



Appeal Decision

Site visit made on 29 June 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2020

Appeal Ref: APP/K1128/D/20/3250577

Sodem Hall, Wembury Road, Wembury PL9 0DQ

- 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 Justyn Withey against the decision of South Hams District Council.
 - The application Ref 3403/19/HHO, dated 18 October 2019, was refused by notice dated 22 January 2020.
 - The development proposed is first floor extension, single storey rear extension at LGF level, infill of swimming pool and construction of detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for first floor extension, single storey rear extension at LGF level, infill of swimming pool and construction of detached garage at Sodem Hall, Wembury Road, Wembury, PL9 0DQ, in accordance with the terms of the application, Ref 3403/19/HHO, dated 18 October 2019, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area, which falls within the South Devon Area of Outstanding Natural Beauty (AONB); and
 - The living conditions of neighbouring occupiers at Anislea and Carmelle, with particular regard to overlooking and loss of sunlight and daylight.

Reasons

Character and appearance

3. The appeal property is located within a linear row of detached dwellings on the east side of Wembury Road. The dwellings do not share a uniform design, although the area is generally characterised by their generous set back from the road behind a boundary wall and with trees providing a verdant quality to the area. Painted render blockwork is the predominant construction material. Whilst from the roadside many appear as bungalows, the land falls away to the rear, meaning that many dwellings have lower ground storeys. There are also a number of dormer bungalows and two storey dwellings which stand higher than neighbouring bungalows at road level.
4. The appeal dwelling is between two other bungalows, Anislea and Carmelle. To the north of Anislea is another bungalow and to the north of that are two

neighbouring dwellings, each with two storeys apparent from road level, High Meadows and Glendale. Given the varied arrangement of dwelling types within the street and the level changes, there is no consistency in the ridge heights of the varied roof forms and the stepping of heights between two storey dwellings and bungalows is an unremarkable quality of the built environment.

5. From Wembury Road, the proposal would increase the height of the dwelling without any change to its width or proximity to the road. The eaves would sit at a level with the ridge of the adjacent dwelling, Carmelle, but marginally higher than the ridge of Anislea. The ridge height would be similar to those of other two storey dwellings elsewhere within the street. Notwithstanding the close relationship between the dwelling and its neighbouring counterparts and that its roof would be higher, the shallow roof profile and modest height increase would not be incongruous or jarring, particularly in the context of the variety already present within the streetscene.
6. The resulting gable fronted dwelling would have a simple appearance from the roadside, with weatherboard clad upper and rendered blockwork lower. It would have a modernised appearance that would share some similarities with the nearby dwellings, Fairfield and Springfield, albeit smaller in proportion. Its effect on the streetscene from Wembury Road would not alter the special landscape quality of the wider AONB.
7. From the rear, owing to the fall in ground levels, the property would have three storeys and would be extensively glazed on each level. There would be an extension projecting three metres outwards at lower ground floor level but the ground and new first floor would be built above the existing footprint, save for the addition of the projecting ground floor terrace. The upward extension would allow for the creation of a first floor living room and bedroom. These rooms would open onto a new terrace inset from the south-eastern edge.
8. Whilst the overall bulk and appearance of the dwelling would be different from the rear, the plot is well enclosed by large trees which shield views in this direction. With the combination of the fall in levels and extent of tree coverage, there would be little discernible impact of the scheme in the context of the existing linear form of development from distant public vantage points.
9. Considered overall, whilst the proposal would represent a degree of change, this would not amount to harm to the character and appearance of the already varied streetscene or the wider AONB.
10. In view of this main issue, the proposal would accord with Policies DEV20, DEV23, DEV25 and TTV29 of the Plymouth and South West Devon Joint Local Plan 2014 – 2034 (adopted 2019). These Policies, read together, seek to ensure new development has proper regard to the pattern of local development, conserves and enhances the natural beauty of the protected landscape and in respect of extensions, are appropriate in scale and design in the context of the setting of the host dwelling.

Living conditions of neighbouring occupiers

11. In terms of loss of sunlight and daylight, the Council acknowledges that due to the siting and orientation, the proposal would not materially affect the occupiers of Carmelle. I do not disagree with this view.

