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## Appeal Decision

Site visit made on 10 March 2020

**by M Bale BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6 April 2020**

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**Appeal Ref: APP/K1128/D/19/3242545**

**The Retreat, Riverside Road West, Newton Ferrers PL8 1AD**

- 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 N Jones against the decision of South Hams District Council.
  - The application Ref 2624/19/HHO, dated 13 August 2019, was refused by notice dated 28 October 2019.
  - The development proposed is replacing existing sheds with parking space and summer house.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect on the character and appearance of the conservation area, heritage coast and scenic beauty of the Area of Outstanding Natural Beauty (AONB).

### Reasons

3. The part of Riverside Road West around the site is characterised by residential development predominantly on the landward side, facing towards the river. On the opposite side of the road, garden areas slope down from the road to the water behind a wall that defines the edge of the highway. There are a number of buildings within these garden areas, mainly backing onto the wall, subservient to the dwellings, but of varying sizes and styles. There is nothing to suggest that the significance of the conservation area is not fundamentally linked to its character, appearance and strong links to the water environment.
4. There are already a small number of parking spaces on the river side of the road, some of which are not particularly subtle in terms of their visual relationship with the townscape. However, in the area approximately between Glen Cottage and Vine Cottage, which includes the appeal site, there are few gaps in the wall sufficient to allow vehicular access. Accordingly, the buildings and wall, set against a backdrop of river views, are defining features of this side of the road.
5. At the site, there is a small modern building. There is no dispute that it does not make a positive contribution to the character and appearance of the conservation area. However, that building sits alongside a more traditional stone building with a gabled, slate covered roof. I am told by the appellants

that the stone building suffers from damp and leaks, being in a generally poor state of repair. Nevertheless, whilst only the roof and part of the walls are visible from the street, its construction and form are a clear part of the historic fabric of the area which, along with the boundary wall, contributes positively to the character and appearance of the conservation area. Claims that the building no longer has a suitable purpose are not substantiated by detailed evidence, nor is there any clear evidence of any attempt to retain it in some way.

6. The building and its traditional form are also visible from Noss Mayo, seen alongside other buildings. There are a wide variety of buildings and rebuilding the gable end would help to screen views of a parked car whilst recreating some of the existing riverside elevation. However, the gable end wall would be seen as an isolated structure rather than a building, at odds with the surrounding built environment. Whilst shielded to some extent in views along Riverside Road West by the surrounding built form, the same would be true of the wall's appearance when viewed from this location.
7. The boundary wall is currently punctuated by two openings at the site, but they are narrow and do not break the overall visual continuity of the wall. By contrast, a single wider opening to providing access to a parking space, would create a more significant break in the wall. This would not be compensated by new walling alongside the parking area as those return sections would be in a different alignment and would not have such a close, edge-defining, relationship with the road. There is also no substantive evidence as to how the proposals would accord with the adopted Conservation Area Appraisal, as required by Policy N3P-8 of the Newton and Noss Neighbourhood Plan 2017-2034 (NP).
8. Thus, whilst high quality, natural and salvaged materials would be used and the new building and parking space would be below the level of the existing wall, preserving views out towards the river, the combined effect of the alterations would be to cause harm to the character and appearance of the conservation area and, thereby, its significance. Accordingly, whilst the proposal may comply with certain aspects of NP Policy N3P-4 that sets out guiding principles for new development, it would not be clearly derived from the site context of adjacent buildings, nor be in keeping with its site and surroundings. As such, it would conflict with Policy N3P-4 read as a whole, and those parts of NP Policy N3P-2 that seek to protect the character of the waterfront.
9. The settlements of Newton Ferrers and Noss Mayo have a strong landscape setting within the AONB. I, therefore, find that alterations to the built form would also have an effect on the scenic beauty of the AONB and the character and appearance of the heritage coast. Given the close relationship of the site and surrounding built form to the coastal landscape and riverside setting, I find that the harm to the conservation area would also result in harm to the AONB and heritage coast, in conflict with policies DEV23, DEV24, and DEV25 of the Plymouth and South West Devon Joint Local Plan 2019 (LP), and NP Policy N3P-9 that seek to protect such interests.
10. In terms of the policies of the National Planning Policy Framework (the Framework), the harm to the conservation area would be less than substantial,

which, in accordance with Framework Paragraph 196, must be weighed against the public benefits of the proposal.

11. Given the evident lack of on-street parking opportunities in Newton Ferrers, particularly around the appeal site, I can appreciate the inconvenience faced by the appellants arising from a lack of off-street parking near their home. Private parking arrangements at the site would also help to improve accessibility to older or less mobile occupiers of The Retreat, which it does not appear possible to provide in any other way.
12. I note that the NP, in pre-text to Policy N3P-5 sets out an objective for additional parking so that residents can park near their homes and the shops. However, the provision of one additional off-road space would have limited public benefit. Nevertheless, given the substantial distance from the site to unrestricted parking opportunities, obstructions to the road that result from loading and unloading outside the site, lack of turning opportunities, and recognised local parking pressures, I give the benefits associated with the provision of off-street parking moderate weight.
13. I understand that travel by car, and car ownership, is a necessary part of many people's lives in rural locations. However, there is no substantive evidence that nearby parking provision is essential to make the existing dwelling suitable for modern living. Provision of a private parking space would give opportunity to provide electric vehicle charging facilities, the use of which could reduce noise and pollution in the AONB as well as carbon emissions. However, there is no mechanism before me to safeguard its use now, and there is no certainty that it would be the only way of servicing electric vehicles should their use become essential in the future. I, therefore, give these matters limited weight.
14. I understand that the appellants sought pre-application advice from the Council and consider that a favourable response was received. However, I must assess the appeal on the basis of the evidence before me and so I give this consideration very little weight.
15. There are public benefits that would arise from the proposal. However, in weighing these against the less than substantial harm to the conservation area, Framework Paragraph 193 indicates that great weight should be given to the asset's conservation. In light of the weight that I have attributed to the benefits, they do not outweigh the harm. Accordingly, the proposal conflicts with LP Policy DEV21 which seeks to conserve the historic environment.

## **Conclusion**

16. For the reasons given above, I conclude that the appeal should be dismissed.

*M Bale*

INSPECTOR