



Appeal Decision

Site Visit made on 16 November 2020

by David Wyborn BSc(Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2020

Appeal Ref: APP/J9497/W/20/3256591

The Old Fire Station, Manor Road, Chagford TQ13 8AS

- 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 Michael O'Connor of Squirrel Design against Dartmoor National Park Authority.
 - The application Ref 0152/20, is dated 13 March 2020.
 - The development proposed is the erection of an office.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an office at The Old Fire Station, Manor Road, Chagford TQ13 8AS in accordance with the terms of the application, Ref 0152/20, dated 13 March 2020, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The appeal is made against the non-determination of the application. The National Park Authority has confirmed that had it decided the application it would have been refused for two reasons. These reasons, in summary, raise concerns with the appearance, scale and layout of the proposal which, it is argued, would be harmful to the surroundings including the setting of the Chagford Conservation Area (the CA) and the Dartmoor National Park.
3. The proposal seeks permission for office accommodation. I am aware of the recent revisions to the Use Classes Order and the amalgamated Class E (Commercial, Business and Service)¹. However, Regulation 4 sets out transitional arrangements and requires that if an application has been submitted under the earlier list of use classes (in this case B1a) then the application must be determined by reference to those uses and use classes.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area, having regard to the setting of the adjoining CA and the location within the Dartmoor National Park.

Reasons

5. The site adjoins Manor Road and is an undeveloped and sloping area of grassland. It is positioned adjoining the side of 1 The Old Fire Station and abuts

¹ The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

the raised terrace of this property along part of the rear of the site. The land is located just beyond the dense core of the more central area of Chagford and adjoins the CA.

6. When approaching the site from the lower section of Manor Road, part of the site is visible and its open form allows a largely uninterrupted view of the elevated and quite imposing elevation of Millaton, within the CA. This view, which is framed by the hedging and other established vegetation on either side of the road, has significance as forming part of the setting to the CA. In this way, the site makes a positive contribution by providing some landscaped and open relief within this part of the street scene and allows a transition from the dense built form of areas near Mill Street to the more landscaped plots further down Manor Road.
7. The proposed office building would be set on a reasonably low level compared to the backdrop. In the mid-distance views, looking up Manor Road from the south west, the reasonably low gable section of the office building would be set to one side within the site. This part of the building would not be readily apparent because of the screening effect of the boundary treatment along part of Manor Road. The flat roofed section would be no higher than the rear wall at the back and the substantive and dominant views towards Millaton would be retained. The layout would allow adequate space for a landscaping scheme parallel to the footway and also in front of a section of the building which would help soften the appearance of the building within this part of Manor Road. Furthermore, the landscaping areas would provide a visual connection with the landscaping which runs along the south eastern side of the road further down the slope.
8. In closer views, the gabled section would be seen to project forward in front of the garage to 1 The Old Fire Station. However, the reasonably low ridge line would help to ensure that the scale and form of this part of the building would not be an overly dominant addition in comparison with the taller and bulkier form of No 1 behind and the other surrounding buildings. The mix of materials, including the natural granite, timber boarding and the planted roof would provide an acceptable range of natural and traditional finishes appropriate to the area. The overall design, with the combination of the gable connecting with the flat roofed section, would provide elements of a contemporary form, reduce the perceived bulk of the building and would not be out of keeping with the adjoining more recent housing nearby and the mixed style and form within the area. The granite wall along the front elevation would provide a visual connection with the granite walls along parts of the frontages within The Old Fire Station cul-de-sac and other boundary treatments within Manor Road.
9. When heading south west away from the town centre, the open nature of the site allows views out towards countryside parts of the National Park. In these views, the scheme would generally have the flat roofed section set behind and below the wall in front of Millaton and with the gable section set to one side. This combination would allow most of these important views of the open countryside to be very substantially retained thus enabling the interrelationship between the settlement and the landscape and scenic beauty of the National Park not to be undermined.
10. The appearance of the site would clearly change by the introduction of the building with its related use. However, the combination of design, materials,

bulk, layout and opportunities for landscaping would be an appropriate response to the site providing a modest sized building that would sit sympathetically within the street scene and not harm the setting to the CA. Once an appropriate landscaping scheme had matured, the site would provide an acceptable balance of buildings and landscaping that would assist with the transition from the denser built form of the centre of Chagford to the more open appearance further down Manor Road.