12. Given that the appeal property and Anislea sit largely flush with one another, the bulk of the rearward extension at lower ground floor level would not result in harm to the neighbouring occupiers. The appellant's submitted 'Solar Shading' images demonstrate the limited degree of impact on sunlight and daylight over a range of dates and times over the year relative to the current situation. Though the increased height and bulk of the appeal dwelling would be discernible from the garden of Anislea, its effects would not be overbearing or result in a material loss of daylight or sunlight.
13. Due to the siting of the properties in relation to one another, the topography and existence of a large boundary wall and a hedge formed from predominantly evergreen species, there is limited overlooking towards Anislea at present. The appeal proposal would introduce glazing at first floor and a terrace at ground floor level, both of which could increase the ability to overlook through an existing narrow gap in the hedge behind the rear elevations of the dwellings.
14. The Council has suggested a condition that would see the installation of a 1.8 metre privacy screen on the ground floor terrace along the side adjoining Anislea. The first floor terrace would be fully enclosed by the outer wall on the and the views from the glazed opening would be limited by the existing hedge. In my view, such a privacy screen, along with the retention of the existing wall and hedge, would prevent any overlooking towards the garden of Anislea.
15. The appeal dwelling has an unusual relationship with the adjoining dwelling, Carmelle, although the Council acknowledges that the property is in the ownership of a family member. There are mutually overlooking windows in the side elevations of both properties, the number of which would not be increased through the proposal. In terms of the division between the curtilages, there are some sections of wooden fencing and a number of trees that filter the intervisibility between the two gardens.
16. The number of windows in the side elevation facing towards Carmelle would stay the same as at present, and so the instances of window-to-window overlooking would be unchanged. The addition of the terraces would, however, increase the opportunity to overlook back towards rear windows and the garden of Carmelle, and this aspect has to be considered on the basis of the owners being unrelated to the appellant.
17. The Council has suggested a condition to require the installation of a privacy screen of 1.8 metres extending the full depth of both terraces along the side adjoining Carmelle. This would largely direct the views from the terraces rearward, over the garden. Given the staggered nature of the rear of the appeal dwelling and Carmelle, in addition to the high degree of screening by tree canopies, the opportunity for overlooking would be minimal.
18. In view of this main issue, the proposal would not harm the living conditions of neighbouring occupiers at Carmelle and Anislea, with particular regard to overlooking or overbearing. The proposal would therefore comply with Policies DEV1 and DEV20 of the JLP which, amongst other things, seek to ensure that new development provides for satisfactory daylight, sunlight, outlook, privacy and the protection from noise disturbance for both new and existing residents, workers and visitors.

Other Matters

19. The Council did not raise any issues in terms of the impact of the infilling of the swimming pool or construction of the single storey detached garage to the rear of the property. I do not find any reason to reach an alternative view.

Conditions

20. I have considered the suggested conditions in light of the National Planning Policy Framework and Planning Practice Guidance. I have undertaken some minor editing in the interests of precision.
21. In addition to the statutory time limit, it is necessary to impose a condition specifying the approved plans in the interests of certainty.
22. In the interests of the character and appearance of the area, it is necessary to impose a condition seeking agreement to the construction materials prior to their use in the development.
23. In the interests of biodiversity, it is necessary to ensure that the development is undertaken in accordance with the submitted biodiversity report.
24. In order to minimise the risks of localised flooding or harmful environmental effects, a condition is necessary to secure the implementation of an adequate surface water drainage scheme.
25. Finally, in the interests of protecting the living conditions of neighbouring occupiers, it is necessary to seek the construction of privacy screens to the side of the terraces prior to their first use.

Conclusion

26. The proposal accords with the Development Plan and there are no material considerations to indicate that a decision should be taken other than in accordance therewith.
27. As such, for the reasons set out above, the appeal is allowed.

Hollie Nicholls

INSPECTOR

SCHEDULE OF 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:
 - P977 – 01 dated October 2019
 - P977 - 11 Revision A dated October 2019
 - P977 - 12 Revision B received dated August 2019
- 3) Prior to their use in the construction of the development hereby permitted, details of the external materials, including samples of cladding and roofing materials, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 4) The recommendations, mitigation and enhancement measures of the Bat and Bird Building Inspection Survey Report by Paul Gregory of Ecology Services (dated 19/08/2019) shall be fully implemented prior to first use of the development hereby permitted.
- 5) Prior to the installation of any part of the surface water management scheme or before development progresses above slab level, whichever is the sooner, a programme of trial holes and percolation tests (DG 365 standard tests), or details of the existing soakaways' capacity shall be carried out in accordance with a scheme which shall have previously been approved by the Local Planning Authority. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority. The final approved surface water drainage scheme (designed for a 1:100 year event plus 40% allowance for climate change) shall thereafter be installed prior to first use of the approved development and shall be maintained thereafter.
- 6) Notwithstanding the details shown in the submitted plans, prior to the use of either terrace shown on approved plan ref P977-12 Rev B, privacy screens of not less than 1.8 meters in height shall be erected along the full length of the south-east and north-west elevations of the ground floor terrace and the south-east elevation of the first floor terrace. The privacy screens shall be permanently maintained thereafter.