

Appeal Decision

Site visit made on 16 June 2022

by M Scriven BA (Hons) MSc CMgr MCIHT MCMI

an Inspector appointed by the Secretary of State

Decision date: 1st July 2022

Appeal Ref: APP/X1118/D/22/3298248

5 Taw View, Chittlehamholt, Umberleigh EX37 9PA

- 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 Jad Mottram against the decision of North Devon District Council.
 - The application Ref 74722, dated 26 January 2022, was refused by notice dated 9 March 2022.
 - The development proposed is a workshop and storage building with log store.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The decision notice refers to the proposed building as a garage. However, I have considered the proposals as described above.
3. At the time of my site visit it was apparent that a closed board fence was in situ along the boundary with No 6 Taw View that is not shown on the submitted plans. I have dealt with this matter below.

Main Issues

4. The main issues are the effect of the proposed development on:
 - The street scene along Taw View.
 - The living conditions of current and future occupiers of 6 Taw View, with particular regard to daylight and outlook.

Reasons

Effect on the street scene

5. The group of buildings in which the appeal property sits are similar in appearance and positioning, being of post war construction, and are well set back from the road, behind front gardens and parking areas. Although I am informed by the appellant that the appeal site is not located within an identified Conservation Area, the absence of built form within the frontages between 1 Taw View and The Old School positively creates the effect of a valuable, open and spacious street scene, contributing to the attractive edge of village location.
6. The proposed development comprises a timber clad ancillary building, under a pitched, slate roof, with a stated footprint of around 6.7m x 3.6m and a floor to

roof ridge height of 2.8m. The building would be located approximately 2.8m forward from the dwelling, in an area of existing raised hardstanding, along much of the boundary with No 6. The plans submitted show the proposal reaching outward close to the road. As such, the expansive footprint and massing of the proposal would result in the valuable gap in built form between the road and the buildings being broken. The fact that the building would be subordinate to the dwelling and an area of parking would remain does not alter this assessment.

7. The appellant and interested parties supporting the proposal, point out that existing garaging forms part of the frontage at 1 Taw View and to the front of Tower View. However, these plots have wide frontages and are situated away from the group of buildings that No 5 forms part of, differing in character from the section of the street scene where the appeal site is situated. I also accept that other buildings exist close to and about the highway elsewhere in the village, yet this arrangement is not what defines the street scene along Taw View but rather that described above.
8. The appellant and the Council explain that amendments have been made to a previously refused planning application (ref 74378), including a reduction to the pitch of the roof, the height and length of that proposed as well as additional landscaping. The appellant also states that the site has challenging constraints and that a shed constructed of similar materials would be allowable as Permitted Development. However, I must consider the appeal on its own merits and on the basis of that submitted. In my view that before me would result in the established, continuous, valuable gap in built form between the road and the group of dwellings being lost, by virtue of the massing, footprint and positioning of the proposal, thereby creating harm to the existing street scene along Taw View.
9. Whilst I accept the land has previously been developed to form hardstanding and would not result in the loss of a garden, the proposed building would be harmfully and substantially different in terms of height, scale and bulk than the hardstanding that it would partially replace. The proposed materials and landscaping would not overcome this fact as the identified harm to the street scene would stem from the space subsumed by the massing of the proposed building itself. As such, I do not consider that the imposition of a landscaping condition would address this harm.
10. Therefore, the proposed development would not accord with Policy ST04 of the North Devon and Torridge Local Plan 2011-2031 (LP), adopted 2018, that amongst other things seeks to ensure development proposals respond to the characteristics of the site and surrounds. Similarly, the proposal would not accord with policies DM04 and DM25 of the LP, which amongst other things collectively seek to ensure that development is sympathetic to its setting and contributes positively to local distinctiveness. For the same reasons the proposal would not accord with Part 12 of the National Planning Policy Framework (the Framework), 2021.

Living conditions of neighbours

11. A clear glazed window to a ground floor habitable room at the adjoining No 6 is situated close to the boundary of the appeal property. The elevated nature of the appeal site means that this window would sit below the proposed development, albeit the building would be set forward from the dwelling itself.

Whilst I understand from the appellant that the room is also served by a window facing northwest, I have no reason to disagree with the Council and occupants of No 6, that as the window is southeast facing it provides the principal source of daylight to the room.

12. The appellant has sought to justify that the proposal would not adversely affect daylight to the habitable room of No 6 by seeking to apply BRE best practice guidance¹ against the proposal. However, the Council explain that only part of the BRE 'tests' have been met as the introduction of a building of the massing proposed to the southwest, close to and above the window, would reduce daylight available to the habitable room when considering a 45 degree line from the window on a horizontal plane because a significant part of the proposed building would break that line. The appellant has not provided substantive evidence to counter this or lead me to a different conclusion from that described by the Council.
13. I am unaware of the current planning status or permanency of the apparently recently erected fence along the front boundary of the two properties. Irrespective of this, on the basis of plans submitted and my observations on-site, I consider that the overall height of the proposal would reach above the fence if it remains in situ, or well above the vegetation shown on the plans if planted. In my view, this combined with the intended overall massing of the proposal in its intended position, would harmfully reduce daylight to the habitable room of No 6.
14. I note that the appellant does not consider the proposal would have any overbearing effect. However, in my view the intended massing and positioning of the building along the property boundary, would have the effect of creating an unacceptable sense of enclosure when seen from the garden and ground floor window of No 6, beyond that experienced by either the recently erected fence or vegetation shown on the plans. Whilst I consider that additional planting and landscaping would partially assist in breaking up the uniform appearance of the building, the identified harm to living conditions would not be overcome by virtue of its overall scale, massing and its positioning in the plot.
15. For the reasons above the proposed development would harmfully diminish the enjoyment of the property for current and future occupiers at 6 Taw View. Therefore, the proposal would not accord with policies DM01 and DM25 of the LP, that amongst other things seek to ensure that development proposals do not significantly adversely impact the occupants of neighbouring properties. For the same reasoning the proposal would not reflect the intentions of paragraph 130 of the Framework.

Other matters

16. I am informed by the appellant and interested parties that a previous outbuilding serving the property fell into a state of disrepair and had to be demolished at the rear of the property. I also acknowledge that adequate safe and secure outdoor storage is required by the appellant to meet domestic needs. Interested parties also value the contribution that young people such as the appellants make to the community. However, such matters do not explain

¹ BRE Report: Site layout planning for daylight and sunlight, a guide to good practice (BR209).

why the proposed building is required to be sited in this prominent location at the front of the property, neither do they outweigh the harm identified above.

17. I note the Council has not objected on other grounds, equally I have no reason to consider that the area lost to the proposed development would result in harm to ecology, replace needed amenity space, reduce available parking, lead to adverse drainage effects or result in harmful noise disturbance. However, these matters are of neutral weight in my consideration of the appeal.
18. I understand that the appellant is seeking to improve the condition of the wider property, he has also highlighted that there would be economic benefit during construction and a potential increase in Council Tax may follow. However, in my view such benefit would be marginal and would not outweigh the harm I have found.
19. The appellant raises concerns regarding the way in which the application was dealt with by the Council. However, this does not alter the outcome of the appeal.
20. Having regard for the forgoing, I therefore find that there are no material considerations that justify a decision other than in accordance with the Development Plan in this case.

Conclusion

21. For the reasons above, when considered against the Development Plan and the Framework as a whole, the appeal is dismissed.

M Scriven

INSPECTOR