
Appeal Decision

Site visit made on 23 November 2021

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2021

Appeal Ref: APP/J9497/D/21/3278309

10 Manor Drive, Chagford TQ13 8BH

- 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 M Tucker against the decision of Dartmoor National Park Authority.
 - The application Ref 0096/21, dated 3 March 2021, was refused by notice dated 28 April 2021.
 - The development proposed is addition of a low pitched roof to an existing garage to provide some limited additional habitable accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for addition of a low pitched roof to an existing garage to provide some limited additional habitable accommodation at 10 Manor Drive, Chagford, TQ13 8BH, in accordance with the terms of the application, Ref 0096/21, dated 3 March 2021, and subject to the conditions in the schedule below.

Preliminary Matter

2. As part of the appellant's statement of case, an amended set of elevations was submitted as a possible alternative scheme to further mitigate the identified harm. The amended elevations detail an alternative pitched roof form with a flattened mid-section which would effectively further reduce the overall height of the building by approximately 0.5 metres.
3. Where amendments are proposed, regard should be had to the 'Wheatcroft'¹ principles - including whether the amendments would materially alter the nature of the application and whether anyone who should have been consulted on the changed development would be deprived of that opportunity. As the plan details a minor amendment, and the nature of concerns of those who would normally have been consulted are clear from consultation on the original set of plans, I do not consider that their interests would be prejudiced if I take the amended plan into account. I shall therefore determine the appeal on the basis of the plans referred to on the decision notice, as well as the amended plan submitted as part of the appeal.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area and wider area of the Dartmoor National Park (DNP).

1. Wheatcroft Ltd V SSE [1982]

Reasons

5. The existing double garage and adjoining workshop are combined together as part of a single storey, flat roof building with asymmetric plan. The host dwelling stands detached, a short distance away, and is a bungalow with pitched roof heights that generally step down to the garden. The land on which the house and garage stand is sloping, so there is a retaining wall behind them and dwellings at a higher level some distance behind that. Dwellings in front of the appeal site are at a lower level, with views from the garden largely over their curtilages.
6. The proposal seeks to add a first floor of accommodation above the existing garage, under a pitched roof form. With the acceptance of the amended plan, the overall height of the highest flattened part of the roof would be approximately 5.1 metres, with 2.4m total additional height being added by the extension. This is approximately 0.5 metres lower than the previously proposed traditional pitched roof height. It is also lower than another previous scheme, which based on the limited available evidence, was for a building with a curved green roof.
7. The proposal now includes an internal stairwell, a mainly open plan studio/fitness room above the garage and workshop and a recessed balcony feature on the front, which would appear from ground level as a casement window. There would be rooflights within the flattened roof section.
8. The existing garage is situated at the top of a steep shared private driveway and commands a more domineering position than the modestly-scaled house, tucked away out of view. The garage is generously scaled but appears well used for vehicle parking, domestic storage and other ancillary workshop purposes. It is of little architectural merit and with its 'boxy' appearance, has little aesthetic connection with the host dwelling.
9. The proposal would add a roof form onto the building that would make it appear less 'boxy'. It would have the appearance of having a traditional pitched roof, but with the compromise that it would omit the uppermost part where the two planes would meet at the ridge. Whilst this form of roof would perhaps appear more 'squat', or marginally more contrived than a typical pitched roof building, this would be acceptable given the building's relatively high existing roof height and the manner in which the single front window would break the eaves line. In short, whilst it would have unconventional proportions, the resultant building would still have a more characterful and pleasant appearance than the existing building.
10. I have considered the scale of the building relative to that of the dwelling, and in my opinion, it would be acceptable. The appellant claims that the extension would not represent more than a 30% habitable floorspace increase when considered in combination with a previous extension against DMD Policy DMD24². This does not appear to be refuted with any evidence to the contrary. As such, this factor, along with the design adaptations to minimise the scale of the extension as far as practicable, enable me to conclude that the proposal would not appear out of scale relative to the host dwelling.

² Dartmoor National Park Authority, Development Management and Delivery Development Plan Document (2013)

11. The location of the appeal site within the DNP is plainly obvious from visiting the site, less so for its position within a typical mixed residential estate, but for the long views attainable of the hilly and picturesque landscape beyond. The proposal would take advantage of that connection through its orientation and window placement. However, given its scale, siting, and its relationship with the host dwelling and surrounding estate, there would be no effect on the wider DNP from the proposal. It would thus preserve the protected landscape. The minor enhancements to the character and appearance of the building would also be of such a modest scale so as to have effects of only a very localised nature, i.e. within the immediate streetscene.
12. Taking the above factors into account, I consider that the proposal would constitute a minor enhancement to the character and appearance of the site and immediate surroundings, and would capably preserve the surrounding DNP. It would therefore comply with, in particular, Policy COR4 of the Core Strategy³ and DMD Policies DMD4, DMD5, DMD7 and DMD24. These Policies collectively seek to ensure new development demonstrates a scale and layout appropriate to the site and its surroundings, conserving or enhancing the quality and distinctiveness of the built environment and wider landscape.
13. For similar reasons, and as required by DMD Policy DMD24, the proposal would reflect the guidance within the Dartmoor Design Guide (2011), which requires that domestic extensions should not overwhelm the original building and that materials and the roof pitch of an outbuilding match those of the parent dwelling.

Other Matters

14. I have had regard to the submitted concerns in relation to the potential for overlooking of neighbouring dwellings and gardens. The building would be orientated to face west with the single glazed opening and so could not overlook in any other directions. Given the elevated levels relative to No 11 Manor Drive, I do not consider that the proposal would result in a materially harmful degree of overlooking. The rooflights would be positioned to face directly upwards and so could not permit overlooking in any event.
15. In terms of the effects of the proposal on other dwellings owing to its siting and scale, the evidence suggests that the other closest dwellings are in excess of 20 metres away, including Padley Hey, The Garden House and Old Market House. Given the relevant generous intervening distances, the lowered level of the building relative to those dwellings, and its siting relative to their orientation, the building would not result in any material loss of outlook from habitable rooms. Though the loss of a view is not a material planning consideration, the building would only represent a modest addition within views from neighbouring dwellings and gardens, but not in such direct views from principal habitable rooms or to a degree that would materially enclose any main garden areas. Consequently, I do not consider that the building would harmfully affect the living conditions of neighbouring occupiers with particular regard to overlooking, outlook or in any other respects.
16. I note the Council's concern that the proposal would not have an ideal relationship with the existing Ash Tree in the garden of a neighbouring

³ Dartmoor National Park Authority, Local Development Framework Core Strategy Development Plan Document (2008)

property. I also note that the tree is allegedly due to be removed due to Ash dieback, which would be regrettable. The tree's root systems are likely to be contained within the garden at higher level by the retaining wall. Whilst there is a potential for some degree of limb extension towards the building that may necessitate occasional trimming, I do not consider that this relationship would be materially problematic should the tree remain in any event.

17. I also note the concern raised in connection with the potential for the creation of a precedent were the appeal allowed. I do not consider the appeal proposal so unique that it would be capable of creating a precedent. Many households locally and elsewhere within the DNP have adapted outbuildings as such and the policy framework exists to determine whether or not they would be suitable within their context. In this instance, I consider that the proposal is acceptable.

Conditions

18. In addition to the statutory time limit condition, a condition is necessary specifying the attached plans in the interests of certainty.
19. There appears to be much concern about the potential misuse of the building as separate accommodation, though this is capable of being prevented by way of a planning condition that requires the accommodation to be used only for purposes ancillary to the host dwelling.
20. In the interests of the character and appearance of the area, a condition is also necessary requiring the construction materials to match those in the host dwelling, to include high quality natural slate and timber windows and doors.
21. Whilst there is a minor discrepancy between the floor plans and elevation plans insofar as the plans show the dashed outline of the two previously proposed rooflights, the elevation plan is clear that rooflights would only be situated in the flattened area. This minor conflict is therefore resolved in favour of the more recently submitted elevation plan which shows the detail with a greater degree of precision. However, in the interests of comprehensiveness, I have specified a condition to prevent the addition of further window openings in any event.

Conclusion

22. The proposal complies with the development plan. There are no considerations of sufficient materiality to indicate that the decision should be made other than in accordance therewith.
23. In view of the above and taking into account all other matters, the appeal is allowed.

Hollie Nicholls

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:
 - Location Plan, ref 641/S/001, dated 12/20
 - Block Plan, ref 641/PR/005 A, dated 12/20
 - Site Plan, ref 641/PR/004 A, dated 11/20
 - Proposed Plans, ref 641/PR/011 B, dated 11/20
 - Proposed Elevations, ref 641/PR/012 C, dated 6/21
- 3) The accommodation hereby permitted shall be used solely for purposes ancillary to the host dwelling, 10 Manor Drive, and shall at no time be used, let, sold or otherwise be disposed of as a separate unit of living accommodation.
- 4) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the host dwelling.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or rooflights [other than those expressly authorised by this permission] shall be created within the building.