



Appeal Decision

Site visit made on 1 July 2024

by **C Cresswell BSc (Hons) MA, MBA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 August 2024

Appeal Ref: APP/X1118/W/23/3329119

99 Yelland Road, Fremington, Devon, EX31 3DT

- 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 Bowen Homes Ltd against the decision of North Devon District Council.
 - The application Ref is 77201.
 - The development proposed is erection of single story dwelling to the rear of 99 Yelland Road with associated amenity and parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area.
 - the effect of the proposal on the living conditions of future occupiers of the proposed dwelling.

Reasons

Character and appearance

3. This part of Yelland Road is characterised by rows of detached housing on either side of the street. Although architectural styles vary, most properties have generously sized rear gardens which can be glimpsed from the gaps between the dwellings. Beyond the rear gardens there is open agricultural land on one side of the road and trees on the other. This gives the area a particularly open, spacious and vegetated appearance.
4. The appeal concerns a substantial detached property typical of many others nearby. It has a long rear garden which borders a group of mature trees to the south. These trees, which form part of a bigger woodland, loom large over the rear garden of both the appeal property and its neighbours. Due to the height of the trees, they are also seen from the Yelland Road street frontage among the rooflines of the houses. They are attractive features which make a important contribution to the wider street scene.
5. As the proposed dwelling would be situated in the rear garden of the appeal property, it would increase the density of development and reduce openness. However, this effect would not be very noticeable from outside the private confines of the garden. While the dwelling would be partially seen from the

gardens and rear windows of neighbouring properties, it would be well be screened by boundary vegetation. The dwelling would also be visible from Yelland Road when looking down the driveway, but only from immediately outside the appeal property. Even then, it would be relatively inconspicuous due to its low profile and modest proportions.

6. The most notable feature of the rear garden would remain the group of mature trees to the south. I am mindful that the dwelling would be very close to these trees and have considered the findings of the Arboricultural Survey¹ which makes a number of recommendations to ensure they are protected. However, the survey is somewhat limited in its scope and lacks the information necessary to assess the full impact of the proposal on the trees. For instance, it lacks a detailed Arboricultural Method Statement or Tree Protection Plan. Besides, paragraph 2.26 of the survey says it only has a validity of 18 months from the inspection date as the condition of the trees can change over time. As the survey was published in April 2022, it is now out of date.
7. For these reasons, I cannot be confident that the long-term health of the trees would be protected. The trees make a strong contribution to the character and appearance of the area and are important features which should not be jeopardised. The development risks harming them.
8. I therefore conclude on this issue that the proposal would harm the character and appearance of the area. There would be conflict with Policies ST04 and DM04 of the Local Plan² which promote local distinctiveness.

Living conditions

9. Due to the close proximity of the trees, some parts of the dwelling would be prone to overshadowing. Figure 3.02 of the Design and Access Statement shows that this shading would not be constant throughout the day. However, in my view, the diagram does not clearly explain the effect of overshadowing on the proposed dwelling. For instance, it is not apparent to me how overshadowing would vary across seasons, or what the implications would be for natural daylight levels within the home.
10. Hence, in the absence of more detailed evidence, I am unable to determine that the proposed dwelling would receive sufficient daylight to ensure a good standard of accommodation. I am also aware that if the dwelling were to receive inadequate light, there could be pressure from the occupiers to cut back the nearest trees. This may have implications for the character and appearance of the area, as described previously.
11. This leads me to conclude on this issue that the proposal would have a harmful effect living conditions of future occupiers. It would conflict with Policy DM01 of the Local Plan which aims to protect residential amenity.

Other matters

12. I am aware that planning permission has been granted for dwellings in rear gardens elsewhere in Yelland Road (including at No 101). However, while properties in Yelland Road are similar, they are not identical. The physical circumstances of each site and proposal differ. Because planning permission

¹ Arboricultural Survey (BS5837:2012) Arbmark Tree Care, 8 April 2022.

² North Devon And Torridge Local Plan 2011-2031.

was granted for a dwelling at one address in Yelland Road, it does not automatically follow that it should be granted at another.

Conclusion

13. For the reasons give above, the appeal is dismissed.

C Cresswell

INSPECTOR