



Appeal Decision

Site visit made on 17 May 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2022

Appeal Ref: APP/X1118/W/22/3290714

35A The Brittons, Braunton, EX33 2HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs S Tuson against the decision of North Devon District Council.
 - The application Ref 73624, dated 16 June 2021, was refused by notice dated 24 September 2021.
 - The development proposed is for a dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is in outline with all matters reserved. Where there are details of aspects of the proposal, I have generally considered them to be indicative only.
3. The Council confirms that reason for refusal No 6, relating to the Braunton Burrows Special Area of Conservation, has been addressed with submission of a mitigation payment to the Council.

Main Issues

4. The main issues are the effect of the development on (1) the character and appearance of the area; (2) the living conditions of future occupiers and neighbours to the site; (3) highway safety; and (4) provision of biodiversity net gain.

Reasons

Character and Appearance

5. The proposed dwelling is set within a residential area, which is characterised by detached dwellings (often bungalows but some with two storeys) set within modest sized plots.
6. The proposal is for a detached dwelling, indicated to be a bungalow style but with accommodation in the roof space, set on what is an area of garden which narrows and tapers towards the western end. It is in a prominent location adjacent to the highway. The site is currently a garden area for the occupants of No 35A The Brittons, which itself appears as a dwelling introduced since the street was built, to the side of No 35.

7. Although many of the properties within this streetscene and surrounding areas appear to have mainly modest sized plots, they are often of a regular size and appear larger than the appeal site. This is especially the case when considering that the area to the east of the dwelling would be used as a shared driveway/parking area with No 35A.
8. In my view, a dwelling on this tight plot would appear cramped within this setting. This is evidenced by the small garden indicated on the proposed layout plan. Also, the site of the proposed dwelling is what appears to be the main garden area of No 35A, even if it is towards the front of this dwelling and therefore lacking privacy. There is a yard area to the side of No 35A but this is small.
9. Furthermore, to comply with the Nationally Described Space Standards (NDSS) the dwelling may need to be increased in size, but this would only exacerbate the issue of the cramped layout. However, as the appellant sets out, this is an outline proposal and the dwelling could be designed to meet the NDSS requirements, even without an increase in size over that indicated. Nonetheless, even as indicated, the proposed small dwelling would appear cramped on this plot, resulting in an incongruous addition within the streetscene. This would have adverse impacts to the character and appearance of the street, especially with the proposed house in such a prominent position.
10. There may be other similar developments in the wider area, but I have considered the proposal primarily on the visual impacts it would have to the prevailing street scene character and this context, where the dwelling would be most visible.
11. For these reasons the proposal would be contrary to the criteria of policies DM04 and BRA of the North Devon and Torridge Local Plan (LP). These policies require development to be of a good design which is appropriate and sympathetic to setting in terms of scale and density, for example.
12. The proposal would also conflict with the National Planning Policy Framework (the Framework) which requires that decisions should ensure developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping (Paragraph 130). A dwelling in the location proposed would not appear visually attractive due primarily to the cramped layout within this context.

Living Conditions

13. As mentioned above, the proposal would reduce the garden area serving No 35A considerably, meaning only a small area of amenity space remaining. Whilst this is an indication of a cramped form of development, the amenity space remaining would be usable and relatively private for the occupants of No 35A and so this in itself is not a reason to dismiss the appeal.
14. Furthermore, as this is an outline proposal with only indicative details I would consider it possible that a dwelling could be designed and built on the plot without being significantly harmful to any existing neighbour through overlooking impact or some other form of impact. This includes the occupants of No 35A.
15. For these reasons, at this outline stage, the proposal accords with policies DM01 and DM04 of the LP, which requires that development should not

significantly harm the amenities of any neighbouring occupiers, amongst other things.

Parking and Highway Safety

16. The proposal would result in a single car parking space for both the proposed dwelling and the existing dwelling at No 35A. Whilst this is less than many other dwellings in the area, this is an accessible location and not a long distance from the centre of Braunton.
17. It could be that the parking provision on-site would result in some on-street parking, but from my observations this is a street which has the capacity for some on-street parking if necessary. There is no substantive evidence to the contrary, although I do accept that the on-street parking could be busier at times of the day when I was not on site, such as in the evening. Nonetheless, it is my conclusions that the parking provision in this particular circumstance is acceptable.
18. There is no turning space available within the site, given the restricted size of the plot. However, it is apparent that this is a common arrangement within The Brittons and I have no detailed evidence as to highway safety issues this has caused. As such, I do not consider that the lack of on-site turning results in adverse highway safety implications.
19. On the issue of parking and turning the proposal broadly accords with policies DM04, DM05 and DM06 of the LP. These policies require that development provides safe and appropriate highway access and provides an appropriate scale and range of parking provision to meet anticipated needs, amongst other things.

Biodiversity

20. The proposed dwelling would be set within a restrictive sized plot, though the plans do not suggest the removal of significant levels of vegetation for instance. There is also, from the evidence submitted and my own observations of the site, unlikely to be much in the way of biodiversity value being lost if the proposals were implemented.
21. In terms of biodiversity net gain, whilst the amount of landscaping possible would be limited some could be achieved. Furthermore, as set out by the appellant, the likes of bat and bird boxes could be required via condition to achieve this net gain.
22. On this matter the proposal accords with policies ST14 and DM08A of the LP, with these policies requiring development to enable net gains by designing in biodiversity features and enhancements where possible, for example.

Planning Balance

23. The Council has acknowledged that it cannot demonstrate a 5 year housing land supply. Paragraph 11 of the Framework sets out that decisions should apply a presumption in favour of sustainable development and that, under criterion d) where the policies which are most important for determining the application are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Given the lack of a five year housing land supply, paragraph 11 d) of the Framework is engaged.

24. The proposal would provide a dwelling towards the local housing supply in an accessible residential area. I note also the need for housing which is affordable for people in Braunton, with it possible the proposed dwelling could provide a home for a family member. There would be economic benefits from the construction of the dwelling, and the appellant suggests this could be considered an efficient use of the site, amongst other potential benefits. I also have seen all the representatives in favour of the development.
25. Being that the proposal is for a single dwelling only I would give modest weight to the cumulative benefits.
26. However, the harm to the character and appearance of the area as identified would be significant. When assessed against the policies in the Framework taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

27. For the reasons given above I conclude that the appeal should be dismissed.

Mr S Rennie

INSPECTOR