



Appeal Decision

Site visit made on 31 January 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2023

Appeal Ref: APP/K1128/D/22/3298501

3 Elston Cottages, Elston View, Elston Cross to Huxton Fork, Churchstow TQ7 3QS

- 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 Angus and Andrea Scanlon Lugsdin against the decision of South Hams District Council.
 - The application Ref 3801/21/HHO, dated 9 October 2021, was refused by notice dated 28 February 2022.
 - The development proposed is alterations and extensions to existing dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for alterations and extensions to existing dwelling house at 3 Elston Cottages, Elston View, Elston Cross to Huxton Fork, Churchstow TQ7 3QS in accordance with the terms of the application, Ref 3801/21/HHO, dated 9 October 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. Whilst not part of the planning application, the appellants submitted further Bat and Nesting Bird Visual Surveys together with a copy of the licence for Bats issued by Natural England for works carried out for the replacement of the main roof, which have been completed. The surveys confirm no evidence of bats in the areas surveyed and works to the main roof have been carried out under licence. Furthermore, the Council has indicated that it wishes to withdraw the second reason for refusal listed on the Decision Notice, which concerns potential impacts on bats.
3. Accordingly, and as these documents do not amend the proposed development but provide further information, I do not consider either main party will be prejudiced if I take these documents into account, and I find that there is no reasonable likelihood of bats being present and affected by the proposal. Therefore, I have determined the appeal solely on the basis of the first reason for refusal, which concerns the effect on the character and appearance of the existing dwelling and the surrounding area.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area, including the South Devon Area of Outstanding Natural Beauty (AONB).

Reasons

5. The appeal property lies at the end of a terrace of three dwellings, which together have a strong traditional character. The site lies in a fairly exposed location in the countryside with open views to the south and west. From what I saw during my site visit, the landscape visible from much of the site's perimeter is a rolling patchwork of open fields.
6. The appeal site is located within the AONB. A prevailing characteristic of this area of countryside setting is its verdant, less developed nature, with a predominately open and spacious character, and a relative lack of buildings. The statutory purpose of AONBs is to conserve and enhance the natural beauty of the area.
7. The dwelling has been modernised, including with a single storey side extension, a PVCu conservatory on its front elevation and replacement windows. Whilst these elements have a modestly diluting influence, the symmetry of the front elevation of the terrace contributes positively to the character and appearance of the building group and the surrounding area.
8. The Council has no objections to the first-floor side extension and the home office extension. These additions would be of a scale, form and proportions that have due regard to the character and appearance of the host dwelling. As a result, these elements would be subservient and would not harm the character and appearance of the host dwelling and the balance of the terrace.
9. Although the garden room extension on the front elevation would introduce a roof design that is angled away from the wall, it would replace an existing PVCu conservatory. The materials and overall appearance of the extension would be more in keeping with the vernacular of the building in terms of its form and materials, despite its relatively large windows. Even though it represents a larger addition, when considered in the context of its location, the changes already made to the terrace and the removal of the PVCu conservatory, I do not consider that it would fundamentally alter the existing symmetry and balance of the terrace. The extension would exhibit simple lines and sympathetic materials. I find the resulting proportions and design to be acceptable given its overall scale relative to the host dwelling and the improvements to the appearance from the use of sympathetic materials.
10. A rear first-floor extension is proposed. This element comprises a flat roof with narrow windows. It is not typical of traditional style extensions that are seen at the rear of the neighbouring properties. However, it would be in quite a discreet location to the rear of the house and is proposed to be constructed in stone. As I noticed during my site visit, views of the proposal would be achieved from wider locations, including from Elston Cross, but it would not be a dominant feature in the area with the existing dwelling providing an immediate backdrop.
11. This element of the proposal would sit below the existing roof line. The inclusion of stone and its limited depth of projection from the rear elevation would also enable the extension to be visually sympathetic and complement the host dwelling, thereby being a good standard of design. The form and scale of the extension would not appear bulky in relation to the existing dwelling and would be a subservient feature. As such, it would have no adverse impact on the character and appearance of the host dwelling and the surrounding area.

