
Appeal Decision

Site visit made on 25 May 2016

by **J F Powis BA(Hons) MSc MRTPI**

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

Decision date: 7 July 2016

Appeal Ref: APP/K1128/W/16/3145745

Seafront, Marine Drive, Bigbury-on-Sea, Devon TQ7 4AS

- 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 & Mrs Yin against the decision of South Hams District Council.
 - The application Ref 05/1229/15/F, dated 6 May 2015, was refused by notice dated 4 September 2015.
 - The development proposed is demolition of existing dwelling and outbuildings and erection of 2 no. replacement dwellings including creation of new vehicle access off Marine Drive.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the site and surroundings, including the South Devon Area of Outstanding Natural Beauty (AONB).

Reasons

3. Marine Drive runs along the cliff as the village of Bigbury-on-Sea meets the coast. The street is characterised by substantial detached properties in large plots, many of which are set back a considerable distance from the road by generous front gardens that slope downhill to Marine Drive. Currently on the appeal site is a detached bungalow which, with a shallow pitched roof featuring two small gable ends and a brown pebble dashed exterior, is unobtrusive in its setting. The proposed development would replace the existing dwelling and garage with two substantial two storey houses, each of an individual design. The site sits within the South Devon AONB.
 4. The appellants' submitted material includes a number of photo-visualisations presenting the proposals in context together with photographs of the site and surroundings taken from Burgh Island. Some photographic and photo-montage materials have also been submitted by third party representatives. There is some disagreement amongst the parties in relation to the accuracy of the various visualisation materials submitted in support of, and objection to, the proposals and I note the representations from all parties in this regard. On my visit, I viewed the site from public viewpoints in the immediate vicinity along Marine Drive and Warren Road, from the neighbouring property to the south known as 'Mirimar', as well as from the beach at mid-low tide and from
-

- Burgh Island. As a result I was able to make a thorough assessment of the effect of the proposed development on its setting.
5. The proposed dwellings would be two storey in nature but the construction would involve digging out and setting the buildings down into the slope of the site such that the roof heights would not extend higher than the ridge height of the existing bungalow. The appellants contend that there is no one locally distinctive building design in Bigbury-on-Sea, and in particular that there are many other examples of two storey dwellings in the village. Whilst I accept this to be the case in the context of the village as a whole, I observed a distinctiveness in the aesthetic style of properties along the front row of Marine Drive as it heads north west following the junction with Parker Road. In this part of the road, properties are low in profile, being almost exclusively of a single storey appearance, and tend to have shallow pitched roofs which follow the downward slope of the hill.
 6. The locally distinctive pattern of development along the front of this part of Marine Drive is important given that, when viewed from significant parts of the beach below, the angle is such that the front row of Marine Drive forms the skyline along that part of the cliff. Whilst the height of properties is clearly therefore a sensitive variable in this location, so too is their massing and overall design. When viewed from the front and from public viewpoints on the beach, the proposed dwellings would, due to their two storey nature, appear substantially larger and bulkier than those existing on either side and along the road.
 7. Added to this, the design of the proposed dwellings incorporates a considerable amount of glazing in the front elevations, with floor to ceiling height windows and glazed doors at both ground and first floor level across of the width of both properties. Whilst many of the other proposed materials, such as painted rendered walls and natural slate on the pitched roof, would sit comfortably in their context, the extent of glazing at two storeys would give the dwellings an appearance somewhat out of keeping with the other properties along this part of Marine Drive.
 8. I note that the proposed dwellings are designed to appear as two individual buildings. As such, the house on plot 1 would incorporate a pitched roof with a single front facing gable which in terms of roof design could be seen to take cues from the style of the neighbouring properties at 'Wavecrest' and 'Mirimar'. The house on plot 2 would be of a more modern design incorporating a flat roof. Whilst the flat roof would assist in minimising the overall height of the building, it would depart considerably from the typical roof style and therefore the shape of the built form in this part of Marine Drive.
 9. The flat roof proposed in respect of the dwelling on plot 2, combined with the extensive frontal glazing discussed above, would give the house a stark, box-like appearance when viewed from the front, both at close range and from more distant viewpoints. Looking along Marine Drive, it would appear very significantly taller and larger than the adjacent property at 'Mirimar' which has a very low profile and subtle appearance. Furthermore, viewed from Warren Road, which runs downhill close to the side of the proposed plot 2, the building would due to its height and flat roofed design appear as a large and bulky rectangular form, despite the proposed planting along the side boundary.

10. Taking all of these considerations together, I find that the scale, massing and design of the proposed houses would not be sympathetic to the coastal village setting and as such would not help to reinforce local distinctiveness. Even accounting for the proposed boundary planting the appeal development would, due to the site's sloping topography, impinge upon views along Marine Drive to the front and down Warren Road to the side. Furthermore, it would be highly visible to users of the South West Coast Path, which runs just seaward of, and parallel to, Marine Drive, with only a low grass bank between. Due to its cliff top location, the proposed development would also be visible from large parts of the beach below and from public viewpoints on Burgh Island beyond. As a result, the proposals would be in a prominent position in the area's sensitive coastal landscape.
11. Consequently, the effects of the proposed development in terms of character and appearance would not be limited to the site and immediate surroundings but would also affect the wider area including the setting of the AONB. For the reasons outline above, I am not satisfied that the design of the proposed dwellings would enable them to sit comfortably within this setting. The proposals would not protect important local views of the coastline looking back at Bigbury-on-Sea from the beach and Burgh Island and as a result would not conserve the landscape and scenic beauty of the AONB.
12. I therefore conclude that the proposal would cause significant harm to the character and appearance of the area, including the South Devon AONB. As a result, it would be contrary to Policies DP1 and DP2 of the South Hams Development Policies Development Plan Document (July 2010) which together seek, amongst other things, to secure high quality design that responds to the character of the local landscape. I also find conflict with the National Planning Policy Framework (the Framework) insofar as it seeks to conserve and enhance the natural environment.

Other matters

13. The appellants contend that the Council is currently only able to demonstrate a 1.9 year housing land supply for the district as a whole, and that the appeal should therefore be determined in accordance with the presumption in favour of sustainable development articulated within paragraph 14 of the Framework. Following that approach, where the relevant policies of the development plan are out-of-date due to the absence of a five-year housing land supply, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the Framework indicate development should be restricted.
14. I am mindful that the site lies within the Bigbury-on-Sea development boundary and that the principle of development is therefore generally in compliance with development plan policies including Policy CS1 of the South Hams Local Development Framework Core Strategy (December 2006) and saved Policy SHDC1 of the South Hams Local Plan (April 1996). I also give weight to the considerable shortfall in terms of housing land supply in the district. The proposed development would provide one additional dwelling on the site which would constitute a small contribution to the local supply of housing, bringing social benefits. The proposal would generate economic benefits in terms of sustaining employment and business activity in the construction sector and the proposed sustainable construction methods would

be supported by Policy DP4 of the South Hams Development Policies Development Plan Document (July 2010). These are all matters that weigh in favour of the proposal.

15. However, in line with paragraph 115 of the Framework, I attach great weight to conserving the landscape and scenic beauty of the natural environment within the South Devon AONB. Consequently, I find that the significant harm to the character and appearance of the AONB that I have identified above is sufficient in this case to outweigh the benefits and to indicate that permission should not be granted.

Conclusions

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

Jessica Powis

INSPECTOR