



Appeal Decision

Site visit made on 4 April 2023

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2023

Appeal Ref: APP/U1105/W/22/3310072

Hamble, Barline, Beer, Devon EX12 3LR

- 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 & Mrs Clive and Lesley Webb against the decision of East Devon District Council.
 - The application Ref 22/1411/FUL, dated 24 June 2022, was refused by notice dated 4 August 2022.
 - The development proposed is the construction of 1 no dwelling and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposal upon the character and appearance of the area; and upon the living conditions of the occupiers of neighbouring properties, having particular regard to privacy and outlook.

Reasons

Character and Appearance

3. Positioned upon a steeply sloping hillside within a mostly residential area, the appeal property is a detached bungalow set within generous gardens. The bungalow stretches across most of the width of the plot, being set back from Barline behind a deep front garden. To the rear there is a back garden that comprises a series of terraces within which there are a variety of outbuildings. There is an existing gated access onto Underleys.
4. Hamble is one of several bungalows that form a distinct linear row above Barline. These buildings follow the contour of the slope, and this positioning is a feature of the area. The bungalows are visible from long distances away, including from the coastal cliffs. The styles and forms of the bungalows within the row varies, albeit most occupy much of the breadth of their plots and have pitched tiled roofs. As they are aligned along the contour this strong linear positioning exaggerates the prominence of the row. This and the positional relationship of the bungalows to the public highways along with the generous sizes of their plots gives a spacious and planned appearance to the area.

5. The proposed dwelling would be designed to reflect the shape of the plot and the steep nature of the slope, having a two storey front elevation with large windows so that future occupiers could benefit from the attractive panoramic views that the hillside position provides. The house would occupy much of the width and length of the plot, with short front and rear gardens. As the site tapers towards Underleys, the size and shape of the dwelling would be such that it would dominate the site, and this domination would appear harmfully conspicuous in an area where the generous sizes of the other plots and the open nature of the rear gardens is a distinct feature. Even with the considered form of the dwelling, its cramped and constrained appearance within a small plot would be a harmfully discordant intrusion.
6. The form and style of the proposed dwelling is very different to that which was considered with the previous appeal on the site (ref: APP/U1105/W/15/3136516). However, the proposed house is larger, and whilst it may be of a comparable size to nearby dwellings by virtue of its size it would appear squeezed into its plot. In addition, this harm would be compounded by the complex articulated form of the house and its deep length extending up the hillside. The emphasis of the house would be perpendicular to the contour rather than following it, thereby exaggerating its cramped and constrained appearance. The dwelling would be a strident contrast with the conventional forms of the nearby row of bungalows, with their generous plots and the strong horizontal emphasis that respects the contours. Given these differences and that the house would be in an elevated position, it would harmfully draw the eye.
7. The low pitch of the roof would lessen its impact when approaching from Underleys, but despite this the use of metal cladding would appear conspicuous in an area that comprises conventional materials. Although there are dwellings nearby that have a contemporary style, such as that at Sea Holly House and 1B and 1A Underleys, they have pitched roofs and use conventional materials so that they harmonise with the repeated characteristics of the area.
8. The presence of such a sizeable house close to Underleys would be at conspicuous odds with the grain of nearby development. Despite the low roof profile and split-level form, the elevated position of the dwelling would allow it to be seen both from immediate and distant views within the village. The substantial and long length of the dwelling would be intrusively discordant even from long distances away, and the narrow separation that would exist between it and Hamble would compound this harm. It might be the case that the existing hedges could be retained to provide some degree of screening, and the appellants would accept a hedge protection condition. However, landscaping cannot be relied upon to screen a development during its lifetime, and particularly so in this case as future occupiers would wish to benefit from the attractive views. In addition, the proximity of the development to the hedges would be

such that root protection measures would be difficult to achieve, with the consequential harmful impact upon the health and vitality of the hedges.

9. The appellants have drawn my attention to a number of other permissions for the sub-divisions of plots. Some of these examples are in a different locational context within the village than the appeal proposal and much lower down the hillside, such as Nethercombe Lodge, Higher Meadows, and Glenmore. These differences are such that these cases do not form a direct comparison with the appeal proposal. The examples provided at Windward and Seddul Bahr are nearer to the appeal site, but again these cases differ from that before me. The development grain around Windward does not have a defined linear pattern, whilst the plot at Seddul Bahr is lower down the hillside and is in a context where the existing houses and bungalows have smaller plot sizes and closer relationships to the public highways than the appeal proposal. Given these differences none of the cases cited forms a binding precedent for allowing the appeal.
10. For these reasons the proposal would unacceptably harm the character and appearance of the area, and this harm would not be mitigated by the suggested conditions. The proposal would fail to accord with Policy D1 of the East Devon Local Plan (2016) (LP) and Policy HBE2 of the Beer Neighbourhood Plan (2019). These policies seek, amongst other things, high quality and locally distinctive design, that respects the key characteristics and special qualities of an area, urban form and context, as well as that which is appropriate to form, scale and setting, thereby reflecting objectives of the National Planning Policy Framework (the Framework) and the National Design Guide.

