



Appeal Decision

Site visit made on 18 December 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 January 2024

Appeal Ref: APP/W1145/W/23/3321641

Land At Grid Reference 234135 104197, Trewyn Road, Holsworthy, Devon EX22 6EX

- 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 Walter against the decision of Torridge District Council.
 - The application Ref 1/1248/2022/FUL, dated 12 December 2022, was refused by notice dated 21 March 2023.
 - The development proposed is residential development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published the revised National Planning Policy Framework on 19 December 2023 (the Framework). The Council has referred to the now superseded Framework and in particular the provisions of paragraph 130. The main thrust of the provisions outlined in paragraph 130 of the superseded version are comparable to the provisions now outlined within paragraph 135 of the more recent iteration of the Framework (December 2023). I am satisfied therefore that the issues at hand on this appeal are not affected by the policy change and that neither party would be prejudiced by my reference to the more recent Framework.
3. In the interests of clarity and correctness, I have taken the address of the appeal site from the appeal questionnaire as it is a more accurate description of the location. The description of development used in the banner heading above has been taken from the application form.

Main Issues

4. The main issues are:
 - (i) the effect of the proposed development on the character and appearance of the area;
 - (ii) the effect of the proposed development on the living conditions of the occupiers of 20 Great Oak Meadow (No 20) with particular regard to outlook; and,
 - (iii) whether the proposed development would provide suitable living conditions for future occupiers with particular regard to garden space, and daylight and sunlight.

Reasons

Character and appearance

5. The appeal site is a parcel of land adjacent to the highway junction of Trewyn Road with the A3072 road. Whilst there is a petrol station on the opposite side of the highway junction the site lies within a predominately residential area. The site is a relatively narrow section of land enclosed on three sides by a timber fence with residential developments adjacent. Access into the site can be achieved from Trewyn Road, which occupies a lower ground level, next to the western boundary.
6. Dwellinghouses within the locality are of a varied design. These are typically two-storey and single-storey buildings constructed with brick or rendered elevations characteristically under pitched roofs, which contribute positively to the character and appearance of the area.
7. Buildings, including semi-detached houses are generally arranged to face the road and are punctuated by clear gaps. Due to the pattern of development the locality has a relatively open and spacious feel.
8. Having regard to the context of the site, it is apparent from the site plan provided and from my site visit that the proposed two-storey dwellings would be unable to be suitably accommodated within the appeal site. Having regard to the depth and width of this plot, the appeal scheme would appear cramped within this setting. This is evidenced by the small gardens.
9. The proposal would introduce substantial built form that would occupy much of the site and provide a cramped aspect, which would be noticeable from neighbouring properties as well as within glimpse views from the street. Moreover, the proposed development would introduce substantial unrelieved box-like forms, which would be partially clad in timber. Consequently, the appeal scheme would lack a sense of subtleness and would fail to respond to the existing palette of materials and pitched roofs, which are characteristic of the area. The proposal would appear as a bulky, elevated and discordant addition to the street scene, out of keeping with the areas prevailing built pattern and it would erode the open and spacious feel. This would have adverse impacts to the character and appearance of the area.
10. The fact that the Council has no design guide and Holsworthy does not have a Neighbourhood Plan does not undermine the value of the character and appearance of the locality. Whilst the dwellings have been deliberately designed to overcome the potential for overlooking and to reflect the linear shape of the site, this would not overcome the harm I have identified, which arises from the proposal's scale, design, constricted plot size and relationship with the adjacent buildings.
11. For these reasons the proposal would have a significantly harmful effect on the character and appearance of the area. Consequently, the proposal would be contrary to Policies ST04 and DM04 of the North Devon and Torridge Local Plan 2011-2031 (adopted 2018) (the LP), which together require high quality inclusive and sustainable design that responds to the characteristics of its wider context and reinforces the special qualities of the area. The proposal would also conflict with Chapter 12 of the Framework which requires high quality design.

Living conditions – neighbouring occupiers

12. No 20 is a single storey dwelling that lies to the southern side of the appeal site and would be adjacent to Plot 3. The northern elevation of No 20 backs on to the appeal site and it has windows, including a conservatory on this elevation. Whilst there is a high close board timber fence along the shared boundary, the presence of gardens either side and the appeal site, together with the scale and arrangement of adjacent buildings, means the rear elevation and garden of No 20 has a sense of spaciousness.
13. Whilst the proposed development would be cut into the site, Plot 3 would be positioned in close relationship to the rear elevation of No 20. Due to the proximity and scale of the proposal, it would be conspicuous and overbearing in rear views. Despite the proposed design, including part single-storey, it would create a sense of enclosure to the garden and rear elevation, which is currently open.
14. As a result, the proposal would have a significant harmful effect on the living conditions of the occupiers of 20 Great Oak Meadow with particular regard to outlook.
15. Consequently, with regard to this main issue, there would be conflict with Policies ST04, DM01 and DM04 of the LP, which amongst other things, requires that development is high quality and ensures the amenities of existing neighbouring occupiers are safeguarded. The appeal scheme would also conflict with Paragraph 135 of the Framework where it requires that planning decisions should ensure that developments promote health and well-being, with a high standard of amenity for existing users.
16. In its reason for refusal the Council has also referred to Policy DM06 of the LP. This policy relates to parking provision and as such is not determinative on this appeal.

