



Appeal Decision

Site visit made on 12 February 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 March 2020

Appeal Ref: APP/Q1153/D/19/3241152

Trewinnard House, Road from St Marys Church to Sydenham Mill, Chillaton PL16 0JB

- 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 & Mrs A McSmythers against the decision of West Devon Borough Council.
 - The application Ref 2016/19/HHO, dated 21 June 2019, was refused by notice dated 5 September 2019.
 - The development proposed is an extension in place of existing garage, new detached garage in garden, and rendering to brick elevations and replacement timber windows to upgrade and improve the appearance of the dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for an extension in place of existing garage, new detached garage in garden, and rendering to brick elevations and replacement timber windows to upgrade and improve the appearance of the dwelling at Trewinnard House, Road from St Marys Church to Sydenham Mill, Chillaton PL16 0JB in accordance with the terms of the application, Ref 2016/19/HHO, dated 21 June 2019, subject to the following 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: 19-004-04 A; 19-004-05 A; 19-004-06; 19-004-07; and MCS01 1941 0219 sheet 01/1.
 - 3) Prior to their installation, details / samples of the materials to be used in the construction of the external surfaces and windows of the extension and garage hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details / samples and thereafter retained as such.

Procedural matter

2. The appellants name is spelled differently on the appeal and application forms. I have used the spelling from the application form.

Main Issue

3. The main issue is the effect of the proposal on the setting of St Mary's Church.

Reasons

4. St Mary's Church occupies an elevated position. Whilst the appellant's heritage statement is somewhat lacking in respect of the significance of this heritage asset, the Council has explained that the church was clearly positioned in order to have presence in the landscape. Therefore, I find that this setting is a fundamental part of its significance.
5. Trewinnard House is positioned close to the church on lower ground. Despite its position below the road level, the extension would be clearly visible in views out from the church, particularly its south porch, a gate that is aligned with it, and the associated path and steps. From here, the expansive landscape setting of the church can be appreciated with wide ranging views across the surrounding countryside. Those views are abruptly terminated at close range by the existing form of Trewinnard House.
6. The proposed extension would be largely sited on the footprint of an existing garage that presents a wall towards the church of similar height to the proposed roof. Whilst the extension would also extend in front of the main dwelling, it would not add to the overall width of the built form and so would not interfere with the outward views to any greater extent than in the existing situation.
7. The dwelling itself exhibits a range of design features giving it a somewhat ad-hoc appearance. In this context, a flat roofed addition would not look out of place against the host property. The roof would have some relief to its profile which, along with overhanging eaves would provide some articulation. As such, it would not be overly utilitarian in appearance. Despite the high visibility from people leaving the church, therefore, the detailed design would not cause additional harm to the setting of the listed building or that part of its significance that is linked to the landscape setting.
8. The garage would be positioned to the side of the house, close to roadside banks. It would be a relatively low structure with a pitched slate roof. Given its position below the churchyard it would not intrude significantly into views out from the church. Therefore, it would not appear as additional clutter in the landscape that caused harm to the setting of the church or its significance.
9. The garage would also be sited close to trees and the potential effect on them is uncertain. However, there is good tree/hedge cover in the remainder of the site boundaries and, whilst the trees around the garage site contribute to the character of the area, there is no substantive evidence that they are fundamental to the setting of the listed building. As such, should damage to the trees result, given my findings in respect of the siting relative to the banking, additional harm to the setting of the listed building or general appearance of the area would not arise.
10. Therefore, the proposal would not conflict with the National Planning Policy Framework in respect of heritage assets, or those aims of Policies DEV21 and TTV29 of the Plymouth & South West Devon Joint Local Plan 2014-2034 which seek to safeguard the significance of heritage assets and their settings, and ensure that extensions are appropriate in scale and design in the context of their host dwellings.

Conditions

11. A plans condition is required in the interests of certainty. In the interests of the character and appearance of the area, the Council has suggested a condition that external materials and windows for the extension should match the existing dwelling, however this is somewhat unclear since the appellant also proposes to render the dwelling and due to its design the roof would not match. The appellant has proposed an alternative, simply requiring approval of the details which would provide greater certainty. I have made some amendments to the detailed wording in the interests of clarity and precision.
12. The Council has also proposed additional conditions that the extension and garage should only be used for purposes ancillary to the dwelling. However, given that the proposals relate to relatively small scale development within the curtilage of an existing dwellinghouse, it is not clear why such control is required. I have not, therefore, imposed those conditions.

Conclusion

13. For the reasons given above I conclude that the appeal should be allowed.

M Bale

INSPECTOR