



Appeal Decision

Site visit made on 20 August 2019

by S Shapland BSc (Hons) MSc CMILT

an Inspector appointed by the Secretary of State

Decision date: 11 October 2019

Appeal Ref: APP/K1128/W/19/3230870
Highwood, Moul Road, Salcombe TQ8 8LG

- 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 Peter Fane against the decision of South Hams District Council.
 - The application Ref 2933/18/FUL, dated 21 August 2018, was refused by notice dated 9 May 2019.
 - The development proposed is demolition of existing dwelling and replacement with new dwelling.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Since the Council refused planning permission, the Salcombe Neighbourhood Development Plan has been adopted.
3. The appellant has included revised plans¹ as part of the appeal, which shows the proposed dwelling being moved approximately 1.3 metres away from Tree T9. Annex M of the Planning Appeals Procedural Guide – England advises that the appeal process should not be used to evolve a scheme. It is important that what is considered by the Inspector is essentially what was considered by the local planning authority and on what Interested people's views were sought. If I were to determine the appeal on the basis of the revised plans it is possible that the interests of parties who might wish to comment would be prejudiced. For the avoidance of doubt, I have determined the appeal on the basis of the plans which were before the Council when it made its decision.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area, including the South Devon Area of Outstanding Natural Beauty, and
 - a tree protected by a Tree Preservation Order.

¹ 1636-07Z – Elevations as proposed, 1636-08Z – plans as proposed, 1636-09Z – site plan as proposed

Reasons

Character and Appearance

5. The appeal site is a prominent steeply sloped plot located on Moulton Road in Salcombe. The site lies within the South Devon Area of Outstanding Natural Beauty (AONB), undeveloped coast and the Heritage Coastal Zone. The appeal property known as Highwood is a large four-bedroom property, with a traditional character including pitched tile roof, dormer windows and chimneys. Given the steep topography of the plot, the property is set below the level of Moulton Road, with only the roof being visible from the roadside. The property includes a separate garage which is constructed on tall piers to enable level access from Moulton Road.
6. The appeal proposal is for the demolition of the existing property which would be replaced with a modern 3 storey property. The proposal includes considerable glazing to the front façade and the property would have a shallow low pitched roof. The proposal would be largely the same height as the existing property, and as such is unlikely to be significantly visible from the roadside. However, the proposal is considerably larger than the existing property, and as such introduces additional built mass on the site.
7. This part of the AONB is characterised as a steeply wooded hillside, with a number of sporadic properties located at differing heights along this hillside. There is a range of architectural styles, however the predominate feel is one of traditional properties including tiled pitched roofs, light render finishes, dormer windows and chimneys. There are considerable levels of vegetation within this hillside, which includes a number of mature trees. The presence of this vegetation combined with the spacing of the existing properties gives a pleasing rural feel to the area. The appeal site is in a prominent location on this hillside and can be viewed from a number of public areas. This includes the Estuary, Overbecks and the South West Coast Path.
8. The proposal is considerably larger than the existing dwelling, and the increase in built form in this location would be an incongruous addition to the landscape. The modern design would be a stark contrast to the traditional architectural style, and the amount of glazing on the front façade is not in keeping with surrounding properties and is a highly prominent feature which detracts from the existing landscape.
9. The appellant has indicated that planning permission was granted in 2011 for an extension to the property, and the size of this extension would be comparable to the appeal proposal. However, I have been presented with no evidence to suggest that the 2011 consent can be implemented. I can only afford this limited weight in my consideration of the appeal.
10. Whilst the appellant's proposed green wall would make a positive contribution and to a degree reduces the prominence of this section of the wall, however the building mass and levels of glazing would still cause significant harm to the character and appearance of the area.
11. I noted during my site visit that there are a number of properties in close proximity to the appeal site with modern features which includes shallow pitched roofs. However; these properties are well screened by vegetation and as such do not appear as incongruous additions to the landscape.

12. Section 85 of the Countryside and Rights of Way Act 2000 requires that I have regard to the purpose of conserving and enhancing the natural beauty of AONB's. Furthermore, Paragraph 172 of the Framework specifies that great weight must be given to conserving and enhancing landscape and scenic beauty of these areas. In this instance, the design of the property fails to conserve or enhance the AONB. As such the proposal harms the character and appearance of the area.
13. Consequently, I find conflict with policies DEV10, DEV20, DEV23, DEV24 and DEV25 of the Plymouth and South West Devon Joint Local Plan (JLP) adopted 2019. I find further conflict with policies SALC B1 and SALC ENV1 of the Salcombe Neighbourhood Plan (NP) Adopted July 2019, and conflict with paragraphs 170 and 172 of the Framework. Together these policies collectively seek, amongst other things that new development is of a high-quality design which protects, maintains and enhances the landscape and character of the area. The Council has referred to NP policy SALC ENV6, however I do not find this is relevant as the site does not specifically fall within any locally important views defined within this policy.

Protected Tree

14. There are a number of protected trees within the appeal site. However, it is likely that protected tree T9 is the only tree which would be directly affected by the proposals. This tree is a mature Holm Oak with an estimated remaining contribution in excess of 40 years. Whilst the tree has been heavily pollarded, it nonetheless provides a positive contribution to the character and appearance of the area and will do for many years. Given the close proximity of tree T9 to the proposal it is likely that this would harm the growth of this tree in the future.
15. Given the prominent location of the site and the significance of the existing trees and vegetation, the loss of such a mature tree would harm the character and appearance of the area. The appellant has indicated that the appeal proposal could be moved away from this protected tree and has submitted revised plans demonstrating this. However, the location of the proposed dwelling is a matter which is integral to the scheme, and upon which consultation took place. As I identified earlier, I cannot be certain that such an alteration would not introduce additional planning considerations which interested parties may have wanted to comment upon.
16. Accordingly, I find that the proposal is contrary to policy DEV28 of the JLP, which seeks, amongst other things that development avoids the loss or deterioration of trees.

Conclusions

17. For the reasons given above the appeal is dismissed.
- 18.

S Shapland

INSPECTOR