Living conditions – future occupiers

17. Three dwellings within the appeal site would mean that the plots would be relatively small particularly having regard to the context of dwellinghouses in the locality. Whilst this is an indication of a cramped form of development, the garden space remaining would be usable and relatively private for future occupiers. The area provides adequate space for unencumbered sitting out and drying of washing, amongst other things, and is close to Stanhope Park. In addition, I have not been provided with any policy which sets out a minimum amount of private garden space. As such, this is not in itself a reason to dismiss the appeal.
18. With regard to daylight and sunlight, the appeal scheme would sit at the same level as the land adjacent to the southern boundary. Whilst the proposed gardens would have a limited depth and despite the height of the existing boundary fence, the gardens would be on the southern side of the proposed dwellings and due to the arrangement and single-storey scale of the existing buildings close to the site, the appeal scheme would be likely to provide suitable living conditions for future occupiers with particular regard to daylight and sunlight.
19. I am also satisfied that the resulting standard of external space would be acceptable and would not present a poor environment. As such, it would

provide suitable living conditions for future occupiers, with particular regard to garden space.

20. For these reasons, in relation to this main issue the proposal would not conflict with Policies ST04, DM01 and DM04 of the LP where, together, they seek to ensure that private spaces are well designed and attractive and would not be harmed as a result of existing uses. I also find no conflict with Paragraph 135 of the Framework where it requires that planning decisions should ensure that developments promote health and well-being, with a high standard of amenity for future users.
21. In its reason for refusal the Council has also referred to Policy DM06 of the LP. As this policy relates to parking provision it is not determinative on this appeal.

Other Matters

22. I note the appellant's view that the appeal scheme would meet with the demand for this size of property and that the dwellings would have a very low carbon footprint. However, the benefits are limited by the scale of the proposal and would not outweigh the conflict with the development plan.
23. Although the appeal site may be previously developed land, this in itself does not mean that the current scheme is acceptable and does not in any event absolve me from making an assessment as to its effects in regard to the main issues of the case.

Planning Balance and Conclusion

24. The starting point for any planning decision is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
25. There would be benefits with the construction of three dwellings in a location with good access to facilities and services to serve the day to day needs of prospective residents. Given only three dwellings are proposed, the contribution would be limited, and I give this factor modest weight. There would be benefits arising from the construction period and future spend of occupants giving support to local services and facilities. Nevertheless, as construction benefits would be short term, and given the scale of the proposal, these factors attract little weight.
26. The proposal would significantly harm the character and appearance of the area and living conditions of the occupiers of No 20. The Framework advises that the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning process should achieve. It also states that developments should be sympathetic to local character and provide a high standard of amenity for existing users. Paragraph 225 of the Framework is clear that the weight to be given to local policies depends on their consistency with the Framework.
27. The proposed development would conflict with Policies ST04, DM01 and DM04 of the development plan and it as a whole. I give conflict with these policies substantial weight as they are generally consistent with the Framework.

28. There is no dispute that the Council is unable to demonstrate a five-year housing land supply at present.
29. The proposal would align with the aims of the Framework to significantly boost the supply of housing and that small-scale developments can make an important contribution to meeting the housing requirement and different types of need (paragraphs 60 and 70). As the proposal is for three dwellings, there would be modest benefit.
30. There would be economic and social benefits from the build and occupation of the dwellings as well as support for local services, facilities and the community. Such benefits would be minimal given the size of the development, and I give each limited weight. Whilst the proposal would provide suitable living conditions for future occupiers, this weighs neither for nor against the appeal scheme.
31. Despite the acknowledged benefits identified by the appellant, the scheme would cause significant harm to the character and appearance of the area and living conditions of the occupiers of No 20. These are harms which attract considerable weight respectively and would outweigh the benefits of the proposal. The appeal scheme would be contrary to the Framework where it seeks to ensure proposals are sympathetic to local character and provide a high standard of amenity for existing users (paragraph 135).
32. Overall, having considered the above factors, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
33. For the reasons given above I conclude that the appeal should be dismissed.

J White

INSPECTOR