11. I am conscious of the history of the site and the previous refusals for development proposals on the land. I also appreciate that this grassed area was left undeveloped as part of the scheme for the redevelopment of the original fire station. In particular, I have given significant weight to the findings of the Inspector when he dismissed an appeal for an office building on the site in August 2019². However, the present scheme has been substantially amended to seek to address that Inspector's concerns. This has included the removal of the first floor, the changes to the glazing, alterations to the landscaped areas and the moving of the gable towards the side of No 1. I consider that the present proposal would overcome the previous objections which the Inspector highlighted and that the scheme is now acceptable.
12. In the light of the above analysis, I conclude that the proposal would preserve the character and appearance of the area, lead to no harm to the setting of the CA and conserve and enhance the landscape and scenic beauty of the National Park. There is, therefore, no conflict with the policy approach for development in respect of the protection of heritage assets and national parks as set out in the National Planning Policy Framework (the Framework). Accordingly the scheme would comply with Policies COR1, COR3 and COR4 of the Dartmoor National Park Authority Core Strategy 2006-2026 (the Core Strategy) and Policies DMD1a and 1b, DMD3, DMD4, DMD5, DMD7 and DMD12 of the Dartmoor National Park Authority Development Management and Delivery Development Plan Document (July 2013) which seek, amongst other things, to respond to and reinforce locally distinctive patterns of development.
13. Furthermore, given the above, the scheme would meet with the general approach to development as set out in the Dartmoor Design Guide and the English National Parks and the Broads UK Government Vision and Circular 2010.

Other Matters

14. The scheme has been controversial locally. There are representations in support of the development and also substantial local objections, including from the Parish Council. The impact on the character and appearance of the area is a matter of judgement and I have explained why the scheme would accord with the development plan and be acceptable in this case.
15. The appellant has sought to justify the provision of the office accommodation for their own needs and this is noted. Notwithstanding this justification, the development would be acceptable on its own merits and would provide modest sized office accommodation in a location within the built form of the settlement. In this way, the proposal would accord with the general approach to the location of employment uses in the development plan, including Policies COR2 and COR18 of the Core Strategy, and the Framework, and therefore

² APP/J9497/W/19/3228927

- attach limited weight to arguments that there are other sites and accommodation that could provide the floorspace in this case.
16. The proposal would abut No 1, and there would be clear views of the proposed building from this property. However, the building would be reasonably low in the site and the impact on the living conditions of the adjoining occupiers, including the longer distance views from and the use of the raised terrace area, would not be unduly affected. I am satisfied that the proposed office building, given its location, form and size, would not lead to a material impact on the living conditions of occupiers of any of the adjoining properties in terms of the physical presence of the building and the related office activity.
 17. In respect of parking issues, this was examined by the previous Inspector who concluded that the proposal was acceptable in relation to the general area and the parking situation. That Inspector did comment that had he been minded to allow the appeal, a condition could be attached to any approval to control the building being used for an alternative use without planning permission, in the event that an alternative use may generate more visitors. The same considerations would apply in the present case and that a condition would be reasonable and necessary to restrict the use to an office in the interests of parking and the general amenities of the area.
 18. In terms of highway safety and visibility from the junction, this was a matter considered in previous proposals and has not formed a reason for refusal. I have found no reason to disagree with this conclusion in respect of the present scheme.
 19. There are objections based on what the building may be used for in the future were permission to be granted for an office. However, I have to consider the proposal based on the proposed use. Other uses would require planning permission because of the proposed condition to restrict the use and, therefore, these matters are not for consideration as part of this appeal.
 20. An adjoining owner raised concerns at the application stage that the top section of the site falls within land within their ownership. As the rear of the proposed building is set a little way in from the wall in front of Millaton, and as land ownership issues are private matters, this does not appear to be a determinative issue as part of the appeal considerations.

