



# Appeal Decision

Site visit made on 4 October 2022

**by J White BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 November 2022**

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**Appeal Ref: APP/X1118/W/22/3298940**

**Garage, Rosea Bridge Lane, Combe Martin EX34 0DP**

- 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 Noel Hinsley against the decision of North Devon Council.
  - The application Ref 73113, dated 18 March 2021, was refused by notice dated 30 November 2021.
  - The development proposed is described as "This is a garage conversion. This proposal is to convert the garage into one dwelling."
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The description of development, as stated on the application form, is set out in the banner heading above. The Council, on the decision notice, has described the development as conversion of garage into a single dwelling (amended plan). For the sake of clarity, this more accurately describes the proposal and the Council dealt with the development on this basis. Accordingly, so have I.

## Main Issues

3. The main issues are the effect of the proposed development upon (i) highway safety; (ii) the living conditions of the occupiers of Sea Glimpse, with particular regard to noise and disturbance; and (iii) the character and appearance of the area.

## Reasons

### *Highway safety*

4. I observed at my site inspection that Rosea Bridge Lane is very narrow, often tightly enclosed with stone walls and there are cottages which are located right on the Lane with doors that open directly onto the Lane. The Lane continues past the village school and carries a public right of way, which is likely to attract pedestrian traffic.
5. Policy DM05 of the North Devon and Torrington Local Plan (the LP) requires, amongst other things, that development has safe vehicular access and egress, which protects existing public rights of way and footways.
6. The Highway Authority considers that the existing use of the building would be likely to generate one to two vehicle movements per day, whereas the appellant advises that the site generates significantly more traffic movements.

- Submissions from some interested parties living close-by consider there is currently a low use of the building.
7. I acknowledge the appellant's case in support of the proposal, including that the garage serves his home and the various arguments for the number of existing traffic movements relating to his own personal circumstances. However, I am also mindful that the existing garage is divorced from any premises that it may serve and, in the absence of substantive documentary or compelling evidence to substantiate a case that the use of the building would continue to generate substantially more than one to two vehicle movements per day, it is unlikely that such an intensity of use would continue in perpetuity. As such, based on the evidence before me and from what I saw on my site visit, I have concerns about the amount of additional traffic that would be generated along this narrow lane.
  8. My attention has been brought to the previous appeal relating to this site and planning application cases where access to local properties have been part of a decision for planning permission. I have not had full details of these cases put before me to allow a proper comparison. However, I note that the previous appeal was considered under an earlier development plan and, in any case, that appeal was dismissed and does not therefore weigh in favour of this proposal. Based on the evidence available, the planning application case examples would not have access via the Rosea Bridge Lane junction with the A399. In any case, the circumstances in each proposal are likely to be different and I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above. Therefore, these are matters to which I attach limited weight.
  9. Notwithstanding that, I acknowledge the appellant's arguments that Rosea Bridge Lane has been improved over the years, particularly since the previous appeal relating to this site was dismissed, including that the Lane has been tarmacked, that a designated pedestrian refuge/passing place has been provided and that improvements to the A399 junction have been made. I also note the appellant's point that these measures, as well as the matter that the My Start building has ceased trading, have improved highway safety in and around the area. However, whilst some highway improvements have been carried out, the Lane is very narrow, visibility at its junction with the A399 is restricted, doors of properties open directly onto the Lane, and it has a shared use with pedestrians even if there is limited pedestrian refuge space.
  10. For these reasons, I find that the proposed development would increase traffic movements that would be likely to pose risk to highway safety notwithstanding the improvements to the condition of the road.
  11. The potential to access the site via the east access thus avoiding the Rosea Bridge Lane and A399 junction is noted. However, the Lane to the east is especially narrow particularly where it coincides with the boundary to the school, and the stone walls to either side of the lane make that route even more tortuous given the limited width. Additionally, there would be nothing to prevent future occupiers of the site using the access via the A399 junction to the south. Whilst there is an absence of a record of an accident along Rosea Bridge Lane between Rew's Close and the A399, this does not alter the concerns I have outlined above.

12. Policy DM06 of the LP requires that parking provision is made to meet anticipated needs. In this regard, the submitted plans show one vehicle space would be accommodated within an integral garage. Whilst the appellant contends that more parking spaces could be provided, it is unclear from the plans and other submissions, including unscaled drawings showing three parking spaces, that there would be sufficient space available. I therefore have no basis to properly consider this. In any case, in having regard to the location of the site within a village close to services and facilities, and noting the scale of the residential unit proposed, I am satisfied that the provision of one vehicle parking space, as shown on the plans put before the Council, would be appropriate parking provision in accordance with Policy DM06 of the LP.
13. Notwithstanding my findings on parking, for the other reasons above I conclude on this issue that the proposed development would be likely to pose risk to highway safety contrary to Policy DM05 of the LP. The proposal would also be contrary to paragraphs 110 and 111 of the National Planning Policy Framework (the Framework), which together and amongst other things seeks to ensure safe and suitable access to the site can be achieved for all users and says development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

