



Appeal Decisions

Site visit made on 17 April 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 June 2025

Ref: APP/W1145/W/24/3355007

Five Acre, Alverdiscott Road, Bideford, Devon EX39 4PP

- 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 Andrew Hutton against the decision of Torridge District Council.
- The application Ref is 1/0650/2024/FUL.
- The development proposed is described as: a 5m extension is proposed to the west elevation replacing a 6m larger extension in one dimension. The roof is to be removed and replaced with a first floor. Increase curtilage to enable access and larger garden. Block up existing vehicular access with trees and shrubs to remove the view of the house from the road. Utilise the 2nd access in the north boundary to the far west of the plot to improve safety.

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by both of the main parties. These applications will be the subject of separate decisions.

Preliminary Matters

3. I have used the address as provided on the appellant's appeal form as this seems to describe the location more accurately.

Main Issues

4. The main issues are: (i) the effect of the proposed development on the character and appearance of the surrounding area; and (ii) whether the arrangements for foul drainage would be satisfactory.

Reasons

Character and Appearance

5. The appeal site is located within a gently rolling landscape which contains sporadic development in the form of residential dwellings and farm buildings. The North Devon and Torridge Joint Landscape Character Assessment 2023 (the LCA), sets out that the site is located within the Upper Farmed Wooded Valley Slopes character area. The LCA notes that the surrounds have a strong local vernacular, including the use of whitewash and white or cream render, slate roofs and exposed stone. While the dwelling that occupies the appeal site is perhaps more modern than others in the vicinity, it is predominantly finished with a white render and therefore reflects the local vernacular to some degree.

6. The proposed development would involve the construction of a substantial extension at first floor level and the provision of a large two storey garage building within fairly close proximity to the dwelling. Taken together, the extended dwelling and the garage building would represent a significant increase in built form. Taking account of the low density of development within the wider surroundings, the two buildings would undoubtedly appear to be quite dominant and imposing within the landscape due to their overall mass.
7. Moreover, the design of the extended house would include a large expanse of flat roof, extensive use of wooden cladding and significant areas of glazing. In essence, it would have a very modern appearance which would not conform with local character as described within the LCA, and it would therefore appear highly incongruous and out of place in this location. While new planting would be provided, and the location of the access changed, it is still likely that the completed dwelling and garage would be visible from the road to some extent. I acknowledge that there are some larger homes in the area. However, these do not tend to be accompanied by large two storey garage blocks, and their appearance often reflects local character in a way that the proposed development in this instance would not.
8. As such, I conclude that the proposal would result in harm to the character and appearance of the area. It would therefore conflict with Policies ST04, DM04, DM08a, ST14 and DM25 of the North Devon and Torridge Local Plan 2018 (the LP). Taken together, the relevant aspects of these policies seek to ensure that new development, including residential extensions, is well designed and that it preserves character and appearance.

Drainage

9. In order to determine the suitability of the proposed foul drainage system, the appellant has provided percolation test results with values of 24, 24 and 57. The guidance set out within British Standard BS6297 is relevant to such cases. It is notable that all three results are lower than the upper limit described within the guidance. However, it is also clearly set out within the guidance that, where percolation values vary widely, further tests should be performed. It does not appear that further tests have been undertaken in this instance, despite one value being significantly higher than the other two. Furthermore, there is nothing before me to confirm whether the guidance in BS6297 has been followed more widely when the tests were being undertaken.
10. The appellant has suggested that this issue could be resolved through the use of an appropriately worded condition. However, in my view, percolation test results that indicate the viability of a proposed drainage system should not be left until after planning permission has already been granted and the locations of proposed buildings or extensions are fixed.
11. In the absence of evidence to the contrary, I conclude that it has not been demonstrated with sufficient certainty that the arrangements for the treatment of foul effluent would be satisfactory. The proposal would therefore conflict with LP Policy DM02, which in part, seeks to ensure that development does not result in adverse impacts with regards to pollution.

Other Matters

12. The appellant has set out that permitted development rights could be utilised to extend the existing dwelling and has provided some plans to this effect which show a larger dwelling than that proposed as part of this appeal. It is the case that prior approval has not been granted for such a scheme, and it does not appear that the appellant has confirmed that this is the course of action they would pursue should this appeal fail. Nevertheless, there is a greater than theoretical prospect of such a scheme coming forward.
13. However, I am satisfied that the appeal proposal would result in a greater level of harm than a scheme which could be delivered through permitted development. In part, this is because such a proposal would only involve the enlargement of the house rather than the provision of a substantial garage building. More importantly, Schedule 2, Part 1, Class AA of The Town and Country Planning (General Permitted Development) (England) Order 2015 sets out that the matters that must be considered by the Council include the external appearance of the dwelling. There is therefore a reasonable prospect that, through the use of permitted development rights, the appearance of an enlarged dwelling would better reflect the local vernacular than the highly modern scheme before me. There is also nothing substantive before me that would lead me to conclude that the existing access is unsafe, and that the new access would be beneficial. As such, I do not afford any weight to this matter.

Conclusion

14. The proposed development would result in harm to character and appearance. It would also have the potential to result in harm due to the proposed arrangement for foul drainage, although for the avoidance of doubt, the harm to character and appearance alone would have been sufficient to dismiss this appeal. The benefits of the scheme are predominantly private in nature although there could perhaps be some very limited economic benefits in future in relation to providing space for honey processing. Accordingly, there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR