard to the evidence of current activity at the site insofar as it is material to my decision.

Main Issues

3. I consider that the main issues are:
 - the effect of the proposal on the living conditions of the residents within 1 Crowder Meadows, with reference to outlook and light; and,
 - whether or not the proposal would provide adequate living conditions for future occupants, with reference to outside space.

Reasons

Living conditions - 1 Crowder Meadows

4. The appeal site slopes gradually down north eastwards from Crowder Park and its rear north east boundary backs on to and is elevated above the bungalow 1 Crowder Meadows. The main garage buildings are located at the back of the site, adjacent to and above No 1's rear garden and rear elevation.
5. The proposal would replace these garage buildings with a pair of semi-detached dwellings. Efforts have been made to design the building in a way to reduce its physical presence, particularly through the roof arrangement and the single storey scale of the affordable dwelling. Nonetheless, the building would be significantly larger and taller than the garages. Given the difference in ground

levels and the proximity of the proposed dwellings to the south west of No 1, it is likely that the proposal would significantly diminish the outlook and light received to residents within that property.

6. This would be contrary to the residential amenity aims of Policy COR4 of the Dartmoor National Park Authority Core Strategy Development Plan Document (adopted 2008) (CS), Policy DMD4 of the Dartmoor National Park Authority Development Management and Delivery Development Plan Document (adopted 2013) (DMD) and the National Planning Policy Framework (the Framework).

Living conditions - future occupants

7. Paragraph 127 of the Framework, amongst other things, requires decisions to ensure that developments will function well, using the arrangement of spaces to create attractive and welcoming places to live, with a high standard of amenity for future users.
8. The topography and shape of the appeal site creates a confined place where one feels quite dominated by and highly overlooked from the properties along Crowder Park. Within this context, the outside amenity space to both dwellings would be well overlooked or would have to be significantly enclosed in order to prevent such. Occupants of the larger dwelling would be tasked with passing directly by the affordable unit's outside amenity space to access their home.
9. The small size of these spaces, and the proximity of the parking areas, and potentially bin storage, would also weaken their value for relaxation or recreation. The area which would serve the four-bedroom family dwelling appears too small and restricted to adequately serve the needs which often arise for a house of this size, such as the likely demand for children's play.
10. I therefore conclude on this issue that the proposal would fail to provide adequate living conditions for future occupants, with reference to outside space. It would be contrary to the relevant aims of Policy COR4 of the CS and Policy DMD4 of the DMD and the Framework.

Other Matters

11. The Authority has referred to the potential impact, by reason of overlooking, towards future properties which may be constructed on the open land to the north west, which I understand is allocated for housing. However, very little information has been provided to me in this respect and, as I am dismissing this appeal for other reasons, I have not considered this matter further.

Planning Balance

12. The scheme would contribute two dwellings to the local housing supply, one of which would be an affordable home for which there is need. It would do so through the reuse of previously developed land and in a location identified by the Authority as a Local Centre, with adequate access to services and facilities. Given the small scale of the proposal, these are benefits of modest weight.
13. The removal of existing site activity is also identified by the appellant and interested parties as a benefit. However, the extent of current activity, and the degree to which it impacts residents, has not been quantified or substantively explained, beyond basic references to timings, noise, smell and access. Any

future intensification of this activity is theoretical at this point. For these reasons, this matter can carry only limited weight in support of the scheme.

14. The garages and associated vehicles are set back from and below Crowder Park and have little role within the public realm. As such, whilst the scheme would be a visual improvement, this benefit also draws little weight. That the scheme would not unacceptably overlook existing dwellings is a neutral factor.
15. Conversely, I have found that the proposal would unacceptably harm the living conditions of residents within No 1 Crowder Park with reference to outlook and light and would fail to provide adequate outside space for occupants. These matters weigh significantly in the balance and outweigh the scheme's benefits.
16. I therefore find that the proposal would conflict with the development plan when read as a whole and that there are no other matters, including the Framework, that outweigh this conflict.

Conclusion

17. For the reasons outlined above, and taking into account all matters raised, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR