



Appeal Decision

Site visit made on 2 July 2019

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2019

Appeal Ref: APP/J9497/D/19/3228637

Caseley Wood, Lustleigh, Devon TQ13 9TN

- 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 Mrs & Mr Karen & Wayne Howell against the decision of Dartmoor National Park Authority.
 - The application Ref 0057/19, dated 20 December 2018, was refused by notice dated 8 April 2019.
 - The development proposed is a new swimming pool, gym and ancillary rooms.
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Decision

1. The appeal is allowed. Planning permission is granted for a new swimming pool, gym and ancillary rooms at Caseley Wood, Lustleigh, Devon TQ13 9TN in accordance with the terms of the application, Ref 0057/19, dated 20 December 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 and document: T1r2, A1r2, A2r2, A3r2, A4r2, A5r2, A6r2 and "Appeal statement Appendix 2 Additional info lighting 20-03-2019".
 - 3) No walls shall be erected until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples.
 - 4) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Caseley Wood.
 - 5) Before any equipment, machinery or materials are brought onto site for the purposes of the development all existing trees, shrubs and hedges to be retained shall be protected by fences or suitable barriers erected beyond their dripline. Such fences or barriers shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within these protected areas nothing shall be stored or placed (including materials, soil, spoil, or vehicles), the ground levels within those areas shall not be altered, there shall be no disposal of water or other liquids and there shall be no fires lit.

Main Issue

2. The main issue is the impact on the character and appearance of the area and the wider Dartmoor National Park.

Reasons

3. The appeal site accommodates a detached, pitched roof, dwelling set within its own grounds. The site is set within a wooded steeply sloping part of a verdant valley. Housing is dispersed along the lane from Lustleigh and varies in design, utilising a range of materials. Furthermore, it is noted that many dwellings benefit from outbuildings and this contributes to the character of the area.
4. The proposed development would provide a new, partially subterranean, outbuilding to the rear of the existing dwelling, utilising a sedum roof. The building would provide ancillary accommodation to the host dwelling including a pool and gymnasium.
5. The proposal's siting and design have been informed by the existing topographical and landscape context, and its intended ancillary use. It would be set into the valley side, at the lowest point in the garden, and to the rear of the host dwelling. Furthermore, the proposal details the retention, and where not possible the re-use, of granite rock features which contribute to the local distinctiveness. Additionally, the proposal would be sited within the largely cleared area of the domestic curtilage outside of the adjacent woodland.
6. The proposal details the use of a contemporary design through its form and materials. The sedum roof and timber cladding details would help the proposal to assimilate with the verdant and sylvan context. I note that the Dartmoor National Park Design Guide (Adopted Version – November 2011) (design guide) sets out that Green or 'living' roofs are attractive. Furthermore, I have observed that the use of render to the walls of buildings is not uncommon within the wider local context.
7. Whilst the footprint of the outbuilding would be comparable to the host dwelling in size; the scale, form and siting of the proposal, set into the slope with a sedum roof ensure that the building would remain subservient and ancillary to Caseley Wood. It would have a scale and design that would assimilate into the context and compliment the host dwelling with good quality contemporary design.
8. The use of glazing to the front elevation of the proposal would provide a reflective surface to express the wooded context during daylight hours. The employment of a canopy over the glazed bays would alleviate the visual presence of the glazing. Furthermore, the glazing would be broken up with a section of wall to one end and timber cladding to the other. Additionally, one of the glazed bays would have opaque glass. These details would provide variation and add interest to the appearance of the main elevation. Furthermore, the submitted information in relation to lighting provides assurance that reasonable measures have been incorporated into the design to address the light pollution fears raised by various parties. Additionally, lighting is only likely to occur when the facility is in use and given its ancillary domestic purpose this would unlikely to be for extended periods.

9. Due to the existing landscaping, topography and the host building, views of the proposal would be limited or from distant positions where it would be seen in the context of the established built form along the lane.
10. I have had regard to the conservation of cultural heritage of the Dartmoor National Park alongside the other purposes for which the National Park is designated, in accordance with s.11 of the National Parks and Access to the Countryside Act 1949 (as amended). Furthermore, the provision of a sedum roof, as set out within the design guide, would create a potential habitat for wildlife contributing positively to the purposes of the National Park designation.
11. For those reasons, the proposed development would not harm the character and appearance of the area and the wider Dartmoor National Park. Moreover, it would conserve the landscape and scenic beauty of Dartmoor National Park. It would not conflict with the authority's adopted June 2008 Core Strategy Development Plan Document 2006-2026 policies COR1 and COR4, or the authority's adopted July 2013 Development Management and Delivery Development Plan Document policies DMD5 and DMD7. Furthermore, I find no conflict with the English National Parks and the Broads UK Government Vision and Circular 2010 or the National Planning Policy Framework (the Framework).
12. I have considered the conditions suggested by the authority's officers within the committee report and have included those which meet the relevant tests at paragraph 55 of the Framework, making alterations to the wording where necessary in the interests of precision and clarity. In addition to the standard time limit condition, I have imposed conditions necessary for the avoidance of doubt, in the interests of proper planning; and that seek to safeguard the character and appearance of the area and the wider Dartmoor National Park. I have not imposed restrictions on external lighting given that this could reasonably be installed in association with the existing dwelling and its use.
13. For the reasons given above I conclude that the appeal should be allowed subject to the conditions listed above.

James Taylor

INSPECTOR