Living Conditions

11. The elevated position of the proposed house and the full height windows on the east facing elevation would afford future occupiers with direct views into the adjoining properties. As Hamble and Bay View are much lower down the hillside, both these properties would be directly overlooked. All of the rear garden and rear facing rooms of Hamble would be directly and very closely overlooked to the extent that the occupiers of this property would have little privacy.
12. Whilst the appellants consider the overlooking into Bay View and Olive Tree House would be oblique, the positioning of Bay View is such that there would be elevated and direct views into the bedrooms of this property. This would be particularly so given the angled aspect and projection of the east facing windows of the proposed dwelling. The garden of Olive Tree House would also be overlooked, and the position of the windows and roof lights in this house's single storey side extension is such that there would also be a loss of privacy to this room.
13. It might be the case that obscure glazing to the flank wall windows, along with hedgerows and fences could provide some degree of screening. However, the elevated position of the dwelling and that it

would have large first floor windows would be difficult to screen, particularly as there is uncertainty as to whether the existing hedgerows could survive the development. Nor is there any guarantee that future occupiers of the dwelling would wish to have tall hedgerows given the attractive nature of the views.

14. The suggestion of a barrier boundary wall or fence may mitigate some of the overlooking experienced by the occupiers of Hamble. However, the steep nature of the hillside and the short length of its remaining rear garden would make such a treatment imposingly overbearing, creating a shallow, enclosed garden with a restricted outlook.
15. The proximity of the house to the plot boundaries along with the long length of the building and its partial two-storey height would dominate the outlook of the neighbouring residents, whether experienced from their gardens or their homes. The size and height of the house, its elevated position, along with its close proximity would have an overwhelming presence for nearby residents, creating an oppressive sense of enclosure that would be harmfully dominant.
16. The appellants have drawn my attention to the relationship of Olive Tree House with the property below it and that in a hillside area there would be overlooking. However, the planning history of these properties is not before me, and from what I saw at my site inspection, both dwellings have been present for some time, considered under different national and local policies. Moreover, this instance does not justify the harm that would arise from the appeal scheme.
17. For these reasons the proposal would unacceptably harm the living conditions of nearby residents, and this would be contrary to the requirements of LP Policy D1. This policy seeks, amongst other things, that development does not adversely affect the amenity of the occupiers of adjoining residential properties, and minimises any adverse visual impact, thereby reflecting objectives of the Framework.

Other Matters

18. The appeal site is within the East Devon Area of Outstanding Natural Beauty (AONB). There is a statutory duty to protect the landscape and scenic beauty of an AONB, and the Framework also requires that great weight should be given to conserving and enhancing their landscape and scenic beauty. Although the dwelling would harm the character and appearance of the area, it would not significantly harm the landscape and scenic beauty of the AONB. The dwelling would be within a residential area and would be seen as part of the existing settlement. Given this context, the proposal would conserve the landscape and scenic beauty of the AONB.
19. Local residents have raised a number of matters, including highway safety, the future use of the home, noise disturbance, land ownership, and the creation of a precedent. As regards the latter point, each

application and appeal has to be considered on its merits, and land ownership matters would be for the relevant parties to address. Of the planning considerations raised, following my findings on the main issues, I have no need to consider them further.

20. Finally, the appellants have raised concerns with regard to the Council's handling of the application, particularly the consistency of its decision making. Such matters fall to be pursued by other means separate from the appeal process and are not for me to consider.

Planning Balance

21. The Council cannot demonstrate a five-year supply of deliverable housing sites, and consequently, Paragraph 11 of the Framework is engaged, whereby planning permission should be granted unless the adverse impacts of the proposal significantly and demonstrably outweigh the benefits.
22. The provision of an additional high-quality home would be a social benefit arising from the scheme as it would contribute towards the supply of housing. There would also be a small, time-limited economic benefit arising from the construction phase of building an additional home. Future occupiers would contribute to the local economy, and would live close to a variety of services and facilities. The house would also be designed to be energy efficient, thereby having a modest environmental benefit.
23. Weighing against these benefits would be the significant environmental and social harms. The proposal would deliver an additional home, but in doing so would cause significant harm to the character and appearance of the area, and also to the living conditions of nearby residents. The LP Policies referred to above are broadly consistent with the Framework, as the Framework also requires development to be sympathetic to local character, and to create places with a high standard of amenity for existing and future users.
24. The appellants have drawn my attention to LP Strategy 2, which sets out the strategic approach to the scale and distribution of residential development. The principle of an additional dwelling within the village would be in accordance with the objectives of this policy, but the modest benefit of an additional dwelling would not outweigh the significant harm.
25. Whilst a key aim of the Framework is to significantly boost the supply of housing, when read as a whole the Framework does not suggest this should happen at the expense of other considerations. The adverse environmental and social impacts in this case amount to environmental harm which carries substantial weight, and this thereby significantly and demonstrably outweighs the economic, environmental and social benefits, when assessed against the policies in the Framework as a

whole. It follows that the presumption in favour of sustainable development does not apply.

Conclusion

26. The proposal would unacceptably harm the character and appearance of the area, and would unacceptably impact upon the living conditions of nearby residents. The scheme would conflict with the Framework and also with the development plan when taken as a whole, and the adverse impacts arising from the proposal would significantly and demonstrably outweigh the benefits. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR