
Appeal Decision

Site visit made on 23 May 2022

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13TH June 2022

Appeal Ref: APP/K1128/D/22/3292240

Charnwood, Malborough, Kingsbridge, TQ7 3RR

- 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 Hugh Davies against the decision of South Hams District Council.
 - The application Ref 3845/21/HHO, dated 6 October 2021, was refused by notice dated 10 January 2022.
 - The development proposed is the creation of first floor accommodation with full length dormer, revised fenestration, new flat roof to existing extension and vertical weatherboard cladding.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of first floor accommodation with full length dormer, revised fenestration, new flat roof to existing extension and vertical weatherboard cladding at Charnwood, Malborough, Kingsbridge, TQ7 3RR in accordance with the terms of the application, Ref 3845/21/HHO, dated 6 October 2021, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: '2608.SLP' (Site Location Plan), '2608.SBP' (Block Plan) and '2608.02' (Plans and Elevation as proposed).
 3. The cladding hereby approved shall be natural timber. This cladding shall not be stained, colourwashed, or otherwise treated in a manner which would obscure the natural finish.
 4. 2 no. bat boxes shall be erected prior to occupation of the planned new accommodation and they shall be retained thereafter.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and the locality.

Reasons

Character and appearance

3. The appeal property is a detached single storey home with unremarkable elevations and a long even ridge sitting at an angle in a broadly square
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generous plot. A variety of residential development lies to its north, beyond one of the historic cores of the village, with further housing to the west and south whilst a graveyard is to the east and south east. The locality is of established character and the mix of buildings and spaces creates a visually pleasing area. The property is located within a wider area which is AONB and Heritage Coast designated. The proposal is as described above. The plans also show the conversion of a garage to a home office.

4. The Council is concerned that the scale, massing and design of the planned works would be harmful to the character and appearance of the existing property and the local area, with particular regard to the flat roof rear dormer. There is also concern that the quantum of high level glazing would result in an unacceptable amount of light pollution and that overall the scheme would fail to preserve or enhance the South Devon AONB and Heritage Coast.
5. The starting point for the planned works is a dwelling which I would class as unremarkable and the Council's report notes as a building without any significant architectural merit. On such occasions I would see it as a reasonable architectural prospect to move away from the normal approach of 'matching' what is there to looking at a larger picture of re-modelling. This is particularly so if the building in question is also not representative of those around, or not locally characteristic, or is in need of energy efficiency upgrading; all of which apply here. I then would look to the overall structure as it would appear at the end of the day.
6. In this case, with two storey homes around, and with the planned windows, the reducing effect of the mix of materials, the degree of pitch roof remaining on display, the rear siting of the dormer, and the space within this plot for a marginally more bulky home I see nothing to raise concern. The dormer would be large, greater than many one might normally seek to achieve, but in this immediate and wider context the design of the dormer and other changes planned for the property will be a suitable solution to providing increased and improved accommodation and updating a property which is presently something of an anomaly. The scale, massing and design would all be appropriate in my mind.
7. I find the accusation that the planned high level glazing would result in undue and unreasonable damage through light pollution to be unsupportable. The locality has numerous sources of light above ground level not least from street lights, floodlights, and first floor lights potentially from double figures of proximate two storey homes. I am not persuaded windows serving what is shown as two bedrooms and two bathrooms in a dormer arrangement should be handled with such concern or seeming over-sensitivity. This would not be an isolated new source of potential intermittent upper level illumination.
8. In all the circumstances I am also satisfied that the scheme described above, with its prevailing built context and landscape setting, would be suitably visually absorbed and would preserve the aesthetic qualities of the AONB and Heritage Coast.
9. Policies DEV20, DEV23, DEV24 and DEV25 of the Plymouth & South West Devon Joint Local Plan and Policies 5 and 12 of the Marlborough Neighbourhood Plan have relevance to the case. Taken together, and amongst other matters, they seek to ensure that development is of good design quality, appropriate to its immediate and wider context, suitable in scale, form and visual attributes

for its context, and is protective of AONB landscape and the Heritage Coast, safeguarding visual amenity generally. This is reflected in the advice and objectives of the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020 (SPD) albeit this document cannot be expected by way of detailed example or statement to cover every eventuality and is *guidance*.

10. I conclude that the proposal would not conflict with the relevant development plan policies and the pertinent aims of the SPD.
11. I did note that the planning officer's report indicates some concern over the alleged impact of the development on abutting or proximate heritage assets including a Conservation Area and Listed Buildings. However, this concern was not carried through to the Decision Notice. In any event I have carefully considered matters and given the benign nature of the scheme along with its positioning and location I conclude that there would be no conflict with pertinent legislation. This is the duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Along with Section 66(1) of the same Act which sets out the need to have special regard to the desirability of preserving the setting of a Listed Building.

Conditions

12. I agree with the Council that the standard commencement condition should be applied and that there should be a condition that works are to be carried out in accordance with listed, approved, plans; to provide certainty. I also agree there should be restrictions on the cladding in the interests of visual amenity but beyond that, materials do not need to be the subject of planning conditions as they are suitably specified within the application content. Bearing in mind that the 'home office' would have to remain ancillary in use, or otherwise planning permission be obtained, I see no need for a planning condition relating to this matter. Similarly, other than relating to bat boxes for biodiversity, I see no need for further review of ecological mitigation or ecological control through the use of planning conditions given the application content, modest scale of works, physical context and prevailing and pertinent legislative control.

Overall conclusion

13. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on the character and appearance of the host property and the locality. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR