



Appeal Decision

Site visit made on 30 July 2019

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2019

Appeal Ref: APP/K1128/D/19/3229699

The Old Rectory, East Portlemouth Corner to Goodshelter Cross, East Portlemouth TQ8 8PA

- 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 Ms Linton against the decision of South Hams District Council.
 - The application Ref 1690/18/HHO, dated 18 May 2018, was refused by notice dated 6 March 2019.
 - The development proposed is conversion and extension to boathouse to form ancillary living accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for conversion and extension to boathouse to form ancillary living accommodation at The Old Rectory, East Portlemouth, Salcombe TA8 8PA, in accordance with the terms of the application, Ref 1690/18/HHO, dated 18 May 2018, subject to the conditions set out in Annex A.

Application for costs

2. An application for costs was made by Ms Linton against South Hams District Council. This application will be the subject of a separate Decision.

Procedural Matters

3. The site address on the banner heading above is taken from the application form. The address on the appeal form matches that on the decision notice, but differs slightly from that given on the application form. For the avoidance of doubt, I use the address from the appeal form and decision notice.
4. Since the Council's decision, the Plymouth and South West Devon Joint Local Plan 2014 - 2034 (Joint Local Plan) was adopted on 21 March 2019. The policies of the South Hams Local Development Framework Core Strategy and Development Policies Development Plan Document have been superseded by the new development plan. This decision is based upon the policies of the adopted Local Plan for the area
5. I note that emerging Joint Local Plan policies TTV31, DEV24, DEV25 and DEV27, referred to in the Council's refusal notice, are numbered differently in the adopted version of the development plan as TTV26, DEV23, DEV24 and DEV25 respectively. This decision is based on the adopted policy numbering.

Main Issue

6. The effect of the proposed development on the character and appearance of the surrounding area.

Reasons

7. The boathouse is sited within the grounds of The Old Rectory, a detached, two-storey dwelling, located in an elevation position on the southern side of the Kingsbridge estuary, and set within large, maturely landscaped grounds. It lies within a rural location within undeveloped coast and the South Devon Area of Outstanding Natural Beauty. The appeal site land levels fall from south to north. The boathouse is located approximately 50 m from the house, in the north-east corner of the site, close to the estuary edge. The building is set amongst mature trees and shrubs with a steep bank to its south side and rear. It is sited at a significantly lower ground level than the main dwelling and accessed via its garden.
8. The detached, pitched roof building has a solid concrete floor. The walls are finished in render and hanging slate and it has a natural slate roof and timber door. In front of the building is a hardstanding area leading to a slipway onto the estuary.
9. To the east of the boathouse there is a public footpath providing access to the foreshore from the main road that runs through East Portlemouth. The footpath separates the appeal site from the neighbouring residential property at Coveside, which is a two-storey, pitched roof house sited close to the estuary foreshore and in an elevated position in relation to the boathouse.
10. The foreshore within the vicinity of the appeal site is largely undeveloped. During my site visit I observed that, in addition to Coveside, there are several other two-storey dwellings sited close to the foreshore on the southern side of the estuary, to the east of, and visible from, the garden of the appeal site.
11. At the time of my visit, no boats were stored in the building and the building currently appears to be used for the storage of items associated with general household use. The Council has not confirmed that a boat storage use of the building is required by virtue of any specific planning permission, nor provided details of any development plan policy requiring the retention of boathouse accommodation in this location. I also note that the appeal scheme does not propose any alterations to the existing slipway and external boat storage area in front of the building. Accordingly, no harm arises from the use of the building for storage of items other than boats.
12. I have had regard to the neighbour concerns regarding the design, size and visual impact of the appeal proposal on the local landscape character. The proposed scheme, comprising the removal of the existing roof and its replacement with a pitched roof first floor, partly built off the existing walls and partly off a cantilever structure to the rear, and with an increase in overall building height of some 2.9 m, would result in a modest addition to the existing building, which would sit comfortably on the site. Furthermore, the proposed timber boarding walls and slate roof would be appropriate finishes for the building, having regard to its location within a rural, treed setting, immediately adjacent to the estuary. I therefore concur with the Council that the proposal would be acceptable in terms of its design and massing.

