
Appeal Decision

Site visit made on 23 March 2021

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practicing)

an Inspector appointed by the Secretary of State

Decision date: 12 April 2021

Appeal Ref: APP/K1128/D/20/3264536

Silly Cottage, 13 Sandquay Road, Dartmouth TQ6 9PH

- 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 L Barnes against the decision of South Hams District Council.
 - The application Ref 2335/20/HHO, dated 16 July 2020, was refused by notice dated 21 September 2020.
 - The development proposed is the formation of roof terrace.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of roof terrace at Silly Cottage, 13 Sandquay Road, Dartmouth, TQ6 9PH, in accordance with the terms of the application Ref: 2335/20/HHO, dated 16 July 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby approved shall in all respects accord strictly with drawing number: 020-041-1 received by the Local Planning Authority on 31 July 2020.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host building and the surrounding area, having particular regard to the location of the appeal site within the South Devon Area of Outstanding Natural Beauty (the AONB).

Reasons

3. The appeal building is a modestly sized mid terrace dwelling, predominately constructed in red brick, with a bay window and pitched roof which includes relatively substantially scaled rooflights. Like other properties within the terrace, the appeal dwelling has a somewhat traditional appearance and relatively simple form. The terrace of dwellings at this location are positioned elevated above the level of Sandquay Road and significantly set back from the adjacent highway.
4. The appeal site is surrounded by residential development and located close to the substantially sized development at the Dart Marina which overlooks the

River Dart. The site is located within the AONB which covers the whole of Dartmouth town.

5. The appeal proposal seeks to replace the front slope of the pitched roof with a roof terrace, and which would provide expansive views across the marina and the River Dart east of the site. The roof terrace would be almost the full width of the roof, with a glass balustrade and would be accessed from the top floor room via glazed doors. Whilst it is acknowledged that the terrace of dwellings at this location are consistent with regards to their general form, there is considerable variety in terms of the scale and design of properties surrounding the site as well as variety in terms of additions and extensions to roof slopes including dwellings located within the terrace which the appeal building forms part of. The traditional character and appearance of this terrace has been significantly eroded by the inclusion of a roof terrace at 17 Sandquay Road and by development and alterations to roof slopes close to the appeal site.
6. By reason of its spread and the incorporation of a glass balustrade, the proposed roof terrace would complicate the front elevation of the host building to some degree, deviating from the traditional proportions and simple form of the host dwelling. Nonetheless, as noted above, there is considerable variety in terms of design and architectural features of buildings that surround the appeal site and which includes similar scaled additions and alterations to roof slopes, and which includes substantial amounts of glazing and glass balustrades. While the proposed changes to the host dwelling are relatively substantial, the proposed design would be reflective and consistent with other nearby examples which includes materials and glass balustrades consistent with that which is proposed as part of the appeal scheme.
7. Given its position against the slope of a hillside and the abundance of nearby densely arranged residential development which limit views of the roof space from within the immediate vicinity of the site, in my view the visual impact of the proposal would be very limited. It would not be easily seen from public vantage points within Dartmouth and would therefore have little effect on the local street scene. As I observed on my visit, whilst the appeal scheme would be visible in longer distance views from Bridge Road in Kingswear on the opposite side of the River Dart, it would be nestled among the mixed forms of development which surround the appeal property and which is dominated by views of the Dart Marina buildings. As such, the appeal scheme would appear as a relatively small component of the overall townscape and would not be a particularly conspicuous feature given the existence of similar roof terraces close to the site.
8. Overall, whilst there would be change to the appearance of the appeal building, by reason of its limited visibility and given the nearby examples of significant alterations to roof slopes and the existence of a number of roof terraces which incorporate glass balustrades, I conclude that the proposed development would not harm the character or appearance of the existing dwelling. Furthermore, and for the same reasons, overall I find that the proposal would conserve and enhance the landscape and scenic beauty of this part of the AONB.
9. Consequently, the appeal proposal would not conflict with Policies DEV20, DEV23 or DEV25 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (the JLP) which, together and amongst other things, require

development proposals to encompass a high quality design and contribute positively to prevailing character and landscape, including that within AONBs.

10. For the same reasons, the proposed development would accord with paragraphs 7.4, 7.7 and paragraphs 7.57-7.61 of the Supplementary Planning Document which provides further guidance on the application of Policies DEV23 and DEV25 of the JLP in relation to new development. Furthermore, the proposal would accord with the aims and provisions of paragraphs 130 and 172 of the National Planning Policy Framework which concern design, and which requires that great weight is given to conserving and enhancing landscape and scenic beauty of AONBs.

Conditions

11. I have had regard to the planning conditions suggested by the Council. Other than the standard time limit condition, it is also necessary to ensure that the development is carried out in accordance with the approved plans for the reasons of certainty. As sufficient information on materials appears on the aforementioned plan the materials condition suggested by the Council in this respect is not necessary.

Conclusion

12. For the above reasons, the proposed development accords with the development plan when taken as a whole. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. I, therefore, conclude that the appeal should be allowed subject to the identified conditions.

A Spencer-Peet

INSPECTOR