
Appeal Decision

Site visit made on 21 February 2023

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2023

Appeal Ref: APP/K1128/D/22/3306451

24 Court Park, Thurlestone, Devon TQ7 3LX

- 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 Ben Nute against the decision of South Hams District Council.
 - The application Ref 1017/22/HHO, dated 18 March 2022, was refused by notice dated 21 July 2022.
 - The development proposed is the demolition of deck area and existing garage. Erection of new two storey extension to the rear. Erection of extended deck area with double garage and accommodation below. New side entrance.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At my site visit I noted that the property to the south of the appeal site is now called 'Coast House' rather than 'Bolt View'. However, in order to be consistent with the references in the evidence before me, I have referred to this property throughout my decision as 'Bolt View'.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area, and the living conditions of occupiers at Bolt View having regard to privacy and noise, and 25 Court Park having regard to outlook and light.

Reasons

Character and appearance

4. The appeal site is within an established residential area within a small settlement located within the South Devon Area of Outstanding Natural Beauty (AONB). Court Park comprises mostly of detached dwellings dating from the latter half of the 20th century. Their arrangement has been influenced by topography with those on the north side of the road elevated relative to those on the south. The dwellings are orientated to face southwards, probably to take advantage of the surrounding scenic coastal countryside, and many feature large box dormer windows, expansive areas of glazing, balconies and decking. Together with the mostly low boundary walling and planting to frontages, these factors result in a pleasant suburban character and appearance.
5. The form and appearance of the appeal property is in keeping with the surroundings in that it is a detached, approximately 1960-70's house with a

box roof dormer facing southwards. However, it is set back in a plot at the end of the cul-de-sac and has a different relationship to the road. As such, it has a less open aspect with the side elevation presenting more directly to Court Park. Nevertheless, overall it reinforces the established character and appearance of the area.

6. The proposal seeks to extend and upgrade the property and involves several elements. These include a projecting rear two storey extension, the reconfiguration of the lower ground floor to provide additional accommodation, an extended area of decking across most of the front elevation, a separate garage building, the introduction of new materials including areas of burnt larch cladding and solar panels.
7. Policy DEV20 of the Plymouth and South West Devon Joint Local Plan 2014-2034, March 2019 (LP), amongst other things, requires proposals to meet good standards of design, contributing positively to townscape and protect and improve the quality of the built environment. Amongst the necessary measures listed in the policy is delivering locally distinctive design. A similar requirement for locally distinctive development is contained in policy TP1(2) of the Thurlestone Parish Neighbourhood Plan 2015-2034, Made July 2018 (NP).
8. The various elements of the proposal would each alter the external appearance of the building. However, there is no obvious unifying design concept that would successfully knit the different components together. The result would be an assortment of differing forms, detailing and materials that would lack coherence and would appear discordant.
9. An example of this is the wide variety of fenestration utilised in the design. These range from larger glazed doors to the lower ground floor, conventional picture windows with a horizontal emphasis, rooflights, a gable window feature in the north elevation and a vertical glazed section in the proposed new hallway. Paragraph 13.15 of the Plymouth and South West Devon Joint Local Plan 2014-2034 Supplementary Planning Document 2020 (SPD) advises that the positioning and design of windows is crucial to achieving a unified exterior. The proposal would run counter to this principle.
10. Whilst some of the materials used would reflect those predominantly used elsewhere in the street scene, the proposal would also add new ones. Consequently, the palette would include render, stone dressed block work, horizontal burnt larch cladding, glass balcony enclosure, composite clay roof tiles, zinc and felt. Although the appellant explains that the larch and stone would be sourced locally, he fails to convincingly demonstrate why the overall range of materials would be appropriate in this context. The result would be a confusing mix of competing textures and colours on a modest domestic dwelling.
11. Furthermore, the eastern elevation would have prominence as it would be elevated relative to the road. The combined additions would add a complexity to the relatively simple form, with the shallow roof pitch of the side hallway extension contrasting harmfully with the steeper pitch of the main roof. In combination with the assortment of fenestration and materials already outlined, the proposal would have a disjointed visual appearance detrimental to the street scene.

12. Ultimately, the combined impact of these disparate elements would be deleterious to the host building and wider context. Consequently, it would fall short of good design and would lack the distinctiveness made necessary by the development plan policies identified. Therefore, it would conflict with paragraph 130b) of the National Planning Policy Framework (the Framework) which stipulates that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Moreover, paragraph 134 of the Framework confirms that development that is not well designed should be refused.
13. Having regard to the photographs provided by the appellant entitled 'Street scene-cladding', I have noted the materials used at 21 and 26 Court Park. However, I am not persuaded that they represent a similar range and extent of differing materials as those proposed in this case. The other examples given on the Mead and at South Milton reflect buildings that possess a greater architectural coherence than the scheme before me. Hence, these examples would not lead me to a different view.
14. Accordingly, I find that the proposal would be harmful to the character and appearance of the area contrary to policies DEV20 of the LP and TP1 of the NP.
15. Refusal reason 2 on the Council's decision notice also cites policy DEV23 of the LP, which refers to landscape character and primarily seeks to avoid significant and adverse landscape or visual impacts. Although the site is within the AONB, it is an established residential plot contained on all sides by other built form. Whilst I have found harm to the character and appearance of the area, its extent would be localised and so would not impinge upon the wider special scenic qualities of the AONB or have a significant adverse impact on the landscape. Hence, I do not find conflict with this policy.

