



Appeal Decision

Site visit made on 16 August 2022

by C Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30TH August 2022

Appeal Ref: APP/K1128/D/22/3299801

Bramleys, Cleveland Drive, Bigbury-on-Sea TQ7 4AY

- 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 and Mrs Robert and Marina Blackler against the decision of South Hams District Council.
 - The application Ref 4584/21/HHO, dated 9 December 2021, was refused by notice dated 14 April 2022.
 - The development proposed is 'Demolition of existing glazed conservatory and terrace and replace with new terrace and extensions to rear garden facing elevation. Entrance porch extension and revised parking arrangements. Removal of chimney and introduction of flue'.
-

Decision

1. The appeal is allowed and planning permission is granted for a development described as "Demolition of existing glazed conservatory and terrace and replace with new terrace and extensions to rear garden facing elevation. Entrance porch extension and revised parking arrangements. Removal of chimney and introduction of flue" at Bramleys, Cleveland Drive, Bigbury on Sea TQ7 4AY in accordance with the terms of the application, Ref 4584/21/HHO, dated 9 December 2021, subject to the conditions set out in the Schedule at the end of this Decision.

Main Issues

2. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area, including the South Devon Area of Outstanding Natural Beauty and the Heritage Coast.
 - the effect of the proposal on the living conditions of neighbouring occupiers, having particular regard to privacy.

Reasons

Character and appearance

3. Bigbury-on-Sea is a small coastal village set within a particularly attractive part of the countryside close to beaches, high cliffs and open agricultural fields. In recognition of the high landscape quality, the village and wider surroundings are within the South Devon Area of Outstanding Natural Beauty (the AONB) as well as forming part of the Heritage Coast.

4. Cleveland Drive is a small cul-de-sac typical of many others in this part of Bigbury-on-Sea. It mainly contains large, detached properties set within generously sized plots. Together, these contribute to the open and verdant characteristics of the village. But although Cleveland drive contains a good deal of vegetation, it is distinctly residential in nature, with driveways and private parking areas clearly seen in the street. This includes the appeal property, Bramleys, which has a paved area to the front and side of the garage, as well as shrubs and a mature tree.
5. The proposed new parking arrangements would involve increasing the area of paving so that it would run along the whole frontage of the property. Together with the removal of the tree and vegetation, the front of the property would assume a somewhat harder, developed appearance with the whole front elevation of Bramleys being fully exposed within the street. Yet despite this, the impact on the overall street scene would be limited. Due to the narrow and enclosed nature of Cleveland Drive, the new parking area would not be easily seen until almost directly outside Bramleys. The prevalence of other vegetation elsewhere in the street would maintain the verdant characteristics of Cleveland Drive when viewed as a whole. Hence, the character of the street scene would be maintained.
6. While the proposed alterations to the front elevation of the property would be relatively inconspicuous, more significant changes are being proposed at the rear. Apart from extending the property further into the back garden, the alterations would include substantially more glazing, changes to the shape of the roof and the introduction of new materials. Yet although this would give the rear elevation a somewhat unorthodox, asymmetrical appearance, architectural styles in the area are mixed. Furthermore, the rear of the property would not be widely visible from public vantage points. While it would be seen at close quarters from neighbouring dwellings, the design contains elements seen elsewhere within Bigbury-on-Sea and so would be in general keeping with its immediate surroundings.
7. While Bramleys occupies elevated land with expansive views of the coastline, it is seen from distant vantage points as a small part of the built-up area of the village where the proposed alterations would not appear unduly conspicuous. While there may be some increase in escaping light as a result of the new glazing, the landscape impact would be negligible within the confines of an established village. Overall, the development would have little impact on the characteristics of the AONB or Heritage Coast.
8. I therefore conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area. There would be no conflict with Policies DEV20, DEV23, DEV24, DEV25, of the Local Plan¹ or Policies BP2, BP7, BP18 of the Neighbourhood Plan² in this respect. There would also be no conflict with the aims of the SPD³. Together, these policies aim to protect landscape quality and maintain appropriate standards of design.

¹ Plymouth & South West Devon Joint Local Plan 2014-2034.

² Bigbury Neighbourhood Plan 2019-2034.

³ Plymouth & South West Devon Joint Local Plan, Supplementary Planning Document, July 2020.