Conditions

21. I have had regard to the conditions suggested by the Council and the advice in the Planning Practice Guidance. The statutory time limit is required and a condition specifying the approved plans is necessary in the interests of certainty.
22. Conditions seeking the submission and agreement in respect of the external materials and additional conditions specifying the staining to the timber cladding, window details and details of the solar panels are necessary in the interests of the character and appearance of the area. A condition is necessary, exceptionally, to limit the use of the building to office accommodation under Class B1a (using the Use Classes before the recent changes in accordance with the transitional arrangements) in the interests of parking and related amenity for the reasons explained above.

23. A condition which would restrict the hours of office use has been recommended. However, I have not been presented with a cogent justification why the office use should in itself affect the amenities of the area or residents of adjoining properties. The office use is one that should be able to take place without detriment to residential amenity and, with the position of the building allowing independent access from the adjoining road, such a condition would not meet the tests of necessity or reasonableness in this case.
24. Details of the surface water drainage are necessary in the interests of protecting the amenities of the area. With the location of the site adjoining residential properties a Method of Construction Statement is necessary to ensure that construction works are undertaken in an appropriate manner to protect local amenities. A condition requiring the submission and approval of a landscaping scheme is necessary in the interests of the visual appearance of the area.
25. Conditions in respect of the drainage scheme and Method of Construction Statement need to be pre-commencement conditions because these matters need to be agreed and in place from the outset of development.

Conclusion

26. For the reasons given above, the scheme would comply with the development plan when considered as a whole and other material considerations do not indicate that a decision should be made other than in accordance with the development plan. Accordingly, and taking all other matters into account, I conclude that subject to the specified conditions, the appeal should be allowed.

David Wyborn

INSPECTOR

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 Site Location Plan (LP494_100), Block Plan (BP494_100), and drawings 494.1.100, 494.1.101, 494.1.108, 494.1.102A, 494.1.104A, 494.1.105A and 494.1.106A.
3. Prior to installation, samples of all proposed surfacing, external facing and roofing materials shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter only the approved surfacing, external facing and roofing materials shall be used in the development.
4. The premises shall be used for Class B1a (offices - other than a use within Class A2) purposes only and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (as on 31 August 2020) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
5. All external windows in the development shall be of dark coloured powder coated aluminium construction and shall at all times thereafter be retained as dark coloured powder coated aluminium framed windows.
6. All new external timber on the building hereby approved shall be stained dark brown or black, not later than 30 days after the substantial completion of the development. Prior to the application of any timber stain, a sample of the stained timber showing the timber stain proposed to be used shall be submitted to the Local Planning Authority for approval; at all times thereafter only the approved timber stain shall be used on external timber on the building.
7. The solar panels hereby approved shall be fitted with black outer frames and shall be recessed into the flat roof. Upon becoming redundant to their designated use, the solar panels shall be removed within a period of six months.
8. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority. This surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.
9. No development shall start until a Method of Construction Statement, to include details of: (a) parking for vehicles of site personnel, operatives and visitors (b) loading and unloading of plant and materials (c) storage of plant and materials (d) programme of works (including measures for traffic management) (e) provision of boundary hoarding behind any visibility zones (f) hours of operation, which shall be between the times of 08.00 and 18.00 Monday to Friday and 09.00 and 13.00 Saturdays, with no working on Sundays, Bank or Public holidays, has been submitted to and approved in

writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

10. Within three months of the commencement of the development hereby permitted, details of the proposed landscaping and planting scheme shall be submitted to the Local Planning Authority for approval. The landscaping and planting shall be carried out in accordance with the approved scheme within twelve months of the substantial completion of the development. The landscaping and planting shall be maintained for a period of not less than five years from the date of the substantial completion of the development, such maintenance shall include the replacement of any trees or shrubs that die.

End of schedule