



Appeal Decision

Site visit made on 8 October 2013

by Colin Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 December 2013

Appeal Ref: APP/U1105/A/13/2197351

Land south of "The Old Forge", Dunkeswell, Devon EX14 4RE.

- 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 Allan Bradford against the decision of East Devon District Council.
 - The application Ref 12/1071/FUL, dated 1 May 2012, was refused by notice dated 2 November 2012.
 - The development proposed is erection of single detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single detached dwelling at land south of "The Old Forge", Dunkeswell, Devon EX14 4RE, in accordance with the terms of the application, Ref 12/1071/FUL, dated 1 May 2012, subject to the conditions set out in the Schedule at the end of this decision.

Procedural Matter

2. The Council refer to policies CO6 and CO7 of the *Devon Structure Plan* (the Structure Plan) within their reasons for refusal. However, an Order to revoke the *Regional Strategy for the South West* came into force on 20 May 2013. The Order also revokes all directions under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 preserving policies contained in the Structure Plan. As such, I have not had regard to any Structure Plan policies in this decision.
3. The appellant's grounds of appeal indicate that an elevation drawing, Ref TD/D/04v1.4, could be considered as an alternative to the drawing submitted with the original application. However, in the interests of natural justice, I have considered the appeal on the basis of the drawings which formed the basis of the Council's decision.
4. The appellant has provided a unilateral undertaking relating to a open space contribution. This is discussed further below.

Main Issue

5. The main issue is whether the proposal would preserve or enhance the character or appearance of the Dunkeswell Conservation Area.

Reasons

6. Although the Council accept the principle of residential development on the site, concern is expressed at the effect of the appeal proposal on the Dunkeswell Conservation Area. The significance of the Conservation Area lies mainly in the verdant and open appearance of the street scene, which is characterised by low density development and a mix of both historic and contemporary buildings.
7. Views of the site from the south are particularly significant as the appeal site serves as a gateway to the Conservation Area. Whilst there are a wide range of architectural styles present within the surrounding area, the properties closest to the appeal site are detached dwellings situated within spacious plots. Although the proposed dwelling would extend across almost the full width of the site, there would also be a large lawn to the south which, together with the retention of boundary vegetation, would help to retain the verdant and open appearance of the area.
8. The Council draw attention to the linear form of the buildings within the Conservation Area and their orientation parallel to the main road. It is argued that the L-shaped form of the proposed dwelling would be out of keeping with this arrangement. However, whilst this linear pattern of development is very clearly evident to the north of Rosemary Cottage, the group of buildings immediately surrounding the appeal site are orientated somewhat differently. Rosemary Cottage, The Old Rectory and Garden Cottage all have wide elevations which run perpendicular to the road and are clearly visible as the Conservation Area is approached from the south. In this respect, the appeal proposal would not be out of keeping with the area or disrupt the prevailing urban grain of the street scene.
9. When viewed directly from the south, the proposed dwelling would have a generally rectangular shape. This elevation would be consistent with the form of other nearby dwellings, with the proposed thatched roof giving the dwelling a broadly similar appearance to that of Rosemary Cottage. Although the windows on the south elevation are larger than those of nearby dwellings, they are not out of proportion for a house of this size.
10. The west elevation contains a more significant section of glazing and an attached garage. Although these features may not be characteristic of traditional dwellings in the vicinity, this elevation is less prominent because it is situated below the level of the road behind a Devon bank. With additional planting to this boundary, which already contains trees, the visual prominence of the west elevation would be further reduced. The most visually dominant part of the west elevation when seen from the road would be the thatched roof. Despite the presence of a dormer window, the overall appearance of the roof would be broadly consistent with that of other nearby dwellings within the Conservation Area.
11. Although the north elevation wall would be without windows, this would not be particularly noticeable when viewing the site from the direction of The Old Forge due to the sloping nature of the land. Similarly, the east elevation, which features smaller windows and roof lights, would be mostly hidden behind a substantial hedge when seen from the footpath. As such, the visual impact of these elevations on the appearance of the Conservation Area would be relatively minimal.

12. Whilst the dwelling would be unique in terms of its fenestration and overall form, the most visually prominent aspects of the proposed dwelling would be generally consistent with the appearance of this part of the Conservation Area. Although the proposed dwelling mixes elements of both contemporary and traditional design, this part of Dunkeswell features a wide range of architectural styles and the appeal site is partially screened from public vantage points.
13. I therefore conclude that the proposed development would preserve the appearance of the Dunkeswell Conservation Area. As such, it would not conflict with policies D1 and EN11 of the *East Devon Local Plan* which, amongst other things, seek appropriate standards of design within Conservation Areas. The proposal would also not conflict with the overarching objective of the *National Planning Policy Framework* to conserve and enhance the historic environment.
14. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be allowed.
15. I have referred to the conditions suggested by the appellant and the Council and have considered these in light of Circular 11/95: *The use of conditions in planning permissions* and, where appropriate, have revised the wording to accord with advice in this document. Otherwise than as set out in this decision and conditions, it is necessary that the development be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning. I have also imposed the standard time limit condition.
16. In order to protect the character and appearance of the Conservation Area, conditions have been imposed regarding landscaping and materials. For the same reasons, conditions have also been imposed requiring the submission of further details on certain aspects of the development and there are also conditions relating to timber cladding and the appearance of the thatched roof. Although the appellant has expressed concern at the nature of the conditions suggested by the Council with regard to some of these matters, I consider them to be necessary in order to control the appearance of the dwelling within a sensitive part of the Conservation Area. Interested parties refer to a condition requiring a 2m strip of land to be retained, pending the construction of a footway. However, the condition is, to my mind, tantamount to requiring its cession to the highway authority. This is contrary to para 72 of the Circular and in the light of this, I have not imposed this condition.
17. The appellant has submitted a copy of a unilateral undertaking, dated 14 May 2012, which would provide a financial contribution towards open space provision in the area. However, from the submitted documents, it is not clear how the contribution has been calculated. It has not, therefore, been demonstrated that the contribution in the undertaking would be fairly and reasonably related in scale and kind to the development. Accordingly, it conflicts with the tests described in paragraph 204 of the Framework. I have not, therefore, taken the undertaking into account in reaching my decision.

Colin Cresswell

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: TM/D/01, TM/D/02 (revision 1.3), TM/D/03 (revision 1.1), TM/D/04 (revision 1.3) and TM/D/20.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until a scheme of landscaping works, including proposed walls, fences and other boundary treatments, have been submitted to and approved in writing by the local planning authority. These works shall be carried out as approved and subsequently retained. The scheme shall include indications of all existing trees and hedgerows on the land and identify those to be retained and set out measures for their protection throughout the course of development. The scheme shall also include details of replacement planting include the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, including details of the planting of a native hedge to the western (road side) boundary.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species,.
- 6) Notwithstanding condition 2, no development shall take place until details of the following have been submitted to and approved writing by the local planning authority:
 - the size, type and manufacturers model of all roof lights, including method of flashing;
 - external vents, flues and meter boxes;
 - type of render including proportions of mix, method, application and finishes;
 - Sections through casements, frames and glazing bars should be at a scale of 1:2 or 1:5.

Development shall be carried out in accordance with the approved details.

- 7) All barge boards, soffit boards, fascia boards and external cladding shall be in timber and painted in a colour to be agreed in writing by the local planning authority and retained as such thereafter.

- 8) The thatching of the roofs hereby approved shall be carried out in the local traditional Devon style, with a simple flush wrap over or butted ridge with no decoration, in accordance with the Devon County Council Guide *Thatch in Devon* 2003.