



Appeal Decision

Site visit made on 24 September 2024

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 October 2024

Appeal Ref: APP/U1105/W/24/3339579

24 Cherry Close, Honiton, Devon EX14 2XT

- 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 Mr Antony Paul against the decision of East Devon District Council.
 - The application Ref is 23/1115/FUL.
 - The development proposed is construction of a new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, the appellant has provided an amended plan showing amongst other things a revised parking arrangement. The Council has had the opportunity to comment on this amended plan. Given this, and the small nature of the changes, I consider that no party would be prejudiced if I take the amended plan into account. I shall therefore determine the appeal on this basis.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area,
 - the effect of the proposal on the living conditions of 25 Hornbeam Close (No. 25) with regard to light and outlook,
 - the effect of the proposal on vehicle parking, and
 - whether the proposal would provide adequate living conditions for future occupiers of the proposed dwelling, with regard to internal living space.

Reasons

Character and Appearance

4. The area consists of a modern suburban estate, with a range of building designs, albeit based on standard house types. Properties are in a layout of cul-de-sacs, at relatively high density. There are examples of single detached properties, although these tend to be relatively wide, with larger footprints, often including an attached garage. Other dwellings fill the width of their plot, with small front and rear gardens, but these are typically attached houses

forming part of longer blocks of terraced or semi-detached dwellings. Most if not all properties face their respective roads.

5. The proposal seeks to erect a detached, two-storey dwelling within a tapered part of the garden of 24 Cherry Close (No. 24). The site has a larger garden than many on the estate. No minimum standard for the size of outdoor space has been identified, and the proposal would have gardens to the front and rear. There is open space and a children's play area very close by.
6. Most of the design features of the proposal would reflect others in the area. However, the two-storey height and narrow, detached position of the proposal would result in it appearing unusually tall and thin, akin to a terraced property shorn of attached neighbours. This would result in the proposal having an incongruous, oddly vertical appearance, including in views obtainable from nearby streets and houses.
7. The side elevations of dwellings are commonly visible in the street scenes, including that of No. 25. However, the front elevation of the proposal would be largely hidden, facing a backland communal parking area. The proposal would also be tight to the long side boundary and to the back edge of the footway. These factors together would give the proposal an overly dense, contrived and hemmed-in appearance. For the above reasons, the proposal would appear odd and out of place, and would fail to reflect the existing pattern of development.
8. The Council's fourth reason for refusal refers to the effect of the proposal on a tree within the appeal site, and the absence of a tree survey. However, there is no dispute that this tree has subsequently been felled, and I am aware of no planning requirement for its replacement. Consequently, the proposal would not result in the loss of current trees and so would comply with EDLP Policy D3.
9. Nevertheless, for the reasons given above, the proposal would harm the character and appearance of the area. Accordingly, it would be contrary to Policy D1 and Strategy 6 of the East Devon Local Plan (EDLP), adopted January 2016. These require proposals to be compatible with the character of the area, including in their scale, massing and density, without adversely affecting street patterns and urban form. It would also conflict with the similar requirements of the National Planning Policy Framework (the Framework). I therefore give this harm significant negative weight.

Living Conditions – No. 25

10. The appeal site shares a common boundary with No. 25, a semi-detached dwelling. Much of this property has a blank elevation adjacent to the appeal site, and the proposal would not extend beyond the end of its conservatory. An existing fence and vegetation would provide some screening of the proposal, and most of the garden serving No. 25 would not be affected by it.
11. Even so, the proposal would be positioned in close proximity to the shared boundary for an appreciable length, at a tall height, and where No. 25 is slightly angled towards it. As such, the mass of the proposal would have a dominating and enclosing impact when seen from No. 25, in particular its conservatory, patio and the closest parts of its garden. The layout of some dwellings nearby includes projections beyond the front and rear building lines of neighbouring properties. However, few of these relationships appear to be directly comparable to the proposal before me, for example in the extent of

their scale and massing. In any case, I have considered the proposal on its own merits.

12. Fencing, foliage and existing built form already restricts light to the side conservatory window of No. 25. The proposal and its roof would not breach the 45-degree line taken from the window, as shown on the relevant plan. Nevertheless, the proposed dwelling would be positioned partially in front of the window. As such, I consider that a 25-degree line would be more appropriate, which the proposal would cross. This, together with the broadly south-facing orientation of the window, indicates that a loss of daylight and sunlight would occur to the conservatory as a result of the proposal.
13. The utility room window would have a roughly perpendicular position to the proposed dwelling and a different orientation in relation to the diurnal path of the sun. As a result, I am satisfied that this room would not suffer undue loss of daylight and sunlight from the proposal. Even so, for the reasons given above, the proposal would intrude into the obtainable outlook and light available to No. 25 and its garden, making the property a less pleasant place to reside.
14. The rear conservatory and extension to No. 25 are not original, having been subsequently approved by the Council. However, as additions to an existing dwelling, they are not comparable to the proposal before me in their form, position or relationship to neighbouring properties. As a result, they do not justify it. Nor does the Development Plan indicate that a different standard of amenity should be applied to extended parts of existing dwellings.
15. For the reasons set out above, the proposal would harm the living conditions of No. 25 with regard to outlook and light. It would therefore conflict with EDLP Policy D1, which requires good levels of daylight and sunlight into buildings. It would also conflict with Framework Paragraph 135(f), which requires a high standard of amenity for existing occupiers. Consequently, I give this conflict significant negative weight.

