



Appeal Decision

Site visit made on 26 June 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 14 July 2017

Appeal Ref: APP/K1128/D/17/3171749

The Green House, Road from Yealm View Road to Widely Hill, Bridgend, Newton Ferrers PL8 1AW

- 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 Beveridge against the decision of South Hams District Council.
 - The application Ref 3701/16/HHO, dated 16 November 2016, was refused by notice dated 16 February 2017.
 - The development proposed is detached outbuilding to be used as a boathouse.
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Decision

1. The appeal is allowed and planning permission is granted for a detached outbuilding to be used as a boathouse at The Green House, Road from Yealm View Road to Widely Hill, Bridgend, Newton Ferrers PL8 1AW in accordance with the terms of the application, Ref 3701/16/HHO, dated 16 November 2016, subject to the conditions set out in the attached Schedule.

Main Issue

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

Reasons

3. The appeal site is located on the hillside above Newton Creek, in the Bridgend area of Newton Ferrers. At present, it is occupied by a modern dwelling of contemporary design which benefits from direct access onto the Creek where there is an existing timber jetty.
4. The proposal would involve the construction of a single storey outbuilding to be used as a boathouse ancillary to the main dwelling. The existing timber jetty would be retained and the new structure would overhang it from the top of an existing bank wall. It would have a flat roof with large glazed panels on three of its elevations surrounded by copper cladding which would integrate well with the main dwelling.
5. The Council has raised concerns regarding the impact of the proposal on the AONB. In particular, it points to increased light pollution along the estuary both from within the building and from external lighting. It has also raised concerns regarding its position set forward of the existing bank and its projection out into the estuary.

6. The plans indicate that the proposed structure would sit behind the line of the existing jetty and while it would project out from the bank to some degree, it would neither appear prominent nor visually intrusive. Furthermore, I noted during my site visit a number of other properties situated along the estuary which similarly project out from the riverbank to varying degrees and others whose glazing allows light omissions from within the buildings to spill out onto the estuary. In view of its limited size, I do not consider the proposal would result in any material increase in light pollution along this part of the AONB. Moreover, its high quality design and use of similar materials to that of the main dwelling would enhance the existing setting while conserving the landscape character of its surroundings.
7. While I note the concerns of the Council's estuaries officer, and acknowledge the guidance set out in Paragraph 115 of the National Planning Policy Framework, I am satisfied that, subject to additional planting and controls on the amount of external lighting, it would not have a negative or harmful impact on the visual or landscape beauty of the AONB.
8. Consequently, I am satisfied that the proposal would conserve and enhance the landscape character of the estuary and would have no negative impact on the landscape character and scenic beauty of the AONB. As such, I find no conflict with CS Policy CS9 of the South Hams Core Strategy (2006)¹ which seeks to conserve and enhance the AONB and restricts development which would damage its natural beauty, character and special qualities. Likewise, I find no conflict with Policy DP2 of the South Hams Development Policies DPD (2010)² which aims to, amongst other things, conserve and enhance the landscape character of the area's estuaries and seeks to restricts development which results in an unsympathetic intrusion into the wider landscape including by virtue of light pollution.

Other matters

9. In reaching my conclusions, I have noted the objections of the Council's estuaries officer, the Newton and Noss Parish Council and local residents. Those which relate to the impact on the AONB have been considered above. Furthermore, I am satisfied that any impacts on marine organisms can be adequately guarded against by the imposition of conditions such as those suggested by the Council. Those which relate to the need for the boathouse are a matter for the appellant, while those which relate to a precedent being set are not relevant planning considerations as future applications will be considered on their own individual merits.
10. Similarly, while I note the concerns of local residents in respect of the impact on St Peter's church, in view of its location some distance to the south of the site on the Noss side of the Estuary, I am satisfied that the proposal would not have any impact on the setting of this heritage asset.

Conditions

11. I have considered the conditions proposed by the Council. A condition requiring a Construction and Environmental Management Plan (CEMP) is appropriate in order to ensure that the sensitive marine environment is protected during

¹ South Hams Local Development Framework Core Strategy (2006).

² South Hams Local Development Framework Development Policies Development Plan Document (2010).

construction. Likewise, a condition restricting the discharge of foul sewage into the estuary is necessary in the interests of preventing pollution.

12. In addition to the standard commencement condition, I consider a condition requiring the proposal to be carried out in accordance with the approved plans to be necessary in order to provide certainty.
13. Furthermore, I consider a condition requiring further details regarding the protection of trees to be appropriate in order to ensure that nearby trees are protected and a condition requiring further details of external lighting is necessary to limit any impact on the surrounding sensitive landscape and in order to protect local bat populations.
14. A number of these conditions need to be discharged before work commences on site as these relate to matters which need to be resolved on a fully coordinated basis

Conclusion

15. For the reasons set out above, I conclude that the appeal should be allowed.

Rory Cridland

INSPECTOR

SCHEDULE

CONDITIONS:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawing Nos: PA01; PA12; PA13; PA14; PA15.
- 3) The development hereby permitted shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and agreed in writing with the Local Planning Authority. The CEMP shall include:
 - (a) measures to ensure any wet concrete or other pollutants do not come into contact with the marine environment;
 - (b) safeguards to account for spillages/accidents and flooding in relation to the storage and transportation of materials;
 - (c) details of the removal and disposal of waste material from the site.The development shall thereafter be carried out in strict accordance with the approved CEMP and thereafter so maintained.
- 4) No foul water arising from the development shall be allowed to enter the estuary.
- 5) No development shall take place, or any equipment, machinery or materials be brought onto the site for the purpose of development until details for the protection of retained trees (as identified on the approved plans) during construction have been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 6) Prior to the installation of any external lighting, details shall have first have been submitted to and agreed in writing with the Local Planning Authority. External lighting shall thereafter only be installed in accordance with the approved details.

END OF SCHEDULE