12. Overall, despite an increase in the floorspace, the proposed development would have a scale and design that would respect the character and appearance of the host dwelling and the surrounding area. I do not find that the extensions would represent dominant or incongruous additions to the dwelling. The proposal would not unduly dominate the appearance of the host dwelling or appear as over-development. As a result, the landscape and scenic beauty of the AONB would not be harmed.
13. The Council considers the existing terrace of houses to be a non-designated heritage asset. However, since I have concluded that the development would not be visually harmful, it follows that there would be no harm to the historic environment.
14. The replacement of the existing conservatory with an extension with a solid natural slate roof would likely reduce the potential for artificial light pollution, despite the new glazing proposed. As such, I am not persuaded that it would cause a harmful impact on the character of the dark skies.
15. Therefore, I conclude that the proposed development would be of an appropriate scale, form, proportions and overall design and would not harm the character and appearance of the host dwelling and the surrounding area, including the South Devon AONB. The proposed development would comply with the relevant provisions of Policies TTV29, DEV20, DEV21, DEV23 and DEV25 of the Plymouth & South West Devon Joint Local Plan 2014-2034. These policies, amongst other things, require high quality design, extensions to be appropriate in scale and design, to conserve and enhance the natural beauty of protected landscapes, including in terms of preventing light pollution, and to sustain local distinctiveness of heritage assets.
16. I find no conflict with paragraph 130 of the Framework, which amongst other things, requires developments to be sympathetic to local character and history. I am also satisfied that the proposal would comply with paragraph 134, which advises development that is not well designed should be refused. Nor would it conflict with paragraph 197, which amongst other things, requires account to be taken of the desirability of sustaining and enhancing the significance of heritage assets.
17. The Council has cited conflict with the Supplementary Planning Document (SPD). However, for the reasons given above, it is not evident to me that there is any conflict with the SPD.
18. Whilst it is not yet an adopted part of the development plan and thus is afforded limited weight, for the above reasons, I am also satisfied that the proposal would also comply with Policies BE3, BE4 and Env5 of the Kingsbridge, West Alvington and Churchstow Neighbourhood Plan (Regulation 14 Consultation Version May 2021). These policies together, amongst other things, require that development must demonstrate high quality design, reflect the character and appearance of surrounding buildings and should not detract from the unlit environment.

Conditions

19. I have considered the conditions put forward by the Council. Where necessary, I have amended the wording of the conditions for clarity, to reflect the advice in the Framework. I have attached the standard time condition and I have

specified the approved plans in the interests of certainty. There is some detail with the submitted information to indicate the materials to be used, but this is not at a level sufficient to ensure suitable materials are to be used. Therefore, in the interests of the character and appearance of the building and this part of the AONB, a condition requiring samples or full details of materials to be submitted to the Council is to be included. In order to safeguard the character and appearance of the locality and in the interests of biodiversity, a condition to control external lighting on the building is imposed.

20. A condition in respect of surface water management is required to ensure satisfactory drainage of the site. A condition to ensure that the construction of the development avoids disturbance to nesting birds is necessary in the interests of biodiversity. In light of the further survey information and documentation, the suggested conditions relating to bats are not necessary.

Conclusion

21. For the reasons given above, and having regard to the development plan as a whole, I conclude that the appeal should be allowed.

J White

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: 20-035-23 Rev A, 20-035-26 Rev A, 20-035-27 Rev A, 20-035-28 Rev A and 20-035-29.
- 3) Prior to their use in the development hereby approved details/samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details/samples.
- 4) Details of any floodlighting shall be submitted to and approved in writing by the Local Planning Authority before its installation within the site. The floodlighting shall be carried out in accordance with the approved details.
- 5) The drainage scheme shall be installed in strict accordance with the approved plans prior to the first occupation of the development hereby approved. The drainage scheme shall thereafter be maintained and retained in accordance with the agreed details for the life of the development.
- 6) No building work shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this is kept.