



Appeal Decision

Site Visit made on 14 July 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 24 August 2021

Appeal Ref: APP/Q1153/W/21/3271804

Land between 2 & 3 Summer Green, Lamerton, Tavistock PL19 8FJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr M Bassett against West Devon Borough Council.
 - The application Ref 2976/20/FUL, is dated 17 September 2020.
 - The development proposed is erection of a dwelling.
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Decision

1. The appeal is dismissed, and planning permission is refused for the erection of a dwelling.

Preliminary Matters

2. The appeal results from the Council's failure to determine the planning application within the prescribed period. There is no formal decision on the application, as jurisdiction over that was taken away when the appeal was lodged. However, I note the assessment and conclusions submitted in the Council's statement, which sets out its concerns with the effect of the proposal on the character and appearance of the area, the living conditions of the occupiers of neighbouring dwellings and the Tamar European Marine Site.
3. On 20 July 2021, during the appeal process, the Government published its revised National Planning Policy Framework (the Framework). Both parties have had an opportunity to comment on the revisions where they may be relevant to the case, and any comments received have been taken into account in determining the appeal.
4. I have used the address of the site used by the parties in the appeal submissions, as it is more concise than the address provided on the application form.

Main Issues

5. The effect of the proposal upon
 - a) the character and appearance of the area, and
 - b) the living conditions of the occupiers of neighbouring dwellings.

Reasons

Character and appearance

6. Lamerton has a fairly dispersed pattern of development, with a concentration of buildings around the school and church. Elsewhere built form is largely linear. The appeal site is towards one end of a linear area of development that is detached from the rest of the settlement. Dwellings are mostly detached or semi-detached. Gaps between dwellings, mature trees and hedgerows are significant components of the streetscene. These give the area a rural feel, which in the context of the appeal site is enhanced by the limited presence of development on the opposite side of the road and the open space of the recreation ground to the northwest.
7. Although detached, the proposed dwelling would sit tightly between the existing plots. It would serve to significantly intensify the density of development by forming a tight line of built form that would be quite different to the existing semi-detached pairs which are widely spaced. Although outside the area known locally as the 'green triangle', the proposal would also result in the loss of the view of the mature trees within this open area, that are currently visible from the street between the existing dwellings. Thus, the urbanising effect of the proposal, in an area that is characterised by a low density of development with significant spacing between buildings and a notable presence of mature trees and hedgerows, would cause harm to the character and appearance of the area.
8. I am however satisfied that the parking arrangement, whereby cars would be parked at the front of the proposed dwelling, would not be harmful. This would be similar to many existing dwellings in the area, including the new dwellings opposite, and the proposed area of hardstanding would not be excessively sized. I also consider the design of the proposed building to be acceptable in terms of its massing, materials and articulation, as it would follow the design of the existing dwellings to either side and opposite the site. However, these matters are neutral and do not overcome my findings on the siting of the proposed dwelling.
9. In summary, the proposal would harm the character and appearance of the area, contrary to Policies DEV10, DEV20 and DEV23 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (JLP), which together seek to ensure that development proposals are designed to a high quality, well related to existing development, have a proper regard to the pattern of local development, maintain an area's distinctive sense of place and reinforce local distinctiveness.

Living conditions

10. The existing dwellings to the northwest of the site enjoy rear gardens with an open aspect to the east and southeast but are otherwise quite heavily contained by the dense belt of trees that separate them from the recreation ground. The long side elevation of the proposed dwelling would sit alongside most of the side boundary of the neighbouring garden to the northwest. The pair of gardens would thus be hemmed in on both sides, which would have a significant adverse impact on outlook, particularly for those using the garden of No. 2 Summer Green. With reference to the extract of the Council's supplementary planning document that is before me, the proposal would be constructed in close proximity to a neighbouring private garden where it would have an unacceptable overbearing effect on a household's outlook.

11. The proposal would also have an adverse impact on the level of daylight and sunlight reaching this neighbouring garden. The proposed dwelling would extend across most of its southeast facing boundary and its effects would be particularly felt during the winter months when the sun is lower in the sky.
12. The proposed dwelling would be to the northwest of No. 3 Summer Green and would thus not have the same impact on daylight or sunlight reaching the garden, and this property would retain an open aspect and outlook to the east and southeast towards areas of undeveloped countryside. However, the new building would step back significantly beyond the rear of this neighbouring dwelling and be close to the side boundary. It would thus be dominant to users of this garden and somewhat overbearing.
13. I accept that direct overlooking from the proposed building into neighbouring gardens can be dealt with satisfactorily by an appropriately worded condition to ensure that windows are obscurely glazed. Furthermore, the neighbouring buildings to either side have limited openings facing towards the appeal site. However, these are neutral matters that do not outweigh the harm I have found in relation to this main issue.
14. In summary, the proposal would harm the living conditions of the occupiers of neighbouring dwellings, contrary to Policies DEV1, DEV10 and DEV20 of the JLP, which together seek to ensure that development proposals are designed to a high standard and provide for satisfactory daylight, sunlight and outlook for existing residents.

Other Matters

15. The appeal site is within the zone of influence of the Tamar European Marine Site, which comprises the Plymouth Sound and Estuaries Special Area of Conservation and the Tamar Estuaries Complex Special Protection Area. The addition of a residential unit within this area would be likely to have a significant effect on the internationally important interests and features of this site. I note that the appellant has submitted a Unilateral Undertaking to secure a financial contribution towards the Recreation Mitigation and Management Scheme. However, as I am dismissing the appeal for other reasons, the likely significant effect will not occur in any event, and this matter does not therefore need to be considered further.
16. The proposal would deliver a new dwelling in a settlement that has some services and facilities that would meet the future needs of its occupiers. It would also be located on a main bus route. Whilst I am mindful of these positive matters, they are not sufficient to outweigh my findings on the main issues of the appeal.

Conclusion

17. In conclusion, the proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, the appeal should be dismissed, and planning permission should be refused.

A Tucker

INSPECTOR