



Appeal Decision

Site visit made on 8 November 2019

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2019

Appeal Ref: APP/K1128/W/19/3233811

Loring View, Loring Road, Salcombe TQ8 8BL

- 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 Alan Cookson against the decision of South Hams District Council.
 - The application Ref 1345/19/FUL, dated 26 April 2019, was refused by notice dated 2 July 2019.
 - The development proposed is demolition of dwelling and erection of one detached dwelling with off street parking.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Salcombe Neighbourhood Development Plan (the 'SNP') passed a referendum on 25 July 2019 and now forms part of the development plan. It is incumbent on me to take into account the most relevant and up to date information in reaching a decision and I have therefore dealt with the appeal on this basis.

Main Issues

3. The main issues are: (i) the effect of the development upon the character and appearance of the area; and (ii) the effect of the development upon the living conditions of the neighbouring occupiers of The Windjammer, Raleigh Road, in respect of outlook.

Reasons

Character and appearance

4. The appeal site is located at the northern end of Loring Road, near to the junction with Raleigh Road. It is currently occupied by a chalet bungalow, which has a hipped to gable roof form and flat roof dormer on the front elevation. The existing dwelling is attached to an adjoining shop and post office to the northern side of the property.
5. It is proposed to demolish the existing building and erect a detached dwelling at the appeal site. The property would be part one and a half storey and part two storey with accommodation over two floors. An off-street parking area would be provided to the front of the property.

6. A material consideration in this case is the appeal decision¹ of 25 October 2019 relating to the demolition of the existing building and erection of two semi-detached dwellings on the same site. The proposed dwellings were two-storey with accommodation over three floors. The appeal was dismissed with the Inspector finding that the proposal would unduly harm the character and appearance of the area and the living conditions of the occupiers of The Windjammer. In terms of living conditions, it was found that the proposed development would have an unacceptable overbearing impact on the neighbouring occupiers.
7. However, there are material differences between that scheme and the current proposal. The previous scheme related to two dwellings, whilst the current proposal relates to one dwelling. In addition, the current proposal has a lower ridge height than the previous scheme and is of a different architectural design. Whilst it is an important planning principle that like cases should be determined in a like manner, this appeal needs to be determined on its own individual planning merits.
8. The surrounding local area has an urban residential character and Loring Road slopes downwards towards the junction with Raleigh Road. There are a variety of property types located along Loring Road. However, at the lower end of the road, the existing properties, including the chalet bungalow at the appeal site, are typically modest in scale and collectively have a low-lying appearance when viewed from the street.
9. Whilst I acknowledge that the semi-detached neighbouring properties to the south of the appeal site, known as High Tor and Tamar, and the other properties on this side of Loring Road up to the junction of Camperdown Road, are significantly larger than the existing dwelling at the appeal site, these properties are located further up the road, on a higher level. As such, whilst they have a bearing on the character and appearance of the area, they represent somewhat of a departure from the group of modest low-lying properties on the section of Loring Road where the appeal site is located.
10. Despite the stepped roof design, which aims to break up the overall massing of the building, and the introduction of a gap between the proposed dwelling and the adjoining shop, the proposal would introduce a building at the site which would be substantially taller than the existing chalet bungalow over a large extent of the site. Whilst I accept that the two-storey section of the building would be about four metres lower in height than High Tor, the two-storey section of the proposed dwelling would nonetheless appear significantly taller, and thus, disproportionately larger, than the group of modest low-lying properties on the section of Loring Road where the appeal site is located. Consequently, the proposed dwelling would be an unduly prominent form of development when viewed from the street, which would cause significant harm to the character and appearance of the area.
11. The Council have raised concerns about the architectural design of the dwelling and the extent to which the proposal would result in the development of existing amenity areas. However, I note that there are a wide variety of property types present within the street, and, therefore, I consider that the overall design of the building would be in-keeping with the character and appearance of the area.

¹ APP/K1128/W/19/3233006

12. In terms of the development of existing amenity areas, whilst I acknowledge that an area of amenity space to the south of the existing dwelling would be developed, I note that new areas of amenity space would be created to the front, rear and northern side of the new dwelling. Whilst the rear amenity area would be limited in size, the lack of rear garden depth would not be readily apparent from Loring Road. As such, I am not persuaded that the extent to which the proposed dwelling would occupy the plot, would be unduly harmful to the character and appearance of the area. Despite this, the harm identified above is sufficient to justify dismissing the appeal.
13. The appellant argues that the existing building is in a poor state of repair and that it detracts from the local distinctiveness of the area. It is argued that the necessary renovation works to bring the property up to a suitable standard may not be viable. Even if I were to accept that this were the case, this does not provide a justification to grant permission for a development which would cause significant harm to the character and appearance of the area.
14. Whilst I have found no harm in respect of the architectural design of the proposed dwelling and the extent of plot coverage proposed, when the proposal is considered as a whole, I conclude that the proposed development would cause significant harm to the character and appearance of the area. As such, the proposal would not accord with Policies DEV10 and DEV20 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (the 'JLP') and Policy SALC B1 of the SNP, insofar that they require new development, including housing, to achieve a high-quality design and have regard to the character and appearance of the area.
15. Given the above, the proposal would be inconsistent with Paragraph 127(c) of the National Planning Policy Framework (the 'Framework'), which requires development to be sympathetic to the local character.

Living conditions

16. The Windjammer is situated immediately to the rear of the appeal site. The rear garden is terraced and has two levels. Immediately to the rear elevation there is a sunken patio area with steps leading upwards to a higher garden area, which is predominately laid to lawn. At the end of the rear garden there is a single storey garage, which is accessed via an unmade track off Loring Road.
17. From within the rear garden of The Windjammer, due to the moderate height of the existing building at the appeal site and the single storey nature of the adjoining shop, in addition to the presence of undeveloped space to the southern side of the appeal property, the existing buildings do not have an overbearing impact on the neighbouring occupiers.
18. The proposal would create a gap between the shop and the proposed dwelling, which would provide a degree of relief from the presence of built form, when viewed from the sunken patio area of The Windjammer. In addition, due to the siting of the proposed dwelling and the single storey nature of the rear 'lean-to' section, the proposal would result in a reduction to the amount of built form within the area of the appeal site where the gabled section of the existing dwelling currently sits, which is hard up with the side boundary of The Windjammer. Whilst these matters would be benefits of the proposal, the existing features do not have a harmful impact on the occupiers of The Windjammer, as set out above.

19. The proposed dwelling would introduce a significant volume of additional built form to the side of the rear garden of The Windjammer, when compared to the current arrangement. The height and overall massing of the two-storey section of the proposed building, which would be predominately sited on an area of the appeal site, which is currently undeveloped, would have a significant enclosing and overbearing effect upon the outlook from the rear garden of The Windjammer. Due to the differing levels, the overbearing impact of the proposal would be especially severe from the sunken patio area of The Windjammer.
20. Whilst the proposal would provide some limited benefits, they are not significant enough to outweigh the harm that I have identified above in respect of the proposal's overbearing effect on outlook. Consequently, I conclude that the proposed development would cause significant harm to the living conditions of the occupiers of the Windjammer in respect of outlook. As such, the proposal would not accord with Policy DEV1 of the JLP, insofar that it requires new development to protect the amenity of existing residents.
21. In addition, the proposal would be inconsistent with the aims of Paragraph 127(f) of the Framework, which requires that development does not have an adverse impact on the amenities of existing and future occupants.

Other Matters

22. The appeal site is located within the South Devon Area of Outstanding Natural Beauty (the 'AONB'). Paragraph 172 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. Whilst I have found the proposal would harm the character and appearance of the local area, when viewed from the open countryside, which surrounds Salcombe, the proposal would assimilate into the built-up townscape. As such, the development would have a neutral impact upon and thus conserves the natural beauty of the AONB.
23. The proposed replacement dwelling would provide suitable accommodation for working families in the local area, and, the main parties agree that it would exceed the minimum space standard as set out within the Government's Technical Housing Standards - Nationally Described Space Standard (March 2015), which weighs in favour of the proposal. However, such benefits would not be significant enough to alter or outweigh my conclusions on the main issues.

Conclusion

24. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Christopher Miell

INSPECTOR