



Appeal Decision

Site visit made on 23 February 2022

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2022

Appeal Ref: APP/W1145/W/21/3279537

Goats Hill House, Goats Hill Road, Northam, Bideford EX39 1AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs M Jarvis against the decision of Torridge District Council.
 - The application Ref 1/1180/2020/FUL, dated 21 December 2020, was refused by notice dated 12 February 2021.
 - The application sought planning permission for proposed replacement dwelling, to include the demolition of the existing dwelling (affecting a public right of way) without complying with a condition attached to planning permission Ref 1/0639/2020/FUL, dated 5 November 2020.
 - The condition in dispute is No 2 which states that: *'The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.'*
 - The reason given for the condition is: *'To ensure the development is carried out in accordance with the approved plans.'*
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Decision

1. The appeal is allowed and planning permission is granted for proposed replacement dwelling, to include the demolition of the existing dwelling (affecting a public right of way) at Goats Hill House, Goats Hill Road, Northam, Bideford EX39 1AJ in accordance with the application Ref 1/1180/2020/FUL dated 21 December 2020, without compliance with condition numbers 1, 2 and 4 previously imposed on planning permission Ref 1/0639/2020/FUL dated 5 November 2020 and subject to the conditions in the attached schedule.

Applications for Costs

2. Separate applications for costs were made by Mr and Mrs M Jarvis against Torridge District Council and by Torridge District Council against Mr and Mrs M Jarvis. The applications are the subject of separate decisions.

Background and Main Issue

3. In 2020 the Council granted planning permission for the replacement of Goats Hill House. On site, I observed that the previous dwelling has been demolished and construction of its replacement is well underway. Amongst other, more modest alterations, the appellants now seek to amend the accord with plans condition in order for the replacement dwelling to have a higher ridge line and to be constructed larger at its east side.
4. The main issue, therefore, is the effect that varying the condition would have on the character and appearance of the area.

Reasons

5. The appeal site is within the countryside set above the west bank of the River Torridge at the north edge of Bideford. Policy DM26 of the North Devon and Torridge Local Plan 2011-2031 (adopted 2018) (the Local Plan) supports the replacement of dwellings in the countryside where the replacement would, amongst other things, respect the character of its surroundings and be no more visually intrusive than the existing dwelling. In this case, for the sake of this policy test, I interpret the 'existing dwelling' to be that now demolished.
6. The stretch of the Torridge between Bideford and the Appledore Shipyard to the north is picturesque. However, the east garden of Goats Hill House is set on a ridge, with the existing house location on its southern slope, facing Bideford. What this does, is separate the location of the house from the more undeveloped riverside area to the north and draw it towards Bideford's edge.
7. This is an area with a fringe, and almost suburban, residential character. Several of the buildings are large or are clustered, offering sizeable amalgams of built form visible from public areas, such as the Torridge Bridge and also the Tarka Trail to the east of the river. There is a line of neighbouring houses along Goats Hill Road which the Council considers have a consistent scale. However, I could not readily identify such an attribute. Instead, I observed a variety of houses and bungalows, some of which were large and appeared to be undergoing or had already undergone significant alteration and/or extension.
8. The presence of the replacement dwelling would be softened by trees around it. The dwelling would also be viewed at a slight angle from the adjacent section of the Tarka Trail, which would reduce the perception of its mass. Whilst more of its width and scale would be visible from the Torridge Bridge, the effects of such would be limited by the long distance between the bridge and the site. Much of the roof would also appear recessive, as it would comprise pitched and hipped roofs of muted colour, with just the one, more strident, forward gable set within the approximate location of a similar gable within the existing dwelling.
9. For these reasons, whilst I recognise that the replacement would be far larger than the existing dwelling, it would nonetheless respect its surroundings without being any more visually intrusive.
10. This leads me to draw the conclusion that varying the condition as proposed would have an acceptable effect on the character and appearance of the area. Doing so would accord with the relevant aims of Policies ST04, DM04, DM08A and DM26 of the Local Plan and the National Planning Policy Framework.

Conditions and Conclusion

11. I therefore conclude that the appeal should be allowed and grant a new permission with a varied accord with plans condition but retaining those conditions that appear still to be relevant. This does not include condition No 4, which related to historic building recording and analysis, and was discharged by the Council. Given that development has already commenced through the demolition of the existing dwelling, there is also no need for a time condition.

Matthew Jones

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 18116/L1B, 18116/P1L, 18116/P3L, 18116/P2M, 18116/P5B, 18116/P4L.
- 2) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended), (or any Order revoking and reenacting that Order) no development of the types described in Part 1, Classes A and B (relating to alterations and extensions); of Schedule 2, other than that hereby permitted shall be carried out without the further grant of planning permission.
- 3) The development shall be carried out in accordance with the recommendations set out within the Bat and Nesting Bird Survey produced by Penpont Ecology, dated May 2020. In particular, mitigation and enhancements shall include:
 - Suitable habitat for roosting crevice-dwelling bats shall be made by the installation of at least one integrated bat box to the north or west elevations
 - Suitable habitat for nesting birds shall be incorporated by the installation of at least one integrated bird box to the north or east elevations.

The mitigation and enhancement methods shall be implemented prior to the approved dwelling being occupied and retained thereafter.
- 4) The materials indicated on the submitted application form and on the plans hereby permitted shall be used in the construction of the development unless otherwise agreed in writing by the Local Planning Authority. The materials shall be installed before the development hereby permitted is brought into use and shall thereafter be retained as such.