



Appeal Decision

Site visit made on 17 June 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 05 July 2022

Appeal Ref: APP/K1128/W/21/3289674

Bowcombe Boathouse, Embankment Road, Kingsbridge TQ7 1LA

- 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 Miranda Gardiner against the decision of South Hams District Council.
 - The application Ref 1083/21/FUL, dated 18 March 2021, was refused by notice dated 26 July 2021.
 - The development proposed is change of use to holiday accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for change of use to holiday accommodation at Bowcombe Boathouse, Embankment Road, Kingsbridge TQ7 1LA in accordance with the terms of the application, Ref 1083/21/FUL, dated 18 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be retained in accordance with the following drawings: Location Plan; and BG-06 K4 (Revisions to approved elevations).
 - 2) 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 modifications), no additional windows, dormer windows or external doors shall be constructed on the southern elevation of the property.

Preliminary Matters

2. Whilst the description of development is described as "*change of use to holiday accommodation*", the change of use has already been approved and implemented under application reference 0311/16/FUL. Instead, the appeal application seeks to regulate certain physical works carried out in connection with this change of use, which comprise the inclusion of a dormer window and balcony.
3. The appeal site is located within the South Devon Area of Outstanding Natural Beauty (AONB). Areas of Outstanding Natural Beauty are designated for the purposes of conserving and enhancing natural beauty. In accordance with my statutory duty under section 85(1) of the Countryside and Rights of Way Act 2000, I have had regard to these purposes in determining the appeal application.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area, with particular regard to the property's location in the AONB.

Reasons

5. The appeal site comprises a small, converted boathouse, which is located along the embankment of Bowcombe Creek in Kingsbridge. It is surrounded by extensive trees and vegetation, which provide substantial screening from the road above, neighbouring properties and from the creek itself. This gives the property a strong sense of seclusion and intimacy, which contributes positively to its overriding character. Owing to the sloping gradient of land along the embankment, the property is not readily visible from the road, which further compounds its secluded character.
6. The boathouse occupies a modest rectangular plot within the appeal site, and is simplistic in its design. It is predominantly clad in larch timber, which reflects the natural materials of the surrounding vegetation. Its southern elevation (facing the creek) includes glass doors and a smaller window to the side, which give a sense of symmetry to the property, which contributes positively to its simplicity.
7. The dormer and balcony sit within the pitch of the roof, which means they appear visually subservient to the main structure of the property, without appearing dominant or incongruous. They are also positioned in line with the smaller window on the ground floor, which helps ensure the symmetry of the boathouse is retained. The timber cladding on the front façade of the dormer enables it to assimilate properly with the rest of the boathouse, and the areas of zinc cladding on its sides sit comfortably alongside these natural materials. Together, these components ensure the dormer and balcony integrate effectively with the property, without appearing unduly prominent or disruptive, even when viewed from the creek.
8. For these reasons, I am satisfied that the development complements the character and appearance of the host property, and preserves the scenic beauty of the South Devon AONB. The development is consistent with Policies SPT1, SPT2, SPT12, DEV20, DEV23, DEV24 and DEV25 of the Plymouth & South West Devon Joint Local Plan (2014 – 2034), which together seek to ensure new development respects local distinctiveness and conserves the natural beauty of the AONB. The development also accords with the provisions of the National Planning Policy Framework (2021) (Framework), which promotes high quality design, and also places a great emphasis on the protection of Areas of Outstanding Natural Beauty. Similarly, the development reflects the content of the South Devon Area of Outstanding Natural Beauty Management Plan (2019 – 2024), which again seeks to ensure development safeguards the beauty of the AONB.

Conditions

9. The Council has provided a list of suggested conditions which I have reviewed and amended in accordance with the requirements of the Framework and Planning Practice Guidance.

10. I have included a plans condition to ensure the development is retained as consented. I have also included a condition which restricts permitted development rights for any new windows or doors (on the southern elevation of the property), which will help ensure the simplicity and symmetry of the boathouse is retained going forwards.
11. Whilst the Council also suggested a condition to limit any felling or pruning of trees, I do not consider this necessary to ensure the acceptability of the minor works.

Conclusion

12. For the reasons given above, and having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal should be allowed.

James Blackwell

INSPECTOR