Vehicle Parking

16. The site is within reasonable distance of services and facilities in Honiton, and not all occupiers of the proposal would have vehicles. Nevertheless, the area is relatively dense and has narrow estate roads. EDLP Policy TC9 requires that, as a guide, houses with two or more bedrooms should be provided with two parking spaces per home. As shown on the amended plan, two spaces would be provided for the proposal, but this would have the effect of removing the second space from No. 24 itself. This is also a two-bed dwelling, leaving it one space short of those required by the Policy.
17. An area of apparently unallocated parking spaces exists to the side and rear of 25 Cherry Close. During my weekday lunchtime visit, there were parking spaces available in this area. However, my visit represents a snapshot in time. Some dwellings locally do not have their own on-plot spaces, and I have little evidence, such as a parking survey, to suggest that there is parking capacity available in the area, for example at evenings and weekends. As such, the proposed reduction in the parking available to serve the host property could well result in parking stress and inconvenience to local residents.

18. The appellant has suggested that a planning condition could be imposed to restrict the proposal to a 1-bed, 2-person property. However, that is not the proposal before me. Furthermore, a condition which attempted to dictate the use of particular rooms would not be practically enforceable. Nor would it be reasonable to limit occupation to a specific number of people without an excessive degree of control. For the above reasons, the proposal would have a harmful effect on vehicle parking, thereby conflicting with EDLP Policy TC9, to which I give significant weight.

Living Conditions – Future Occupiers

19. Paragraph 135(f) of the current Framework requires planning decisions to create places which, amongst other things, provide a high standard of amenity for future users. There is no dispute that the proposal would have an internal floor area that would fall well below that sought by the National Described Space Standard (NDSS).
20. At footnote 52, the Framework makes clear that planning policies may use the NDSS where the need for an internal space standard can be justified. The NDSS is not adopted as part of the EDLP. However, EDLP Policy D1 requires proposals to not adversely affect the amenity of future occupiers, including in respect of storage space for prams and other uses. It also seeks attractive layouts. Given the small size of the internal space, I am concerned that the proposal would not meet these requirements or provide occupiers with sufficient internal space.
21. An increase in the size of the proposal has been suggested by the appellant. However, no plans of a larger dwelling are before me, and they would need to be the subject of further public consultation. Moreover, such changes could have adverse implications for the character and appearance of the area, for example. On this basis, it would not be appropriate to leave this matter to a condition. I have already identified above why it would not be appropriate to restrict occupation of the proposal to a 1-bed, 2-person property.
22. For the reasons given above, the proposal would not provide adequate living conditions for future occupiers of the proposed dwelling, with regard to internal living space. It would therefore conflict with EDLP Policy D1 and Framework Paragraph 135(f), to which I give significant negative weight.

Other Considerations

23. The Council accepts that it cannot currently demonstrate an adequate supply of housing land. As a result, it is necessary for me to determine whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits inherent in providing an additional dwelling to assist the Council in addressing its undersupply, as set out in paragraph 11 of the Framework.
24. I have found conflict with policies EDLP policies D1, TC9 and Strategy 6, which are consistent with the Framework. I therefore find that the proposal would conflict with the Development Plan as a whole. Against that, it would make a positive contribution to the supply of housing. However, being for only a single unit, such benefits would be small.
25. Construction of the proposal would make an economic contribution locally, for instance to the building industry. Its future occupiers would also make social and economic contributions to the area. The proposal would make efficient use

of land within a built-up area and could be delivered relatively quickly. Nevertheless, given that only one dwelling is proposed, these contributions would be modest. As such, I give these benefits limited positive weight.

26. The proposal dwelling would screen views from the first-floor windows of No.25 towards No. 24, although such views are oblique and so do not unduly affect the privacy of the occupiers of the appeal site. The proposal would also mask the mass of the side extension to No. 25 and its effects on the occupiers of No. 24 and its garden. However, the proposal itself would result in a similar if not greater effect on the light, privacy and outlook of the occupiers of No. 24 and so would do little to improve their living conditions. Accordingly, I give these matters limited positive weight.

Planning Balance and Conclusion

27. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Given the harm that I have identified, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
28. For the reasons given, I have found conflict with the Development Plan read in the round. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR