
Appeal Decision

Site visit made on 14 December 2020

by John Wilde CEng MICE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 January 2021

Appeal Ref: APP/K1128/D/20/3260192

The Chase, Warren Road, Thurlestone TQ7 3NT

- 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 Ms L Hicks against the decision of South Hams District Council.
 - The application Ref 0735/20/HHO, dated 3 March 2020, was refused by notice dated 9 July 2020.
 - The development proposed is renovation and internal alterations to existing property with 2 storey rear extension. New single garage with annex flat above.
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Decision

1. The appeal is allowed and planning permission is granted for renovation and internal alterations to existing property with 2 storey rear extension. New single garage with annex flat above at The Chase, Warren Road, Thurlestone TQ7 3NT in accordance with the terms of the application, Ref 0735/20/HHO, dated 3 March 2020, subject to the conditions contained within the attached schedule.

Main Issues

2. The main issues are the effect of the proposed development on:-
 - a) The character and appearance of the area, and
 - b) The living conditions of the occupiers of neighbouring properties with respect to outlook and privacy.

Reasons

Character and appearance

3. The appeal property is a large two storey detached dwelling fronting Warren Road but separated from that road by a deep front garden laid mainly to lawn. The properties along Warren Road in the vicinity of the appeal site are all of a similar nature and they display few if any common architectural or character traits. The site sits within the South Devon Area of Outstanding Natural Beauty (AONB).
4. The appeal property has been extended in the past and now contains a single storey extension on the east elevation, a two storey extension at right angles to the main section on the west side of the rear elevation and a two storey stairway also on the rear elevation.

5. The proposals would result in the removal of the single storey extension on the east elevation and the stairway on the rear elevation as well as two chimneys at the west end of the dwelling. The additions would include a gable extension to the west side of the front elevation that would match that on the east side. The overall height of the ridgeline would remain the same. The proposed gable extension would replace an existing two storey section of the dwelling, which may also have been a later edition, that is currently set back and down from the main central section of the dwelling.
6. At present the front elevation is seen as having a single storey extension on the east and effectively two, two storey extensions to the west. The addition of the gable projection and the removal of the single storey extension would bring some coherency and symmetry to the front elevation that to my mind would improve the character and appearance of the property, and any extra massing occurring due to the lengthening of the main ridge line would be completely outweighed by this improvement. Furthermore, I note that in terms of the property itself, there would be an actual reduction in floor space of about 7%.
7. The proposed development also includes a detached garage with an annexe over it to the north-east of the site. This would be set into the sloping ground to the north of the site. I acknowledge that this would be seen sitting behind the main property when viewed from the driveway, but at present the single storey extension can be seen extending the overall built form towards the east. To my mind the presence of the proposed garage/annexe would not significantly harm the character and appearance of the overall development. I also note that there are several other neighbouring properties, including Warren Court, that have garages set behind and to the side of the main portion of the dwelling.
8. I consider therefore that the proposed alterations would not cause harm to the character or appearance of the area. Consequently, there would be no conflict with policies Dev 20 and Dev 23 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP). The former of these seeks to ensure, amongst other things, that development meets a good standard of design and the latter that development conserves and enhances townscape character. There would also be no conflict with policy DEV25 of the JLP which requires that the highest degree of protection is given to the protected landscapes of the South Devon AONB.
9. Similarly there would be no conflict with policies TP1 or TP7 of the Thurstlestone Neighbourhood Plan (NP). The former requires that proposals should be locally distinctive, reflecting the style, scale and character proportionate and appropriate to the coastal and rural location of the parish. The latter seeks to ensure, amongst other things, that extensions are subordinate in scale and form to the existing dwelling.

Living conditions - outlook

10. The proposed alterations to the main dwelling would result in a small section of the existing ridgeline being extended and a forward projecting gable. The property sits within a relatively large plot and there would be nearly 12m between the west elevation of the projection and the east elevation of Warren Court. There is already a two storey section of the existing dwelling within about 8m of Warren Court. I also note that the proposed gable would project only a very small distance beyond the front elevation of Warren Court.

Furthermore, the existing properties to the north, east and west are all over 21m from the appeal property. It follows that there would be no harm in respect of outlook occasioned to the occupiers of any neighbouring properties by the alterations to the main property.

11. The proposed garage/annexe would be set into the existing embankment at the rear of the appeal property. Whilst it would be two storeys, there is a relatively tall hedge and then a footpath running between the appeal site and the neighbouring property to the east, Edens. Also, the driveway to Edens would be between the garage/annexe and the west elevation of Edens and there would be a distance of over 14m between the latter two. There would therefore be no issues of outlook engendered by the positioning of the garage/annexe.

Living conditions - privacy

12. The garage/annexe would have a window on the first floor of the front elevation that would face south. Potentially this could give views of the front garden area of Edens. However, as mentioned earlier, the garage/annexe would be set into the ground and there is a tall hedge to the perimeter of the appeal site. Whilst there would be a first floor window on the east elevation of the proposed development, this would be a considerable distance from Edens and mutual overlooking already exists.
13. Overall, given the topography, boundary treatment and distance, I do not consider that there would be a significantly harmful intrusion of privacy to the occupiers of Edens due to either the erection of the garage/annexe or from the re-developed main building.
14. The main building currently has an enclosed stairwell jutting out to the rear, which contains large rear facing windows. The stairwell would be removed and the proposed rear elevation of the property would have four full height windows serving a hall. The property to the north, Fiferail, is set at a higher level than the appeal property and the rear boundary of the appeal site is terraced, with a tall hedge on the boundary. Whilst views of the first floor rear elevation of Fiferail would be visible from these proposed windows, it would be over 50m away, and the view would be very similar to that which currently exists from the existing stairwell. Furthermore, given the difference in levels and the boundary treatment and other vegetation, views of the rear garden of Fiferail would be very difficult to obtain.
15. The south elevation of the altered dwelling would be slightly forward of the existing and there would be two south facing balconies, one on each gable. These would however have full height opaque glazing on the sides. Consequently, the available views would be almost the same as those currently available.
16. In light of my above findings regarding outlook and privacy there would be no conflict with policies DEV1 or DEV2 of the JLP. The former of these seeks to ensure that new development provides for satisfactory daylight, sunlight, outlook and privacy for both new and existing residents, whilst the latter makes clear that development proposals which cause unacceptable harm to human health will not be permitted. Nor would there be conflict with policy TP1 of the NP, which requires that proposals should protect residential amenity.

Conditions

17. In the interests of the character and appearance I have imposed a condition requiring details of the materials to be used in the external surfaces of the altered dwelling to be submitted to and approved in writing by the local planning authority. For certainty I have imposed a condition detailing the drawings that were submitted with the application. To prevent use of the proposed annexe/garage as a separate unit of accommodation I have imposed a condition restricting its use to purposes ancillary to the residential use of The Chase.

Conclusion

18. In light of the above, and having taken into account all other matters raised, I conclude that the appeal should be allowed.

John Wilde

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: Proposed Site Plan Context PP_SLP, Proposed Site Plan PP_SP Rev A, Proposed Ground Floor Plan PP_00 Rev A, Proposed First Floor Plan PP_01 Rev A, Proposed Roof Plan PP_03 Rev A, Proposed Ground Floor Plan Wider Context PP_05, Proposed First Floor Plan Wider Context PP_06, Proposed North and East Elevations PP_11 Rev B, Proposed South Elevation PP_12 Rev C, Proposed West Elevation PP_13 Rev A, Proposed South Elevation 2 PP_14 Rev C, Proposed Section A-A PP_20 Rev A, Proposed Section B-B PP_21 Rev A, Proposed East Site Sections PP_22 Rev A.
- 3) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) The annexe/garage hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Chase.