



Appeal Decision

Site visit made on 8 November 2019

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 December 2019

Appeal Ref: APP/K1128/W/19/3233438

Rock Point, Knowle Road, Salcombe TQ8 8EQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr James Allen against South Hams District Council.
 - The application Ref 0439/19/FUL, is dated 8 February 2019.
 - The development proposed is described in the application as 'the replacement of the current dwelling and the provision of a new two bed property'.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing bungalow and detached garage and erection of two dwellings at Rock Point, Knowle Road, Salcombe TQ8 8EQ in accordance with the terms of the application Ref 0439/19/FUL, dated 8 February 2019, subject to the schedule of conditions attached to this decision.

Procedural Matters

2. The Plymouth and South West Devon Joint Local Plan 2014-2034 (the 'JLP') was adopted on 26 March 2019. In addition, 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.
3. In my formal decision I have used the description of development from the appeal form as this better describes the proposal.

Main Issues

4. The main issues are
 - whether market housing is appropriate for the site; and
 - the effect of the development upon the character and appearance of the area, including whether the proposal conserves or enhances the landscape and scenic beauty of the South Devon Area of Outstanding Natural Beauty.

Reasons

Location of development

5. The appeal site is occupied by a single storey detached bungalow which would be demolished and replaced by two two-bedroom detached dwellings. It is within the settlement boundary of Salcombe which is identified as one of the 'Smaller Towns and Key Villages' in JLP Policy TTV1. In such locations, JLP Policy TTV1 supports housing growth commensurate with the roles of the Smaller Towns and Key Villages in supporting small villages and hamlets.
6. Paragraph 5.9 of the supporting text to Policy TTV1 of the JLP explains that Smaller Towns and Key Villages provide a more limited range of services than the Main Towns, but nevertheless they play an important role in supporting the dispersed villages and hamlets that are located throughout the rural areas, and which sustain a large number of rural communities. In order to maintain their function, a proportionate amount of new growth is appropriate to ensure that services and facilities are not lost, but instead can be sustained and enhanced where appropriate.
7. In terms of the SNP, Policy SALC H2 supports open market housing in the Parish within allocated sites, as identified by the JLP, and, on infill sites within the settlement boundary. The appeal site does not form part of an allocated site, as identified by the JLP, but as it is surrounded by other residential development it is an infill site and therefore, it is within an area where Policy SALC H2 of the SNP supports market housing on infill sites, subject to the development meeting other policy criteria.
8. Policy SALC H2 details four criteria (a-d), which market housing developments should meet. They are summarised as follows: (a) development is delivered in line with Policy DEV8 of the JLP, together with a minimum 30% provision of affordable housing; (b) the type of housing should respond to local housing needs, as defined in the latest Housing Needs Survey; (c) consideration should be given to the needs of the elderly in the form of market sale sheltered, extra care or assisted living housing; and (d) development should support opportunities for existing elderly residents to downsize and make more larger units available to the market.
9. In respect of (a), the provision of market housing, Policy DEV8 of the JLP indicates that the Council will seek to deliver a mix of housing sizes, types and tenure appropriate to the area as supported by 'local housing evidence'. In terms of affordable housing, Policy DEV8 states that affordable housing will be sought as part of developments of 11 or more dwellings, the proposal falls below this threshold and, thus, there is no requirement to provide affordable housing.
10. In respect of (b), local housing needs, the Housing Needs Survey (HNS) specifically relates to the level of affordable housing need in Salcombe. It does not provide any data or guidance relating to the housing need for other tenures, such as market housing, within the settlement. Therefore, I consider that this document does not establish the overall housing need for Salcombe in terms of housing sizes, types and tenure.
11. Overall, no clear and substantive evidence has been put forward by the Council to demonstrate that there is an imbalanced housing market in Salcombe,

whereby only affordable housing should be delivered on infill sites, nor has it been evidenced that there is an unmet local need for a different form of housing to that proposed such that it would be necessary to refuse planning permission for market housing on that basis.

12. Criteria (c) and (d) of SNP Policy SALC H2, both relate to meeting the needs of the elderly. Whilst the proposal does not include market sale sheltered, extra care or assisted living housing, the provision of which is not a mandatory policy requirement under criteria (c), I note that the proposed dwellings are modest two-bedroom units, with off-street parking, which would be suitable for some elderly residents wishing to downsize. This in turn would make existing larger units available to the market, which would align with the aims of criteria (d).
13. In terms of other considerations, the main parties agree that the appeal site is well located with regards to local services and amenities, which would allow future of occupiers of the proposed dwellings to be able to meet most of their daily needs within Salcombe. Based on my site observations, I have no reason to disagree with this assessment.
14. The Council have drawn my attention to Paragraph 6.6.1.2 of the SNP, which forms part of the supporting text to the 'Housing and Homes' section of the SNP. It states *'Recent developments have encroached onto the countryside and AONB and has put pressure on the infrastructure of the town without any significant improvements. Future strategic growth in Salcombe is planned in the Plymouth and SW Devon Joint Local Plan (JLP). Therefore, this plan does not promote any further housing development beyond the strategic allocation. However, the plan does not exclude replacement dwellings in the town as outlined in JLP Policy TTV32'*. Whilst I acknowledge that the SNP does not promote any further strategic housing allocations within Salcombe, the supporting text does not explicitly preclude windfall development, such as infill housing within the settlement boundary. Consequently, this is not a determinative point in this appeal.
15. For the collective reasons set out above, I conclude that market housing would be appropriate on the site. As such, the proposal would accord with Policies TTV1 and DEV8 of the JLP and Policy SALC H2 of the SNP, which, in combination and amongst other matters, allows for market housing on infill sites within the SNP settlement boundary; requires residential development to accord with the development strategy across the Thriving Towns and Villages Policy Area; and seeks to provide a mix of housing sizes, types and tenure appropriate to the area.