#### *Living conditions*

14. The appeal building is a single storey structure with a mono-pitch roof. Sea Glimpse, a detached building, lies to one side and, although oblique to the appeal building, the properties lie very close together. Rosea Bridge Cottage abuts the southern boundary, there is a school to the north and The Pilgrims lies on the opposite side of Rosea Bridge Lane.
15. The appeal proposal involves the upward extension of the building to provide a two-bedroom dwelling at a first-floor level. The first floor would partially cover a ground floor amenity space, which would be enclosed by the existing walls of the building.
16. Policies DM01 of the LP refers to amenity considerations. The policy advises, amongst other things, that development will be supported where it would not significantly harm the amenities of any neighbouring occupiers. Policy DM04 of the LP, amongst other things, also seeks to safeguard amenities of neighbours.
17. There are a mix of land uses near to the site, including commercial uses, a school and residential properties. There is a mutual impact between these properties, which is typical of many built up village locations. Whilst the conversion of the building to a residential use would likely bring a more frequent use of the site, which would be noticeable from the neighbouring properties, I do not find that the proposed use would be likely to bring unacceptable levels of noise and disturbance. A residential use would be compatible with the existing neighbouring land uses even acknowledging the confined relationship of the properties and would be unlikely to cause unacceptable levels of noise and disturbance.
18. On this issue, therefore, I do not find that the proposed development would significantly harm the living conditions of the occupiers of Sea Glimpse, with particular regard to noise and disturbance. Consequently, in this regard, the development would comply with Policies DM01 and DM04 of the LP.

### *Character and appearance*

19. There is no dispute between the parties over design itself and I have no basis to disagree. There is however dispute in relation to whether the proposal would result in a cramped appearance. Accordingly, I have considered whether the proposal would provide a cramped form of development with consequent harm to the character and appearance of the area.
20. The appeal site lies within a densely built-up area with a variety of buildings of differing size and height. Within this context, the upward extension of the garage together with the provision of a dual pitched roof would provide a form that respects the local scale of buildings. The roof of the proposal would be kept as low as possible, and it would not reduce the space between structures as the extension would be contained within the footprint of the existing building. Having regard to these aspects, I am satisfied that the proposal would reinforce the local setting of traditional building vernacular.
21. The proposal would sit comfortably in the context of the densely built-up character and appearance of the area. The overall scale, size and massing of the proposal and its relationship with buildings would ensure the impact of the proposed development upon the character and appearance of the area would be acceptable. Therefore, with regard to this issue, the proposal would comply with Policy DM04 of the LP, which amongst other things supports good design including proposals that are appropriate and sympathetic to setting.

### *Other matters*

22. I acknowledge the appellant's concern regarding the handling of his planning application by the Council. However, I have considered the proposal on its merits, and this does not alter my findings above.
23. The site lies in Combe Martin Seaside Conservation Area (CA), which is a designated heritage asset as defined in the Framework. The CA in part derives its significance from its historic plan, quality of built vernacular and buildings of special architectural merit. As I have outlined earlier, the proposal would have an acceptable impact on the character and appearance of the area. Whilst the proposal would increase the mass of the existing building, the immediate area is characterised by dense development and the proposal, because of its suitable scale and design, would not materially impact on the significance of the CA. As there is no harm to the character or appearance of the CA, even when attaching great weight to the importance of the heritage asset, the details of the development would be acceptable and the scheme would comply with the requirements of the Framework in this regard.
24. In terms of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal would preserve the character and appearance of the CA. Furthermore, the proposal would comply with aims of Policy DM07 of the LP regarding conserving and enhancing heritage assets.

### *Conclusion on main issues*

25. I find that the proposal would not significantly harm the living conditions of the occupiers of Sea Glimpse, with particular regard to noise and disturbance, and the impact on the character and appearance of the area would be acceptable. The level of parking provision proposed would be appropriate under Policy DM06 of the LP. However, there would be conflict with Policy DM05 of the LP

and the proposal would be likely to pose risk to highway safety. There would, therefore, be conflict with the development plan as a whole. There would also be conflict with the Framework with regard to highway safety considerations.

### *Planning balance*

26. The Council accepts that it is not possible to demonstrate a five-year housing land supply at present. Paragraph 11 of the Framework states plans and decisions should apply a presumption in favour of sustainable development and that for decision-taking this means that, where the policies which are most important for determining the application are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. The proposed development would be likely to pose risk to highway safety contrary to policy within the development plan and the Framework as referenced above.
27. Paragraph 60 of the Framework refers to boosting significantly the supply of housing. In terms of this proposal, there would be a small social benefit in providing an extra housing unit in a location with good access to facilities and services to serve the day to day needs of prospective residents, especially given the lack of a five-year housing land supply. Some economic advantages would also arise from the construction and occupation of a new dwelling. However, the provision of one additional unit would make little meaningful difference to the supply of housing and the economic benefits would be limited.
28. The appellant refers to the benefit of supporting the need for affordable housing in the village, and the need for small long-term letting properties. However, there is no mechanism in place to secure the proposed dwelling as affordable housing and even if it were to be used for long-term letting, this would not be controlled as the proposal is for an unfettered open market dwelling. The appellant refers to additional benefits of the proposal including the conservation of a 100-year-old building and providing a cleaner and less noisy environment. However, I have received no substantive evidence to persuade me that the building is of any special historic significance, nor have I been presented with substantive evidence of issues arising in relation to the environmental impact of the existing use. Therefore, these are matters to which I attach limited weight.
29. Overall, I find that the adverse impacts of the proposed development relating to highway safety would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, the proposal would not be a sustainable form of development.

### **Conclusion**

30. The proposal would conflict with the development plan as a whole and there are no material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

*J White*

INSPECTOR