Living conditions

16. Policy DEV1 of the LP requires new development, amongst other things, to provide for satisfactory daylight, sunlight, outlook, privacy and the protection from noise disturbance for residents. Likewise, one of the general development principles in policy TP1 of the NP stipulates that proposals should not have an unacceptable impact on the living conditions of occupiers of neighbouring properties. Both policies indicate that unacceptable impacts will be judged against the level of amenity generally within the locality.
17. The Council is concerned that the extended decked area to the front of no.24 would overlook the rear garden area of Bolt View and would generate associated noise disturbance. In addition, the position and added volume arising from the two storey rear extension, garage and ground floor eastern side extension would have an enclosing effect and cause some loss of light to the occupiers of 25 Court Park.
18. Bolt View is a detached dwelling with a large rear garden. The rear boundary of the garden adjoins part of the south western boundary of the appeal site, and the proposed extended deck area would be larger and closer to this boundary. However, the configuration means the dwelling itself is a considerable distance from the boundary with no.24. Paragraph 13.20 of the SPD advises that overlooking of gardens may be unacceptable where it would result in an intrusive direct and uninterrupted view from a main room to the most private area of the garden. This is often the main sitting out area adjacent to the

property of the neighbours' house. In predominantly urban areas, as a general rule this area is the first 3-4 metres of a rear garden closest to the residential property.

19. I visited the rear garden of Bolt View as part of my site visit and observed the large garden possesses some complexity due to the variety of levels and irregular shape. It comprised a number of components including lawn, plant beds, various outbuildings and a sitting out area approximately half-way up. The latter broadly south facing area had good containment to the rear and would be a reasonable distance from the proposed enlarged deck area at no.24. The area closest to the appeal site boundary related mostly to a garage undergoing some extension works. This would normally indicate an area less sensitive to overlooking concerns. Overall, the proposal would allow for a reasonable relationship with the occupants of Bolt View to be maintained and would not conflict with the general rule contained in the SPD.
20. An existing decked area at no.24 is present along the frontage which already affords some views towards the grounds of Bolt View. Furthermore, I observed numerous other balconies and decking in the vicinity, which are partly illustrated in the photographs provided by the appellant. This leads me to find that the level of amenity generally in the locality tolerates some overlooking of the rear gardens of neighbouring properties owing to the surrounding landform. The enlarged deck in this case would not significantly depart from such levels of overlooking in relation to Bolt View.
21. The decking area would serve a single dwelling. Given the extent and configuration of the rear garden area at Bolt View, there is little substantive evidence to indicate that noise generated from such a use would compromise the enjoyment of that occupiers' property to an unreasonable degree.
22. 25 Court Park has large windows and a circular balcony across its front elevation. Although likely to be visible from no.25, the proposed two-storey rear extension and single storey side addition would be of a modest domestic scale and would not directly align with those windows. Moreover, the balcony at no.25 is separated from the boundary with no.24 by some distance. The proposed detached garage would be single storey and would be at a notably lower ground level relative to no.25. Therefore, I find little basis to support the suggestion that the appeal scheme would have an unreasonable confining impact on the living conditions of the occupiers of no.25.
23. Furthermore, the windows and balcony along the front elevation of no.25 face almost due south and so would benefit from good levels of light. Although there might be some impact to light levels later in the day, the evidence submitted does not provide substantive evidence to show that levels of day or sun light would be unacceptably compromised.
24. Accordingly, I find that that the proposal would provide for satisfactory daylight, sunlight, outlook, privacy and the protection from noise disturbance for existing residents and would not result in an unacceptable impact on the living conditions of occupiers of neighbouring properties. It follows that I find no conflict in this regard with policies DEV1 of the LP or TP1 of the NP.

Other matters

25. The proposal would lead to increased and improved accommodation for the appellant and future occupants of the appeal property. This could facilitate multi-generational living and improved energy efficiency. However, the extent of benefits accruing in this case would be modest, and so attract limited positive weight in favour of the proposal.
26. The appellant and his wife work locally and participate as volunteers in the local community. Whilst I do not doubt their valuable contributions to society in these respects, planning decisions primarily relate to land use matters. As such, personal circumstances, which are subject to change, rarely garner weight in such decisions. I see no exceptional reason to depart from that general principle in this case.
27. The appellant outlines the process leading up to the submission of the appeal scheme, which involved discussions with the parish council following the withdrawal of a previous planning application. Be that as it may, I am required to determine the proposal before me, and I have done so based on its planning merits.
28. It is contended that other development in the area has had a harmful impact on the living conditions of the appellants at no.24. However, it is not for me to review the respective merits of other previous planning decisions. Insofar as it is relevant, I have taken account of the context and specific examples drawn to my attention as part of my consideration of the main issues.
29. In coming to my findings, I have had regard to the representations received in relation to the proposal. These included some supportive comments that the proposal would enhance the property and would result in a more effective and efficient family home for the appellant. It will be seen from the first main issue that I found otherwise in relation to the impact on the character and appearance of the area, and limited weight has been attributed to the benefits arising from the proposal.

Conclusion

30. Planning law requires decisions to be made in accordance with the development plan, unless material considerations indicate otherwise¹. I have found that the proposal conflicts with the development plan taken as a whole, and there are no other material considerations that would outweigh that finding. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector

¹ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70 (2) of the Town and Country Planning Act 1990.