



Appeal Decision

Site visit made on 24 September 2018

by Mrs Hollie Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2018

Appeal Ref: APP/X1118/D/18/3202120

79 Velator Close, Braunton, North Devon EX33 2BG

- 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 Clive Lewis against the decision of North Devon District Council.
 - The application Ref 64456, dated 25 January 2018, was refused by notice dated 28 March 2018.
 - The development proposed is extension and conversion of existing detached garage to form a guest annexe.
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Decision

1. The appeal is allowed and planning permission is granted for the extension and conversion of existing detached garage to form a guest annexe at 79 Velator Close, Braunton, North Devon EX33 2BG in accordance with the terms of the application, Ref 64456, dated 25 January 2018, subject to the following 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: NDC001, NDC002 and 17/516/02.
 - 3) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 79 Velator Close.
 - 4) The windows used in the development hereby permitted shall be constructed of timber.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the setting of the adjacent listed building, Forsythia Cottage.

Reasons

Character and Appearance

3. Velator Close is a small cul-de-sac of dwellings of varied age and character which is largely tucked out of view from the wider area. While it hosts more traditional cottages of earlier origins, the area generally comprises more modern residential development. In the vicinity of the appeal site, dwellings take a variety of forms and some present gable ends or gabled features to the street.

4. The appeal dwelling is a semi-detached cottage with detached garage and is very similar to its adjoining neighbour. Together they present a tiled roof slope with low eaves to the street. The existing single storey garage has the same orientation as the dwelling. The appeal proposal would increase the height of the garage through the provision of a first floor under tiled pitched roof. A timber clad gable end would front onto the street with a window at each level. Whilst the orientation of the roof would differ from the principle elevation of the house, it would not be a discordant feature in the street scene, particularly due to the variety of buildings that exist and the existence of other gable ended features in the area, including in the neighbouring listed building.
5. In relation to this main issue, I therefore find that the proposal would not harm the character and appearance of the area and therefore complies with policy DVS1 of the North Devon Local Plan (NDLP) which among other things requires new development to integrate well with its surroundings.

Setting of Listed Building

6. Forsythia Cottage is defined in the listing description as 18th Century with later additions from the 19th and 20th Century. It sits at the end of the cul-de-sac and presents a blank gable end under half-hipped thatched roof to the street. A more modern two storey dwelling lies directly behind it and is experienced in the same views from Velator Close. From the listing description and other evidence before me, I consider that the significance of the designated heritage asset relates primarily to the age, form and historic fabric of the building, particularly the original part, and the specified features of special interest.
7. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, *'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting...'*. Paragraphs 194 and 195 of the Framework are clear that great weight should be given to a designated heritage asset's conservation and that its significance can be harmed by development within its setting.
8. The appeal dwelling and garage are the closest neighbouring buildings to the listed building but they are not of the same era, face a different way and are constructed of more modern materials. The appeal dwelling and garage, along with the adjoining neighbouring dwelling, do not read as a coherent group of buildings with Forsythia Cottage. Currently therefore, the appeal site makes a neutral contribution to the significance of the heritage asset.
9. The extended building would not be any closer to Forsythia Cottage, but its new upper storey and roof form would be visible in views from its garden and some rooms. I consider that this change in outwardly views would not harm the way the listed building is experienced. The extension would partially obscure views of the gable end of the listed building from Velator Close. However, its overriding value is not in its visibility from wider public vantage points and as such, this would not harm its significance. The extension above the garage would be read as a new element within the street scene that is principally viewed independently of the setting of the listed building.
10. While the proposed development would result in a minor degree of perceptible change to the setting of the nearby listed building, and the context in which it is experienced, this would not be of a magnitude to constitute harm given the separation to be maintained between them and the scale and form of the extension

itself. Hence the effect of the proposed development would be neutral and therefore the setting of the nearby listed building would be preserved.

11. In relation to this main issue, the setting of Forsythia Cottage would not be harmed and therefore, the proposal complies with NDLP policy ENV17 which seeks to preserve the settings of listed buildings.

Other Matters

12. I note that the bathroom window in the proposed elevation facing the back garden of 3 Velator Way would be positioned significantly higher than the existing windows. I saw that there is reasonable separation between the two properties, with intervening screening provided by an existing garden hedge. I am therefore satisfied that the proposal would not result in any significant adverse effect on the living conditions experienced at No 3.
13. The Council has provided copies of a number of emerging policies of the emerging North Devon and Torridge Local Plan (NDTLP) but have not indicated their current stage of preparation. Consequently, it is unclear how much weight they should be attributed. I am however satisfied that the new policies in the NDTLP reiterate the same objectives as those used in the reason for refusal and therefore, I consider that the appeal proposal is also consistent with ST15 and DM04 of the NDTLP.

Conditions

14. In addition to the standard time limit, conditions should be imposed to specify the approved plans in the interest of certainty. The materials of construction are specified on the plans but the appellant has put forward two options for window materials. I find that a condition requiring timber windows is necessary in the interests of satisfactory appearance. A condition to limit the use of the development for purposes incidental to the host dwelling is also necessary in the interests of the character of the area and living conditions of future occupiers.
15. The Council's officer report indicates that the site is at low to medium risk of flooding and that a condition to secure raised floor levels in accordance with a flood risk assessment may be appropriate. The scheme would be incidental to the host dwelling, replacing an existing garage, and no such flood risk assessment has been provided in the appeal. I am therefore not persuaded, on the evidence before me, that a condition is necessary in this respect.

Conclusion

16. For the reasons given above, and subject to the specified conditions, the appeal should succeed.

Hollie Nicholls

INSPECTOR