



Appeal Decision

Site visit made on 7 July 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2021

Appeal Ref: APP/X1165/W/21/3267854

15 Copythorne Road, Brixham TQ5 8QE

- 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 Phil Carne against the decision of Torbay Council.
 - The application Ref P/2020/0682, dated 16 July 2020, was refused by notice dated 16 October 2020.
 - The development proposed is new dwelling within the curtilage of no.15, comprising detached 3/4-bedroom chalet bungalow with integral garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework). The main parties have had the opportunity to provide comments on the revisions therein and I have therefore had regard to the new Framework without prejudice to the main parties.

Main Issue

3. The main issue is the suitability of the site for the proposal, having regard to the development plan's approach to the supply of housing, with reference to the character and appearance of the area.

Reasons

4. The site forms part of the grounds of the dwelling 15 Copythorne Road, taking in an area of its lawn and part of a stone clad Devon bank which lines its treed front boundary, within the South Devon Area of Outstanding Natural Beauty (the AONB). To the west is a strip of a larger field which separates the site from housing along the street Rydons. To the south of No 15 is the remainder of the field and to the south east is the dwelling Thorne House and its grounds.
5. The site is just outside of a settlement boundary and therefore within designated open countryside as defined by Policy C1 of the Torbay Local Plan 2012-2030 (adopted 2015) (TLP). Amongst other things, Policy C1 states that in such locations development will be resisted where it would lead to the loss of open countryside or create urban sprawl. Housing may be supported if one of several given circumstances are in evidence, none of which would apply here.
6. The statutory purpose of AONBs is to conserve and enhance the natural beauty of the area. The Framework also states that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs, which

have the highest status of protection in relation to these issues. Within this context, Policy SS8 of the TLP provides that development in the AONB will only be permitted in exceptional circumstances and where it is demonstrated to be in the public interest. There is no evidence of any such exceptional circumstances before me.

7. The settlement boundary associated with the Brixham Peninsula Neighbourhood Plan Policy Document 2012–2030 (made 2019) (BPNP) does, however, draw in No 15 and its grounds. BPNP Policy E2 states that, subject to compliance with the other policies of the BPNP, proposals for sustainable development within the BPNP's settlement boundaries will be supported where developments demonstrate good design pursuant to its Policy BH5.
8. The Devon bank fronting the site is part of a longer stretch which lines this side of Copythorne Road. Despite the presence of No 15's garage and the vehicular access to Thorne House, the integrity of the bank is largely intact. No 15 and Thorne House are also quite well screened and do not significantly diminish the role of the bank and associated greenery in demarking the extent of the AONB and providing a rich green edge to Brixham. Beyond this, whilst the style of the housing around the site is fairly varied, buildings are generally squat and well proportioned, allowing them to maintain a low profile in deference to the topography. The housing is also set back into its plots in a suburban pattern, such as the adjacent bungalow at 1 Rydons.
9. The partial removal of the Devon bank and the greenery above it and the development of the site would erode its natural appearance and the legibility it provides to the AONB edge. This harm to the bank as a landscape feature would not be mitigated by restoration works to its remaining parts, which it seems to me could be carried out independent of the proposal in any event.
10. Despite efforts for the dwelling to appear as a chalet bungalow, it would be high above street level and it would have a tall principal elevation. Given also its forward siting and the way it would largely fill its plot width, it would have a domineering presence. This would be exacerbated by its appearance, with broad expanses of unembellished rendered walls and roof lights overly prominent features of its design, leading to a crude, utilitarian aesthetic. As such, the dwelling would be a deleterious addition to the street scene and AONB. As these are issues of height, scale and design, they would not be mitigated by matching finish materials present in the area. Landscaping would not conceal the scale of the dwelling nor the shortcomings in its appearance.
11. I therefore conclude that the site would not be suitable for the proposal, having regard to the development plan's approach to the supply of housing, with reference to the character and appearance of the area. It would conflict in this regard with Policies C1, DE1, SS8, SDB1 and C4 of the TLP, Policies E2, E7 and BH5 of the BPNP and the Framework.

Other Matters

12. The site is within a Sustainance Zone and a Connectivity Zone in relation to the South Hams Special Area of Conservation (the SAC) which provides habitat for the Greater Horseshoe Bat. Had I been minded to allow the appeal, it would have been necessary for me to consider this matter within an Appropriate Assessment. However, as I am dismissing it for other reasons, I have not considered the issue further.

Planning Balance

13. Planning law requires proposals to be determined against the development plan unless material considerations indicate otherwise.
14. The government is seeking to significantly boost the supply of housing and the scheme would provide a single dwelling to the local supply. This would amount to a modest social benefit. It would not outweigh the harm which would arise given the unsuitability of the location, having regard to the development plan's approach to the supply of housing, and the associated harm to the character and appearance of the area. That the dwelling would create adequate living conditions for future users, would not harm the living conditions of neighbouring occupiers nor have an unacceptable effect on highway safety and the highway network are neutral factors in the balance.
15. I therefore find that the proposal would conflict with the development plan when read as a whole and that there are no other considerations, including the Framework, that outweigh this conflict.

Conclusion

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

Matthew Jones

INSPECTOR