

Appeal Decision

Site visit made on 8 October 2019

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2019

Appeal Ref: APP/J9497/D/19/3236866
Tanglin, Meavy Lane, Yelverton PL20 6AP

- 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 David Pitcher against the decision of Dartmoor National Park Authority.
 - The application Ref 0201/19, dated 18 March 2019, was refused by notice dated 4 July 2019.
 - The development proposed is for a new dormer with balcony.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I understand from the Council's Officer report that the appellant submitted a revised drawing to them on the last day of the determination of the planning application, in an attempt to allay their concerns. However, it is not clear whether any further public consultation took place and therefore, in the absence of any evidence to that effect, I consider that third parties would be prejudiced, being unable to provide their views on the amended scheme. Therefore, in the interests of impartiality, I have determined the appeal on the plans that were submitted to the Council in the first instance. These plans are unnumbered, although have been date stamped by the Council as 9 May 2019.

Main Issues

3. The main issues are the effect of the proposal upon the character and appearance of the host dwelling and the Dartmoor National Park; and upon the living conditions of the occupants of Pennwood, with specific reference to privacy.

Reasons

Character and Appearance

4. The appeal site is located on the south eastern edge of the settlement of Yelverton and the immediate built context consists predominantly of large detached dwellings set within generous plots. The appeal dwelling is set on sloping land, rising up towards the rear in a northerly direction, with some mature trees and shrubs situated close to the boundary which is demarcated by an embankment. Beyond this is grazing land and open countryside.

5. Public views of the rear elevation of the appeal dwelling are however minimal, taking into account the aforementioned physical features and the topography of the land. Furthermore, by virtue of its simple mono-pitch design, I consider that the dormer extension, from an aesthetic point of view, would not appear unduly obtrusive within the roof slope. Indeed, the host dwelling has been extended in a number of ways and the proposal would simply add to the articulation of its overall built form.
6. Therefore, on this issue, I consider that the proposed development, by virtue of its design and detailing, would at the very least protect the character and appearance of the host dwelling; and would conserve the landscape and scenic beauty of the National Park, pursuant to paragraph 172 of the National Planning Policy Framework (the 'Framework').
7. The Council have not explained how the proposal conflicts with the Dartmoor National Park Design Guide or the English National Parks and the Broads UK Government Vision and Circular 2010. However, in respect of the Development Plan and those policies listed within the first reason for refusal, I find that the proposal complies with Policies COR1, COR4, DMD1b and DMD7 of the Dartmoor National Park Authority Development Plan (DNPADP) in that the proposal would sustain local distinctiveness and character, including respecting the character of the local landscape through demonstrating a scale and layout appropriate to the site and its surroundings, whilst protecting the National Park's special qualities.

Living Conditions

8. The rear garden boundary shared with Pennwood to the west is lined by a relatively high evergreen hedge. Pennwood is however on higher ground than the appeal site and has a raised decking area to its rear. The vast majority of this decking area would be within a fairly direct line of sight from the proposed dormer. Whilst I note that privacy screens are shown to be erected to each side of the balcony, I am not convinced that these would adequately prevent overlooking of the neighbouring rear garden. Further, whilst the proposed balcony is set within the profile of a large roof on a larger than average plot, the balcony would quite clearly project beyond the existing rear roof plane.
9. I therefore conclude that the proposed balcony would give rise to a material level of overlooking and consequent loss of privacy to the occupants of Pennwood. The proposal, conflicts with DNPADP Policy DMD4 which seeks to protect residential amenity in Dartmoor National Park stipulating, amongst other things, that development proposals should not significantly reduce the levels of privacy enjoyed by the occupiers of nearby properties.

Conclusion

10. Having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR