



Appeal Decision

Site visit made on 5 July 2022

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2022

Appeal Ref: APP/X1118/W/22/3293153

1 Willoway Grove, Braunton EX33 1AT

- 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 Mrs Vicky Irwin against the decision of North Devon District Council.
 - The application Ref 74115, dated 22 September 2021, was refused by notice dated 19 November 2021.
 - The development proposed is outline application for erection 1 dwelling (all matters reserved).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline form with all matters reserved for future consideration. In view of this, all plans and drawings detailing the layout of the scheme have been treated as indicative only.

Main Issues

3. The main issues are the effects of the proposal on (a) the character and appearance of the area, and (b), the Braunton Burrows Special Area of Conservation.

Reasons

Character and appearance

4. The appeal site sits within a residential area that largely comprises modern mixed bungalows, dormer bungalows and dwellings set into the sloping topography with a relatively homogenous verdant character. The appeal site comprises part of the garden and parking area associated with the host dwelling, No 1 Willoway Grove. The site frontage onto Willoway Grove is relatively narrow, though the site widens at the rear where its boundaries present to the street known as 'Willoway Close'.
5. The proposal seeks to construct a single detached dwelling on the appeal site.
6. The appeal site appears to exclude the garage, which is detached from the host dwelling. It is also inferred by the plans that the parking for the host dwelling would be retained on the appeal site, in front of the garage. Whilst I have treated the plans as indicative, the lack of incursion into the plot of the host dwelling to provide a parking solution or alternative garage appear to suggest that the appeal site will need to meet the needs of more than just the dwelling

proposed. In my view, this further constraint on an already limited space would result in a cramped and contrived form of development. Furthermore, due to the retention of the garage, the dwelling would be tucked into the rear of the site, not sharing a similar front building line with the host dwelling, nor properly addressing Willoway Close.

7. Dwellings in the area generally have more spacious footprints than the appeal site would accommodate, and whilst the submitted plans are indicative, the footprint of the proposed dwelling appears miniscule in comparison to those that surround it which suggests that the resultant development would not fit well within its established context. Consequently, I am not satisfied, based on the submitted evidence and my own observations, that if I were to allow the appeal, that a scheme could be devised that would harmonise sufficiently well within its pleasant surroundings or achieve the necessary quality design of spaces (both internal or external) to meet the needs of future occupiers. Even if a dwelling were two storeys in height like some found elsewhere around the appeal site, its position within the site may be dictated by the dimensions and it would more than likely appear incongruous in any event. Though it is suggested that the set down level of the site and retention of high boundaries would mitigate such effects, I do not consider that they would be capable of doing so adequately.
8. For the above reasons, the proposal would be harmful to the character and appearance of the area, contrary to, in particular, Policies ST04 and DM04 of the North Devon and Torrington Local Plan, 2018 (Local Plan). These Policies collectively seek to secure good design which is sympathetic to setting in terms of scale, density, massing, height, layout, appearance, fenestration, materials and relationship to buildings and landscape features in the local neighbourhood and support the creation of successful, vibrant places.

Braunton Burrows Special Area of Conservation

9. The appeal site is within the identified zone of influence of the Braunton Burrows Special Area of Conservation (the SAC), designated under the Habitats Regulations¹. It cannot be ruled out that residential development in this location, both individually and cumulatively with other schemes, would have significant effects on the features of interest of the SAC due to increased recreational use and other domestic activity.
10. The parties do not dispute that these effects could potentially be mitigated through contributions secured by way of either a planning obligation or legal undertaking, the latter having been submitted with the appeal.
11. However, as the circumstances that could have led to the grant of planning permission are not present, it is not necessary for me to ascertain the appropriateness and delivery of the mitigation within an Appropriate Assessment under the Habitats Regulations. As I am dismissing the appeal for other reasons, I have not taken this matter further.

Other Matters

12. Whilst the Council referred to Local Plan Policy DM01 in relation to amenity impacts, highlighting concerns about the potential effects of the proposal on the living conditions of occupiers of the host dwelling, I do not regard there to

¹ The Conservation of Habitats and Species Regulations 2017, as amended

be sufficient detail to adjudge whether such harm would arise. Therefore, on the basis of the current outline scheme, I do not find conflict with Policy DM01.

Planning balance and conclusion

13. The proposal would harm the character and appearance of the area, and therefore conflicts with the development plan, when considered as a whole.
14. The public benefits of the scheme would stem from the contribution of an additional dwelling to the housing stock and associated increased access to housing, but also through the economic benefits associated with the construction phase, albeit more temporary in nature. Whilst I attribute these benefits moderate weight in the overall balance, they do not outweigh the identified harm or indicate that a decision should be made other than in accordance with the development plan.
15. For the reasons set out above, the appeal is dismissed.

Hollie Nicholls

INSPECTOR