



Appeal Decision

Site Visit made on 15 April 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2021

Appeal Ref: APP/X1118/W/21/3266450

57 Yelland Road, Fremington, EX31 3DS

- 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 Phil Parsons against the decision of North Devon District Council.
- The application Ref 71877, dated 28 July 2020, was refused by notice dated 23 September 2020.
- The development proposed is erection of new 2 bedroom, single storey house and garage. New access drive.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the development on the character and appearance of the area; (ii) the effect on biodiversity; and (iii) the effect on the living conditions of future residents of the site and existing residents of No.57 Yelland Road with particular regard to privacy, noise and disturbance.

Reasons

Character and appearance

3. Yelland Road, around the appeal site, has a strong linear form. Single and two storey residential properties line the road with little separation. However, there are long, landscaped garden plots behind the dwellings, which are a key component of the overall character of the area.
4. The proposal would introduce a dwelling into the rear of one of the plots. Being sited behind existing dwellings, it would have little effect on the Yelland Road street scene and its form and appearance would be appropriate. However, its siting would be at odds with the prevailing arrangement of dwellings, and would fail to respect and reinforce one of the key features that characterise the area.
5. There are examples further along Yelland Road where new dwellings have been built to the rear of those on the frontage. Some of these are larger than proposed here. There are several such dwellings around the area between Nos. 71 and 81, but the linear frontage development is weaker here, with all dwellings less formally arranged. As such, these examples are not comparable, nor do they weaken the character of the area around the appeal site that I have identified. There is also significant new residential development taking place to the rear of the site. These new dwellings are visible from Yelland Road,

but are clearly set back beyond the long gardens and mature landscaping. As such, this other nearby development does not lead me away from my earlier findings.

6. The intrusion into the rear garden area and failure to respect the pattern of development would harm the character of the area. As such, it would conflict with those aims of Policies ST04 and DM04 of the North Devon and Torridge Local Plan 2018 (LP) that require development to respond to the characteristics of the site and its wider context, including being sympathetic to the layout features of the local neighbourhood.

Biodiversity

7. There is no dispute that the existing garage is unlikely to contain suitable habitat for protected species. However, there is no evidence the remainder of the site, which contains mature landscaping, would not. It is important that the impact on protected species is understood prior to the grant of planning permission, so planning conditions would not be a suitable mechanism to secure further evidence in this regard.
8. There is no substantive evidence that the site is unlikely to contain features of biodiversity interest. I note that the appellant indicates that he would have been happy to provide further evidence if it had been requested by the Council. Nevertheless, the Council's concerns were clearly articulated in the officer report and no further robust evidence is before me.
9. I am, therefore, unable to conclude that there would be no harm to protected species or habitat. This would render the proposal contrary to those aims of LP Policies ST14, DM04 and DM08 that require development to retain and avoid adverse impacts on existing landscape and biodiversity features, and provide a net gain in biodiversity.

Living conditions

10. The dwelling would be sited some distance behind the rear of No.57. It would be single storey so boundary fencing could adequately prevent any loss of privacy to either property. There is no particular evidence as to why such boundary treatment may be harmful in any way.
11. Vehicles accessing the new dwelling would pass close to the existing No.57. This would create some noise and disturbance, but with adequate boundary treatment and, with regard to the limited scale of development proposed, I have no reason to conclude that this would harm living conditions.
12. I, therefore, find that there would be no conflict with those aims of LP Policies DM01 and DM04 that seek to safeguard the amenities of existing and future neighbouring occupiers living conditions.

Conclusion

13. While there would be no harm to living conditions, my conclusions in respect of the first two main issues result in a conflict with the development plan considered as a whole. There would be some benefits associated with the delivery of housing in an accessible location but, these are limited by the scale of development. As such, material considerations do not indicate that a

decision should be taken otherwise than in accordance with the development plan.

14. I, therefore, conclude that the appeal should be dismissed.

M Bale

INSPECTOR