



Appeal Decision

Site Visit made on 9 November 2021

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2021

Appeal Ref: APP/K1128/D/21/3280414

25 Stray Park, Yealmpton PL8 2HF

- 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 Herbert against the decision of South Hams District Council.
 - The application Ref 0347/21/HHO, dated 27 January 2021, was refused by notice dated 17 May 2021.
 - The development proposed is described as Retrospective application for rear covered pergola and boundary fencing.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, I saw that the pergola and fencing had been constructed. I have dealt with the appeal on this basis.
3. A revised version of the National Planning Policy Framework (Framework) was published in July 2021. However, the main parties submitted appeal documents after this and therefore had the opportunity to comment on its relevance to the appeal proposal, while the provisions in the Framework that are most relevant to this appeal have also not materially changed. Consequently, no parties will have been prejudiced by my having regard to the latest version in reaching my decision.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, with particular regard to the pergola's design and materials.

Reasons

5. Situated in a relatively modern residential estate, the appeal site contains a terraced bungalow which backs on to an open area of grass and soft landscaping. Although the design of properties in the estate may be somewhat typical of their time, the row of 1970s bungalows that the site forms part of provide the area with a relatively consistent character and rhythm, and their simple appearance does not mean that they read as having a low-quality design. Although some properties have been extended to the rear, the plots in the same row as the site are generally open at the rear, feature limited boundary treatment and the various rear extensions, such as uPVC conservatories, appear as modest, unassuming features that reflect their context.

6. The pergola and the rear of other nearby bungalows are visible in the locality, such as from the nearby footpath. On my site visit, I also observed a reasonably well-used albeit unmade path running through the area of land to the rear of the site and providing views of the site and adjoining properties. Consequently, even though the area of land is for the residents of Stray Park and is owned and maintained by them rather than being public land, it is clear to me that the rear of the site is perceptible in the surrounding area and in views that are accessible to a number of people.
7. The use of timber for the frame and wall gives the pergola a somewhat rustic presence, at odds with the rear elevations of the row of bungalows and their existing extensions, which I observed on my site visit generally involve limited use of timber. The polycarbonate roof also gives the structure a rather temporary, poor quality appearance and the material does not read as relating to the uPVC features present in the area. Although it is a relatively modest structure, the prominent position of the pergola, adjacent to the site's rear boundary, emphasises its contrary design in relation to its surroundings. Accordingly, it is experienced as an incongruous feature that detracts from the character and appearance of the surrounding area. In coming to this view, I have taken into account the natural hedge on the site's rear boundary, that the site is neither listed nor within a conservation area, and the semi-open nature and subservient, lightweight form of the pergola.
8. It has been put to me that the roof is a similar design to the conservatories at Nos 24 and 28 Stray Park, that the proposal is sympathetic to local character and history, and the development is consistent with other decisions for rear extensions by the Council. Be that as it may, this does not lead me to a different conclusion.
9. The site is within the South Devon AONB and the setting of a conservation area. However, the Council does not allege that the appeal proposal would harm the AONB or the setting of the designated heritage asset and, having considered the development and visited the site, I concur. However, this does not indicate that the development proposed does not harm the character and appearance of the surrounding area.
10. For the above reasons, I conclude that the proposed development, with particular regard to the pergola's design and materials, would harm the character and appearance of the surrounding area. I therefore find that it conflicts with Policies SPT1, SPT2, DEV20 and DEV23 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP). Amongst other aspects, these expect: high standards of design which respect local distinctiveness and provide a positive sense of place; proposals to have regard to the context; and development to conserve and enhance townscape character. The proposal would also be inconsistent with the provisions in the Framework in relation to achieving well-designed places and the guidance in Appendix 1 (Residential extensions and alterations) of the JLP Supplementary Planning Document (2020) in relation to rear extensions.

Other matters

11. A number of third parties have raised various other matters in relation to the proposed development. However, given my conclusions on the main issues and that the appeal is dismissed, there is no need for me to address these in further detail.

Planning Balance

12. I have found that the appeal proposal would be contrary to JLP Policies SPT1, SPT2, DEV20 and DEV23 and, as such, I find that it would be contrary to the development plan as a whole. I recognise that the Council indicates that the principle of a rear extension is acceptable and that the pergola allows the appellant to use their rear garden in poor weather. However, these matters do not outweigh the harm I have identified nor provide justification for development that conflicts with the development plan.

Conclusion

13. For the above reasons, the appeal is dismissed.

T Gethin

INSPECTOR