Living conditions

9. Bramleys already has an outdoor terrace which overlooks the neighbouring properties on each side, particularly the garden of Surfers to the east. The proposed alterations would not substantially change the extent to which surrounding properties are overlooked from inside Bramleys.
10. Nonetheless, the proposed new terrace would serve the main living room of the property (as opposed to a bedroom) and extensive glazing would be installed in the south elevation to facilitate views. This raises the prospect that the parts of Bramleys which overlook Surfers will be used more intensively than they are at present. With that in mind, the appellant has suggested that a privacy screen could be installed and secured by a planning condition. Such an arrangement would reduce the opportunity for overlooking from the terrace into the nearest parts of the neighbouring property.
11. Bramleys also faces the rear elevations of properties to the immediate south, which includes Spindrift. I am aware that the proposed alterations would extend the property further to the south and closer to these properties. Viewing angles from Bramleys towards Spindrift would clearly change as a consequence. However, taking these considerations into account, it seems to me that the proposal would maintain acceptable levels of privacy. As Bramleys is set further up the hillside, the principal outlook from the new terrace and south facing glazing would be over and above Spindrift towards the coast. Indeed, direct views of Spindrift are mainly obscured by the mature vegetation which runs along the boundary of the properties. This screening could be retained by way of a planning condition.
12. Similarly, I see little reason to assume that the proposal would lead to a harmful level of noise or disturbance. The property would not be enlarged substantially, there would be no increase in the size of outdoor terracing and a good separation distance between Bramleys and its neighbours to the south would be maintained.
13. I therefore conclude on this issue that the proposal would have an acceptable effect on the living conditions of neighbouring occupiers. There would be no conflict with Policy DEV1 of the Local Plan, Policies BP2, BP7 or BP18 of the Neighbourhood Plan or the objectives of the SPD in this regard.

Conclusion and Conditions

14. For the reasons given above, the appeal is allowed. In the interests of clarity, standard conditions requiring the development to be carried out in accordance with the plans and within a time limit have been imposed. To ensure appropriate drainage, there is a condition requiring further details of the proposed soakaway. To help maintain character and appearance, there is a condition requiring further details of roof slates and, to protect amenity, there is also a condition requiring further details of the heat pump. In the interests of biodiversity, there are conditions to ensure compliance with the ecological report and to secure a replacement tree. Finally, for reasons provided above, there are also conditions requiring a privacy screen on the proposed terrace and details of planting along the southern boundary.

C Cresswell

INSPECTOR

Schedule of 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: Location Plan, DGA P.07, DGA P.08, DGA P.09, DGA P.010, DGA P.11, DGA P.12.
- 3) Prior to their installation, details of natural roofing slate to be used in the construction of the proposed development shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with those samples as approved. The slates shall be maintained for the lifetime of the development.
- 4) Prior to occupation of the development hereby permitted, details of the drainage scheme shall be submitted to and approved in writing by the local planning authority. The drainage scheme shall be installed in accordance with the approved details, maintained and retained in accordance with the agreed details for the life of the development.
- 5) Prior to occupation of the development hereby permitted, details of a proposed replacement tree (a species native to the UK) shall be submitted to and approved in writing by the local planning authority. The tree shall be planted in accordance with those details as approved in the first available planting season and should the tree die, become seriously damaged or diseased within a period of five years from the completion of the development, it should be removed and replaced in the next planting season with another of similar size and species unless the local planning authority gives written consent to any variation. The landscaping scheme shall be adhered to during the course of the development and thereafter.
- 6) Prior to occupation of the development hereby permitted, full details of the Air Source Heat Pump shall be submitted to and approved in writing by the local planning authority. The equipment shall then be installed, maintained and retained in accordance with those details for the lifetime of the development, unless otherwise agreed in writing by the local planning authority. The Air Source Heat Pump must be removed as soon as reasonably practicable when no longer required.
- 7) The recommendations, mitigation and enhancement measures of the Ecological Report, by Butler Ecology dated 03 December 2021, shall be fully implemented prior to the occupation of the development approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.
- 8) Prior to occupation of the development hereby permitted, details of a privacy screen for the ground floor terrace shall be submitted to and approved in writing by the local planning authority. The privacy screen shall be installed in accordance with the approved details, maintained and retained in accordance with the agreed details for the life of the development.

- 9) Prior to occupation of the development hereby permitted, details of a planting scheme along the southern boundary of the property shall be submitted to and approved in writing by the local planning authority. The planting shall take place in accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.