

Appeal Decision

Site visit made on 3 May 2017

by John D Allan BA(Hons) BTP MRTPI

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

Decision date: 17th May 2017

Appeal Ref: APP/Q1153/D/17/3170667

21 Chapel Street, Tavistock, Devon PL19 8DX

- 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 M Clark against the decision of West Devon Borough Council.
 - The application Ref 0723/16/HHO, dated 8 March 2016, was refused by notice dated 13 December 2016.
 - The development proposed is the erection of extensions to the existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's decision notice makes reference to the effect of the proposal upon residents at Nos 19 and 21 Chapel Street. The officer's report is clear that there is concern over amenity space provision at the appeal property itself (No 21). I address this below. The property numbering along this side of Chapel Street is consecutive. For the record therefore, I confirm that the appeal property is attached to No 22 Chapel Street to one side and No 20 Chapel Street to the other. No 19 Chapel Street is to the opposite side of No 20 and two doors removed from the appeal property.

Main Issues

3. The main issues are the effect of the proposal on:- (i) the character and appearance of the area, including the Tavistock Conservation Area; (ii) the living conditions at the appeal property with particular regard to light and amenity space provision, (iii) the living conditions at 20 Chapel Street with regard to light and visual impact; and (iv) protected species.

Reasons

4. The appeal property is a mid-terraced, two-storey dwelling with a rear garden that backs on to Ford Street, which sits at a significantly more elevated level and from where the rear gardens and elevations of the properties along Chapel Street are exposed to view.
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5. No 21 has an original single-storey projection which is used as a kitchen. This covers approximately half the width of the property and is attached to a similar arrangement mirrored at No 20 (not No 19 as stated within the Council's officer's report) with a common pitched roof over and with a ridge that runs perpendicular to the dwellings and along the shared boundary between both properties. This single-storey element extends up to an outbuilding within the rear garden which sits on significantly elevated ground levels and which has a decked area of garden over. This part of the rear garden is accessed via steps leading from a small courtyard positioned within the remaining space immediately adjoining the main rear elevation of No 21.
6. The proposal is to extend with a single-storey addition over part of the courtyard to allow the existing kitchen area to expand sideways, and to build over the existing single-storey element at first floor level to create an additional bedroom.
7. The ground floor single-storey extension would be well integrated with the form of the existing dwelling and would be largely screened from sight beyond the enclosed confines of this space by the existing surrounding built form and topography of the land.
8. On the other hand, I find that the first floor extension would show little regard to the architectural composition of the original dwelling. By reason of its height and roof form, it would unbalance the symmetrical arrangement of the existing single-storey part of the building which straddles the boundary with No 20. It would also butt up against the existing outbuilding in a considerably more conspicuous way when compared with the existing single-storey projection, with little connection shown between the two in terms of materials, heights, or general appearance.
9. The impact of effectively creating a physical link at first floor level between the house and the outbuilding would be an addition perceived overall to be disproportionately large, disjointed and unsympathetic to the form of the original dwelling. In this regard it would be harmful to the character and appearance of No 21 and, given that it would be clearly seen from neighbouring properties and Ford Street to the rear, it would also be harmful to the wider character and appearance of the area.
10. It follows that the character and appearance of the Tavistock Conservation Area, within which the site is located, would be neither preserved nor enhanced. As such the area's significance as a heritage asset would be harmed. In this regard there would be conflict with the aims and objectives of Policies SP18 – *The Heritage and Historical Character of West Devon* and SP20 – *Promoting High Quality Design* of the West Devon Borough Council Core Strategy 2006-2026, adopted in 2011(CS). There would also be conflict with Policy H40 of the West Devon Borough Council Local Plan Review 2005 (LP), which requires residential extensions to be generally consistent with the character of their surroundings and to the existing building in terms of external appearance, scale, massing, size and materials.
11. The Council is concerned that the development would result in an unacceptable loss of amenity space for the occupants of the appeal property. However, a substantial area of accessible garden above the existing outbuilding and

beyond would be unaffected. I saw that this provides a useable space that would be reasonable in size and comparable to the size of some other garden plots nearby. There is no evidence to suggest that the space would fall below any defined or adopted standard and overall I am satisfied that the living conditions at No 21 would not be prejudiced.

12. For reasons I have explained, the incongruous form of the development would be seen as a harmful visual intrusion when viewed from neighbouring properties, especially from No 20 immediately adjacent. However, I saw that the existing arrangements of buildings and land levels means that there is already a significant sense of enclosure to the adjoining rear gardens, especially at the lower levels immediately adjoining the backs of these properties. I am not therefore persuaded that the development would have any significant impact upon existing levels of light to the rear of these properties, including direct sunlight. In this regard I find no conflict with LP Policy H40.
13. LP Policy SP19 deals with biodiversity but there is no evidence before me to suggest that the site may be inhabited by any European protected species. Neither is there any suggestion that the site is within a Site of Special Scientific Importance or a habitat of regional or local importance. Based on the information I have available therefore, I am satisfied that the biodiversity and geological interest of the Borough would be maintained. I therefore find no conflict with Policy SP19.
14. I have noted the variety of extensions to the backs of most properties along Chapel Street. Many are visible from public view to the rear. However, I do not know the background or planning history to any of these. Furthermore, I saw no circumstances that were directly comparable to the existing context and arrangement of buildings at No 21, which has been instrumental in my reasoning. Neither does the fairly recent development photographed by the appellants next to a Grade II listed building along Plymouth Road, nor an extension constructed to the side of 19 Chapel Street, bear any comparison to the appeal case in terms of form or impact.
15. I appreciate the appellants' need to provide additional accommodation for their family. I am also mindful of the very tragic circumstances associated with their former architect. However neither of these factors, nor any other matters raised, alters my conclusions.

Conclusions

16. For the reasons given, I find that the proposal would be harmful to the character and visual appearance of the area, including the living conditions of neighbouring occupiers in terms of visual intrusion. This harmful impact would be to the detriment of the Conservation Area's significance as a heritage. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR