
Appeal Decision

Site Visit made on 15 June 2021

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 July 2021

Appeal Ref: APP/J9497/D/21/3274480

Elliotts Farm, Apple Barn, Road past Elliotts Hill Farm, Buckland in the Moor, Ashburton TQ13 7HP

- 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 Terence Andrew against the decision of Dartmoor National Park Authority.
 - The application Ref 0023/21, dated 8 January 2021, was refused by notice dated 5 March 2021.
 - The development proposed is two storey extension and storm porch on south elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of the development from the appeal form, rather than that given on the application form, as it more accurately describes the proposal.

Main Issues

3. The main issues are:
 - a) Whether the proposal would accord with development plan policies in respect of the amount of additional floorspace to be provided; and,
 - b) The effect of the development on the character and appearance of the host building and the surrounding part of the National Park.

Reasons

Amount of additional floorspace

4. The issue of extensions and alterations to dwellings is addressed by Policy DMD24 of the Dartmoor National Park Authority Development Management and Delivery Development Plan Document (July 2013) (the DPD). Criterion (a) of the policy says that extensions will not be permitted where the building is used as a dwelling with the benefit of a Certificate of Lawful Use or Development (CLD). The evidence indicates that a CLD was granted for the use of the appeal building as a single dwellinghouse on 11 May 2017¹. Consequently, the proposal would conflict with criterion (a) of Policy DMD24.

¹ Local Planning Authority reference 0051/17

5. Criterion (c) of Policy DMD24 states that, for all dwellings, permission will not be granted for an increase in habitable floorspace of more than 30%, unless clear design considerations indicate otherwise. Using the appellant's own figures, the extension would add 50.4 sq m of floorspace to a dwelling that currently has a floorspace of 89 sq m. This represents an increase of 56%, which is well above the 30% permissible under the Policy. Therefore, in the absence of any clear design considerations that indicate a larger extension would be justified, I conclude that the development would be contrary to Policy DMD24 of the DPD, which seeks to limit the increase in the floorspace of dwellings within the National Park.

Character and appearance

6. The existing building is a simple, rectangular building constructed of granite, with a steeply sloping ridged roof covered in slate. It has two rooflights in its northerly roofslope, and a metal flue projects through the roof on the south. However, despite its residential use, it retains a modest agricultural character. It occupies a remote position, surrounded by a meadow, with characteristic undulating moorland visible to the south. The building is in a hollow, and is largely surrounded by trees and shrubs, so it is not widely visible. Close views are limited to the southern part of the adjacent field, with much longer distance views from the higher land to the south.
7. In view of the isolated location of the site, and the concealed nature of the building, the proposed extension would have a negligible impact on the character and appearance of the wider surroundings. The ridge of the extended roof may just be perceptible from the field access to the northwest, but only through the trees that border the site. Viewed from the distant land to the south, it would be seen in the context of the existing building, so would not be a noticeable addition to the landscape. Otherwise, it would only be seen from the adjoining field, where, again, it would be seen in close association with the existing building.
8. Consequently, the proposal would not result in harm to the landscape character and appearance of the surrounding National Park. In this respect, therefore, the proposal would not conflict with Policies COR1 of the Dartmoor National Park Authority Core Strategy Development Plan Document (June 2008) (the Core Strategy), or Policy DMD1b of the DPD. These Policies aim, amongst other things, to protect the quality, and tranquillity of local landscapes and the natural beauty of the wider countryside. I also find no conflict with the high-level guidance contained in the English National Parks and the Broads UK Government Vision and Circular 2010.
9. Although the impact on the wider landscape would not be harmful, Policy COR4 of the Core Strategy, and Policy DMD7 of the Local Plan, seek to conserve and enhance the character of the local built environment. In this regard, Policy DMD7 requires development to reflect the guidance in the Dartmoor National Park Design Guide (2011) (the Design Guide), as do Policies DMD3 and DMD24. Furthermore, Policy DMD24 makes it clear that an extension that adversely affects the appearance of a dwelling will not be permitted, even if it is not generally visible from public viewpoints.
10. The proposed extension would obscure the entire southern wall of the existing building, and its twin gables would cut into, and conceal, much of the original roofslope. Viewed from either end, the extension would almost double the

width of the building, and the projecting gables would be dominant features, that would challenge the primacy of the original building. Furthermore, the form of the extension, with its comparatively shallow roof pitch and extensive glazing, would not be in keeping with the historic rural character of the building. Overall, the scale and design of the extension would overwhelm the original building, and alter its fundamental character, which would be detrimental to its appearance and contrary to the advice on page 63 of the Design Guide.

11. I therefore conclude that the proposals would harm the character and appearance of the host building. Consequently, it would be contrary to Policy COR4 of the Core Strategy, and Policies DMD3, DMD7 and DMD24 of the DPD, which seek to ensure that development conserves and enhances the character of the built environment.

Other Considerations

12. The legislation² states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. My attention has been drawn to an extant planning permission, which was granted on appeal³, for the erection of a storm protective porch and combined sun room across the southern elevation of the building. The extant permission is a material consideration, as it represents a potential fallback position. The appellant states that he would be happy to proceed with this scheme, as it would resolve problems of dampness in the existing building. Consequently, there is a greater than theoretical possibility that the extant permission would be implemented if the appeal is dismissed. I therefore ascribe it significant weight in my decision.
13. The extant permission is for a single storey extension across the full width of the building. Although the appeal was allowed, the Inspector commented that the extension would “*result in a double pitched building which would detract from the simple agricultural appearance of the existing building and would result in additions that were not subservient to the host building in terms of overall height and scale*”. The appellant contends that the appeal scheme overcomes these concerns.
14. The extension permitted by the extant permission would be lower than that now proposed. Furthermore, it would not cut into the roof of the existing building. Whilst it would cover the entire southern elevation, the double pitched roof would allow the original form of the existing building to be discerned. Although the appeal scheme is only slightly larger in terms of floorspace, it would be considerably higher, bulkier, and more intrusive to the historic form of the building than the extant scheme. It would, therefore, be less subservient and more harmful to the simple agricultural appearance of the existing building. Consequently, I conclude that the fallback position would be less damaging to the character of the host building, so it does not outweigh the conflict with development plan policies that I have identified above.
15. The appellant also asserts that an alternative form of extension could be constructed under permitted development rights, comprising a fully glazed structure, with a roof garden accessed via picture windows in the current roof.

² Section 38(6) of the Planning and Compulsory Purchase Act 2004

³ Planning Inspectorate Ref: APP/J9497/D/20/3259829

No drawings are provided in support of this suggested scheme. It has not, therefore, been demonstrated that it would comply with all of the restrictions and limitations imposed by the relevant legislation⁴. An implementable fallback position has not, therefore, been established for this proposal, so I give it little weight in my decision.

16. It is a matter of dispute between the parties whether any extension could be constructed on the southern elevation as permitted development. In any event, such permitted development would only allow a single storey extension of 4 metres in extent and 4 metres in height, constructed in materials of a similar appearance to those of the exterior of the existing dwellinghouse. It is unlikely that a scheme complying with these limitations would be more damaging to the character of the existing building than the proposed two-storey extension of more than 5 metres in height. Consequently, whilst the potential to exercise permitted development rights is a material consideration, it does not outweigh the conflict with development plan policies that I have identified above.

Conclusion

17. The proposal would conflict with development plan policies that limit the increase in the floorspace of dwellings within the National Park. It would also harm the character and appearance of the host building, so would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR

⁴ Class A of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015