



Appeal Decision

Site visit made on 11 September 2024

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2024

Appeal Ref: APP/Y1138/W/24/3341270

8 The Close, Cowleymoor, Tiverton, Devon, EX16 6HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Laura Dart against the decision of Mid Devon District Council.
 - The application Ref is 23/01008/FULL.
 - The development proposed is described as a '2 bedroom bungalow'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development provided in the application form has been updated in subsequent documents to "Erection of dwelling". Accordingly, this has been adopted as the description of development as it is accurate and provides certainty of the proposal under consideration.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance of the area; and
 - The living conditions of future occupiers with particular regard to amenity space

Reasons

Character and appearance

4. The Close is a cul de sac consisting of pairs of semi-detached bungalows. Plot sizes vary and the dwellings have a staggered relationship to the street resulting in front gardens of differing depths. All of the bungalows directly front onto the street.
5. The wider area is mixed in character. To the south is an estate of 'Cornish style' houses arranged in pairs and terraces with a fairly formal layout. To the north is a newer housing development with a more convoluted arrangement of cul de sacs of two storey pairs and terraces of varied design.
6. Detached properties are not common in the area and the introduction of a detached bungalow set back in the rear garden of an existing property would appear out of keeping. The garden is small and the proposed dwelling would be hard up to the side and rear boundaries appearing uncharacteristically cramped

within the plot. The proposed house would not directly front the street and whilst the views of the house would be more limited it would not be in keeping with the surrounding area. Overall, the proposed development would not respond to or sympathetically integrate with the existing street scene and would fail to make a positive contribution to its surroundings.

7. Whilst the driveway area could be included within the space around the proposed house would not overcome my concerns to the relationship with the boundaries and the existing wider street scene.
8. The size and scale of the building and its siting within a small plot would unacceptably harm the character and appearance of the area and would be contrary to the relevant provisions of Policies S1 and DM1 of the Mid Devon Local Plan 2013-2033 and policies T4 and T5 of the Tiverton Neighbourhood Plan 2020-2033. All of which, amongst other things, seek to achieve developments that are visually attractive and sympathetic to local character.

Living Conditions

9. The garden for the proposed house is an awkward shape. The proposed plans show part of the site being used for parking as well as refuse storage. The appellant has suggested that cars could be parked in front of No. 8, which is outside of the red line and the Council have suggested would not be policy compliant and increase the burden of on-street parking. Even if this were possible the proposed garden remains small.
10. While neighbouring properties may have larger gardens, the Council does not have specific policies which stipulate garden sizes. Although the garden space is small and would be sited to the side, there would be space to dry washing and for some recreation which would be sufficient for future occupiers. The proposed garden is not therefore inconsistent in terms of size with other houses in the area.
11. The proposals are therefore found to provide acceptable living conditions in respect of the size of the garden and therefore conforms with Policies DM1 and S1 of the Mid Devon Local Plan 2013 – 2033 and T5 of the Tiverton Neighbourhood Plan 2020-2033.

Other Matters

12. During the appeal the appellant has referenced a change to the parking arrangement. As the appeal is dismissed for other reasons and this has been considered as far as it is relevant no further action has been necessary.
13. Interested parties have raised issues over the accuracy of the plans, matters in respect of ownership, drainage issues and build quality. As the appeal is dismissed it has not been necessary to consider these further.
14. Whilst the proposed development would contribute to the range of housing in the district and I note the associated benefits of housing delivery. However, these would be limited given the quantum of development.

Conclusion

15. Even though I have found no harm in respect of living conditions, the proposal would nonetheless have an unacceptable effect on the character and appearance of the area. The proposed development would conflict with the

development plan, when read as a whole and there are no other material considerations, including the provisions of the National Planning Policy Framework, that outweigh this finding. Therefore, for the reasons given the appeal should be dismissed.

H Faulkner

INSPECTOR