



Appeal Decision

Site visit made on 20 January 2025

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2025

Appeal Ref: APP/P1133/W/24/3354813

Holly Court, Thorn Cross, Bovey Tracey, Devon TQ13 9DW

- 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 Ms, Ms and Mr C, J and A Livingston against the decision of Teignbridge District Council.
 - The application Ref. is 23/01550/FUL.
 - The development proposed is the erection of 1 No. dwelling house.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Ms, Ms and C, J and A Livingston against Teignbridge District Council and this is the subject of a separate Decision.

Main Issues

3. The main issues are (i) the effect of the proposed development on the character and appearance of the area, and (ii) the effect on highway safety.

Reasons

4. I saw on my visit that the appeal site is accessed from Ashburton Road and lies between the dwellings of Woodside to the north and Inglewood to the south. The land comprises a private drive and an adjacent grassed area, with the drive providing access to the backland properties of Holly Court and The Chestnuts.
5. The appeal scheme seeks to erect a new dwelling roughly in the middle of the grass sward with the proposed rear garden to the east enclosed by a 1.8m high timber fence. The development would be in the form of a 3 bedroom, 1.5 storey dwelling of contemporary design with accommodation within the roofspace. The proposal includes a car port on the western flank and a patio adjoining the eastern elevation. I note that two previous applications were made for a dwelling on the same site in 2016 and 2017 respectively and both were refused on similar grounds to the appeal application. These are summarised in paragraph 3 above as the main issues in the appeal.
6. On the first issue, the existing drive and grassed area provide a particularly pleasing open aspect of considerable depth and a perception of spaciousness in the views from the junction with Ashburton Road. When seen with the mature trees at each end I consider that the site adds quality and variety to the street

scene to an extent that is rarely evident in an infill gap between two frontage properties, in this case the flank boundaries of Woodside and Inglewood. The positive contribution of the site to the visual amenity of the area is not only appreciated in Ashburton Road but also from the first section of Broadpark with its junction opposite. I have noted the wholly opposite opinion in the grounds of appeal but am unable to accept any part of that analysis. As regards the approval at 'Brambles' I do not consider the development of that site to be similar to the appeal scheme as regards its effect on the character and appearance of the area.

7. Furthermore, normally a new dwelling in a frontage gap would close off any long view into the site with its own front elevation and garden that would be read as part of the existing street scene and qualitatively assessed on the merits of the building's design and the boundary treatment and landscaping. In this instance such an outcome is precluded by the fact that the necessary retention of the private drive to provide access to Holly Court and The Chestnuts.
8. Whilst I acknowledge that some element of visual amenity would remain if the appeal scheme were to proceed, the 'long view' appearance of a narrow building in a recessed position would appear as being incongruous, particularly when read against the more forward siting and larger built forms of Woodside and Inglewood. Moreover, the incongruity and harm to the street scene would be increased by the fact that the car port would obscure part of the only elevation clearly visible from Ashburton Road.
9. I also consider that the Officers Report is correct with its references to a cramped development on a narrow plot. Whilst it is not 'cramped' in the conventional sense of being perceived as too close to physical boundaries, this description remains valid because the limited plot width necessitated by the retention of the existing drive inevitably results in a contrived development that would fail to make a positive contribution to the visual amenity of the area. And as the Officers Report says, as such, the development would fail to maintain and integrate well with the character of the adjoining built environment and therefore conflicts with Policies S2 & S21A of the Teignbridge Local Plan 2013-2033 adopted in 2014 ('the Local Plan'). For the same reason I find that the appeal scheme would conflict with Government policy in Section 12: 'Achieving Well Designed Places' of the National Planning Policy Framework December 2024 ('the Framework').
10. Turning to the second main issue of the effect of the development on highway safety, the Notice of Refusal explains that the increased use of the access onto Ashburton Road would *'by reason of the limited visibility from and of vehicles using the access, be likely to result in additional dangers to all users of the road'*. I note that this is a view shared by all the neighbour consultees (including the occupiers of The Chestnuts who use the access) and also that it was a reason for refusal of the two previous applications on the advice of the Devon County Council Local Highway Authority.
11. The appellants' Transport Note prepared by the consultants Vectos sets out a range of technical considerations, including the advice within Manual for Streets; Manual for Streets 2 and the Devon Highway Design Guide, as well as an appeal decision at The Gap, West Hill. Paragraph 18 of the Vectos Report

quotes paragraph 3.1.10 of the Highway Design Guide that '*if more than three dwellings are served off a private drive, problems are likely to be created*'.

12. However, the residents of The Chestnuts and another third party say that Holly Court is in the form of two separate residences in Holly Court, and taking into account the use of the drive for access to The Chestnuts the appeal scheme would amount to a fourth dwelling – contrary to the Design Guide. Furthermore, even the three dwelling total is only considered by the Design Guide to be safe if there is provision for parking and turning private vehicles. Whilst the occupiers would have this facility, there is no such provision for visitors and deliveries to the property.
13. Whilst acknowledging that both Manual for Streets documents advise that an absence of good visibility when emerging from private driveways can encourage greater caution by the driver, I attach greater weight to the combination of all the circumstances in any particular case, and indeed for this reason I afford very limited weight to the example of The Gap, West Hill. And in this current appeal I considered it important to exit the driveway by car in order to assess the adequacy of the access.
14. On leaving the site the visibility to the left is extremely poor. And whilst 'nosing out' as recommended by the consultants, I found that this was hampered by the upward slope of the drive to Ashburton Road and the necessity not only to look both ways for traffic already on the carriageway, but also for vehicles turning into and out of Broadpark almost directly opposite. I did not regard my vehicle's projection into the road before I was able to see sufficiently to make the decision to drive away as a safe manoeuvre.
15. I do not therefore form the view that this is an example of an access that *is safe despite its poor visibility*. And even without addressing some of the other ostensibly sound criticisms of local residents in respect of the consultant's Transport Note, I have no reason to ignore the advice of the Devon Highway Authority. This is that without measures of mitigation, the intensification of the use of the access that would arise from the proposed dwelling would be unacceptable. I have had regard to the realignment of Ashburton Road since the previous applications, but improvements to the access are still needed because visibility remains poor. From the wording of the Highway Authority's consultation reply it appears that it has also taken the highway modifications into account.
16. On this issue, I conclude that there would be a harmful impact on highway safety in conflict with Local Plan Policy S1b). (Policies S1A and S2 are included in the refusal reason but in my view are not directly relevant to this issue). However, paragraph 116 of the recently revised Framework also supports the refusal of development if there would be an unacceptable impact on highway safety, as is the case here.

Conclusion

17. For the reasons explained above, and having had regard to all other points raised, I conclude that the appeal must fail.

Martin Andrews

INSPECTOR