Character and appearance

16. The appeal site is located within the South Devon Area of Outstanding Natural Beauty (the 'AONB') and the surrounding local area has an urban residential character. There are a variety of property types along Knowle Road, which are predominately semi-detached and detached dwellings with hipped or gable roof forms and brick and/or rendered exteriors. The residential properties are laid out in a loose linear pattern and are inconsistently spaced.
17. I consider that the traditional design of the proposed dwellings, chalet form and the external finish would be consistent with the local vernacular, whereby gable roof forms and render external finishes are common features within the surrounding townscape. As such, the proposed dwellings would be of an

appropriate design standard and respond to the local distinctiveness of the area, which would safeguard the character and appearance of the area.

18. Turning to 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.
19. The appeal site is situated within a built-up area of Salcombe and I have found the proposal would safeguard the character and appearance of the local area. As such, the proposal would assimilate into the built up area of Salcombe and therefore would not affect the landscape and scenic beauty of the AONB. As such, the development would have a neutral impact upon and thus conserves the natural beauty of the AONB.
20. For the collective reasons set out above, I conclude that the proposal would accord with Policy DEV20 of the JLP and Policy SALC B1 of the SNP, insofar that they require new development to achieve a high-quality design and have regard to the character and appearance of the area. In addition, the proposal would accord with Policy DEV25 of the JLP, which requires development proposals to conserve and enhance the natural beauty of protected landscapes.

Other Matters

21. Local residents have expressed concerns about the impact of additional traffic on the local road network. However, no such concerns have been raised by the Council. Based on the evidence before me and my site observations, I have no reason to disagree with the Council in respect of this matter which have expressed that the addition of an extra dwelling would not have a significant impact upon trip generation or the local highway network.
22. Local residents have expressed concerns that the proposal would harm their living conditions, in respect of noise, overlooking and a loss of light. Based on the evidence before me, and my site observations, which included an assessment of the separation distances between the proposed dwellings and the neighbouring properties, I have no reason to disagree with the Council which have commented that the proposed development has been arranged so that neither of the neighbour's residential amenities are impacted to a significant degree.
23. An interested party has drawn my attention to a planning decision at a nearby property, known as 'Welsummer', whereby permission was refused by the Council for the erection of two semi-detached dwellings. In addition, the appellant has drawn my attention to a recent appeal decision¹, where an Inspector provides an interpretation of Policy DEV8 of the JLP. However, I am not aware of the full circumstances in relation to the respective cases, and, in any event, it is necessary that I determine this appeal on its individual planning merits, including its specific design and location.

¹ Appeal Ref: APP/K1128/W/19/3228098

Conditions

24. The Council have suggested five conditions which I have considered against the tests as laid out in paragraph 55 of the Framework. In the interests of consistency, precision and reasonableness, I have amended the wording of some of the conditions.
25. For the reasons set out below, I have also imposed additional conditions relating to ecology and principal residency. The appellant has agreed to the ecology and principal residency conditions. The Council did not provide any comments in respect of the ecology condition, but have agreed to the principal residency condition.
26. Planning permission is granted subject to the standard three-year time limit condition. It is necessary that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. In the interests of the character and appearance of the area, it is necessary to impose conditions relating to materials, landscaping and boundary treatments.
27. Due to known surface flooding issues in the local area, I have imposed a condition relating to surface water drainage. In the interests of ecology, as per the submitted ecology appraisal, it is necessary to impose a condition to secure the recommended ecological enhancements at the site.
28. Finally, I have imposed a principal residency condition. The condition is required by Policy SALC H3 of the SNP, which seeks to reduce the number of additional second homes and holiday homes within Salcombe, and, the associated socioeconomic issues, by restricting the use of new market homes to a person's sole, or main place of residence. The policy does not apply to replacement dwellings and therefore the condition only applies to the additional dwelling at the appeal site.
29. The Council contend that the principal residency requirements of Policy SALC H3 of the SNP should be secured by a legal agreement. However, I see no reason why the use of the additional dwelling could not be controlled by a planning condition. Indeed, Policy SALC H3 of the SNP states that the use can be controlled by a planning condition, Section 106 legal agreement or other planning obligation.
30. Furthermore, I note that the Planning Practice Guidance² advises that the local planning authority should use a condition rather than seeking to deal with a particular matter by means of a planning obligation, when it is possible to overcome a planning objection to a development proposal equally well by imposing a condition on the planning permission.

Conclusion

31. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Christopher Miell
INSPECTOR

² Planning Practice Guidance – Paragraph: 011 Reference ID: 21a-011-20140306 (Revision date: 06 03 2014)

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3692 01; 3692 20B; 3692 21B; 3692 22B; 3692 23B; and 3692 24B.
- 3) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and,
 - iii. provide a management and maintenance plan for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 4) Prior to the erection of development above slab level, full details of all external facing materials shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken and completed in accordance with the approved details.
- 5) Prior to the erection of development above slab level, details of all boundary treatments and hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken and completed in accordance with the approved details before the occupation of any dwelling.
- 6) The development hereby permitted shall be carried out in accordance with the recommended ecological enhancements, as set out within the Bat and Protected Species Survey by EcoLogic Consultant Ecologists LLP dated 3 August 2018. The works shall be implemented as approved prior to the first occupation of the development and the ecological enhancements retained as such thereafter.
- 7) The new residential dwelling, as identified on approved plans 3692 20B, 3692 23B and 3692 24B, shall only be occupied as a person's sole, or main place of residence.

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