
Appeal Decision

Site visit made on 1 February 2017

by Andy Harwood CMS MSc MRTPI

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

Decision date: 14 February 2017

Appeal Ref: APP/P1133/D/16/3161219

The Garden House, Riverside, Shaldon, Devon TQ14 0DA

- 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 and Mrs Haywood against the decision of Teignbridge District Council.
 - The application Ref 16/01262/FUL, dated 3 May 2016, was refused by notice dated 27 July 2016.
 - The development proposed is bedrooms and bathroom within a new roof structure.
-

Decision

1. The appeal is allowed and planning permission is granted for bedrooms and bathroom within a new roof structure at The Garden House, Riverside, Shaldon, Devon TQ14 0DA in accordance with the terms of the application, Ref 16/01262/FUL, dated 3 May 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted (including any roof vents) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
 - 3) The proposed roof slates should be fixed using nails and not clips or hooks.
 - 4) Notwithstanding the annotation on drawing No 'HAYWOOD/PL/02' (Elevation and Floor Plans), the windows within the dormer on the north elevation shall be constructed of painted timber and be sliding sashes.
 - 5) Notwithstanding condition 4 above regarding the materials of the windows in the north elevation, the development hereby permitted shall be carried out in accordance with the following approved plan: 'HAYWOOD/PL/02' (Elevation and Floor Plans).

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Shaldon Conservation Area (CA) and preserve the setting of the neighbouring Listed Buildings (LBs) of the Church of St Peter (grade 1) and Dolphin Court (grade II).
-

Reasons

3. The Garden House is an un-listed 2 storey dwelling positioned between the Church of St Peter and terrace of listed buildings within Dolphin Court. These buildings are in prominent positions alongside the river separated only by the narrow road and stone wall. The CA covers a broad area and there is significant diversity to the architectural features, style and layout of buildings and spaces. There are areas where several buildings together have some coherence and examples where there is a distinct contrast between adjoining properties.
4. From the east of the appeal site the parapet line across Dolphin Court continues across the dwellings on either side, including the Garden House giving a sense of uniformity. The main part of the Church of St Peter is set back behind the building line and does not impose on the view from the east. The different form of the roof of the Garden House with a lower ridge and lower chimneys is not very noticeable from this direction.
5. The Church of St Peter dominates this part of the street-scene along Riverside and Bridge Road when viewed from Shaldon Bridge and from the west of the site. The Church of St Peter is of a much greater scale than the dwellings including the Garden House and looks visually complex in contrast to the simple basic lines of the dwellings. From this direction however, the differences between the existing roof of the Garden House and that across Dolphin Court are much more obvious. The area of flat roof behind the parapet and the ridge being lower than that of Dolphin Court is clearly seen from the west. I could not view the site from the fore-shore at the time of my visit as the tide was high. However the photographs provided show that the lack of sloping roof close to the parapet looks substantially at odds with the rest of the terrace.
6. The contrast of the building at the moment with those adjoining it in my view has a negative impact upon the street-scene as it disrupts the simplicity of the uncluttered roofs along Dolphin Terrace. In turn this has a negative impact upon the setting of the Church of St Peter.
7. The Council and Historic England agree that increasing the ridge height and the roof pitch as proposed would provide a more coherent book-end to the terrace. I agree and consider that this would help to bring a degree of coherence between Dolphin Court and the Garden House. The dormer windows proposed on the rear roof-slope are also considered acceptable. I agree that these would not be prominently viewed and also would be seen alongside the more varied rear elevations of Dolphin Court and the overbearing scale of Church of St Peter when seen from the rear garden.
8. The 3 proposed small dormers on the front roof-slope would be set back behind a parapet and would not interrupt that feature that provides coherence between that and the adjoining terrace. The dormers would be small features, at their highest point they would reach around the middle of the roof-slope. From street level along Riverside, these would be difficult to see. The dormers would be seen from more distanced positions but their significance would diminish as one gets further away.
9. The dormers would be minor features which would not detract from or draw undue attention away from the overall subordinate architectural form of

Dolphin Court and its neighbouring buildings. The roof of the dwelling would be of a slightly different form than the adjoining terrace, but the changes would be harmonious with the existing character of the building. The overall changes would not be harmful in comparison with the existing form of the dwelling and would not lead to any loss of significance of the adjoining Listed Buildings or the CA overall.

10. In relation to the main issue, the proposal would preserve the character and appearance of the CA and would preserve the setting of the neighbouring Listed Buildings. This would comply with policy EN5 of the Teignbridge Local Plan¹ and the advice within section 12 of the National Planning Policy Framework.

Conditions

11. It is necessary to ensure that the external materials used are appropriate. I have therefore attached a condition requiring the submission of sample for further agreement by the Council. The Council has suggested that control is required over fixing of the slates. Given that the building adjoins Listed Buildings, I agree that it is important to ensure that traditional fixing with nails is used rather than less subtle modern fixings such as hooks. The type of roof vent will need to be submitted along with the external materials and an additional condition is unnecessary.
12. The submitted drawings and the planning application form indicate that UPVC was originally proposed as the material for the windows. The drawings also indicate that these would be of sliding sash form. The appellants subsequently have stated that those windows in the north elevation will be hardwood but state that they will be box casements. I consider that it is important in this sensitive location to use a traditional material at least for the most obvious elevation to the north. For same reason and because the plans show that they would be so, the windows should be of a sash form.
13. Notwithstanding the indication of UPVC as a material for the windows, I have imposed a condition specifying the relevant drawings as this provides certainty that the development will be implemented as proposed.

Conclusion

14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Harwood

INSPECTOR

¹ Teignbridge Local Plan 2013-2033, adopted 6 May 2014