13. Due to the proposed increase to its height and length, the appeal proposal is likely to be more visible in wider views from the estuary. However, the impact on the character and appearance of the area would be acceptable, having regard to the appropriate design and massing, and presence of existing dwellings to the east of the appeal site referred to above. Furthermore, the lower ground level of the building in comparison to both the main dwelling and the neighbouring property at Coveside, and the proposed retention of trees around the building in accordance with the Tree Protection Plan and Arboricultural Impact Assessment submitted with the application, provide further confirmation that the proposal would sit comfortably within its immediate setting without harming the character of the surrounding area. I also find that the proposed amount of glazing and the modest size of the balcony are appropriate for the residential use of the building and would not give rise to materially harmful light pollution.
14. I acknowledge the potential for the proposal to impact on existing trees, and the concerns raised about the effect of lighting upon the character and appearance of the area. However, these are matters that could be dealt with by means of planning conditions, which I consider further below, and do not therefore justify the dismissal of the appeal scheme.
15. The appellant has drawn my attention to other existing developments close to the foreshore, and the Council states that there are other boathouses within the local vicinity of the appeal site that it deems are more prominent in the estuary than the appeal proposal and which contain large areas of glazing. This reinforces my view that, in this case, the proposal is an appropriate form of development having regard to the prevailing character of the estuary foreshore which includes residential properties within close proximity to, and visible from, the estuary.
16. I therefore conclude that the proposal would not result in harm to the character and appearance of the area. As such it would accord with Policies TTV26, DEV20, DEV23, DEV24 and DEV25 of the Plymouth and South West Devon Joint Local Plan 2014 – 2034, which, amongst other aims, require new development to encompass a high quality design and contribute positively to prevailing character and landscape, including that within AONB, undeveloped coast and estuary locations.

Other matters

17. I have taken account of the neighbour concerns that the appeal proposal is tantamount to a separate dwelling and I have noted the existing vehicular access to the appeal site to the south of the boathouse building. However, due to the steep change in existing ground levels in this part of the site, I agree with the Council that it would require significant engineering works, requiring planning permission, in order to create an independent access to the building. No such works are proposed as part of the appeal scheme, and I am therefore satisfied that the proposal would comprise ancillary living accommodation to the main dwelling. What is more, a planning condition to ensure that this remains the case in the interests of visual amenity, highway safety and neighbour amenity could reasonably be used to secure such an outcome.
18. With regard to concerns raised about additional traffic generation on the public highway, I find that the proposed ancillary residential accommodation is

unlikely to result in significant increase traffic movements to and from the appeal site.

19. I have acknowledged the neighbour concerns regarding drainage and flooding. The Council's flood risk and drainage specialist has raised no objection and the Council states that the site lies outside Flood Zones 2 and 3. I am therefore satisfied on this issue, subject to a condition requiring the installation of an appropriate scheme for dealing with foul sewage drainage as suggested by the Council.

Conditions

20. The Council has suggested a number of conditions which I have considered in light of advice in Paragraph 55 of the National Planning Policy Framework and the national Planning Practice Guidance. Conditions are necessary to list the plans in the interest of certainty, to restrict the use of the boathouse to ensure that it is not used as a separate dwelling, to ensure appropriate tree protection and replacement tree planting to protect the setting of the building, and to ensure the installation of an appropriate foul water drainage scheme to protect environmental amenity. A condition is also necessary to require the implementation of an appropriate Construction Management Plan, in the interests of highway safety, given the narrow nature of the public highway within the site vicinity, and in order to protect neighbouring amenity.
21. I consider a condition restricting external lighting to be unduly onerous, given the modest alterations proposed to the building and the fact it will remain in use ancillary to the main dwelling. The proposal is therefore unlikely to give rise to a significant increase in external lighting.

Conclusion

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

S Leonard

INSPECTOR

Annex A

Schedule of 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: SG16-17/02 Rev B, SG16-17/16 Rev A, 1623TPP, SG16-17/04 Rev J, and SG16-17/05 Rev K.
- 3) The residential accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Old Rectory.
- 4) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and

the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

- 5) No works or development shall commence until a full specification of all proposed tree planting has been submitted to and approved in writing by the local planning authority. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be planted and protected and the proposed time of planting. The tree planting shall be carried out in accordance with the approved specification.
- 6) The residential accommodation hereby permitted shall not be occupied until works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

*****End of Conditions*****