



Appeal Decision

Site visit made on 7 February 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2023

Appeal Ref: APP/K1128/D/22/3301109

52 Creekside Road, Noss Mayo, Plymouth, Devon PL8 1EE

- 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 John Hemmings against the decision of South Hams District Council.
 - The application Ref 0099/22/HHO, dated 10 January 2022, was refused by notice dated 1 April 2022.
 - The development proposed is removal of small section of low boundary wall to provide off-street parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the proposed development on the character and appearance of the Noss Mayo Conservation Area (NMCA), the settings of adjacent Grade II listed buildings, Voss Cottage and 54 Creekside Road (No 54), and the South Devon Area of Outstanding Natural Beauty (AONB) and the Heritage Coast.

Reasons

3. The appeal site is located in the NMCA on Creekside Road. The part of Creekside Road around the site is characterised by closely arranged residential development predominately on the landward side, facing the river. Whilst there is development on the opposite side of the road, these are typically ancillary buildings within garden areas or buildings set down next to the river edge. The side edges of Creekside Road are characteristically defined by a low stone wall or buildings abutting it. Notwithstanding the appellant's suggestion that the wall is more modern in appearance, it is identified as a positive feature within the Noss Mayo Conservation Area Appraisal. Whilst the walls provide a sense of tightness to the road, the low height does allow views of the river and valley along much of the road. Accordingly, the buildings and boundary walls, set against a backdrop of river views, are defining features of this road.
4. Sections of the walls have been removed in places and there are already some parking spaces on the river side of the road, some of which are not particularly subtle in terms of their visual relationship with the townscape. There is a narrow, gated opening in a roughly central position along the wall to the appeal site, and the land either side already accommodates parking spaces. As such, the wall either side of the site is punctuated by openings. I do not know the pre-existing situations or precise circumstances as to how these or other

nearby parking spaces came into being, and so cannot compare the effects that they may have had on the NMCA.

5. Moreover, the remaining roadside walls maintain an overall visual continuity and retain a clear defining presence along the road and reinforce the local character, appearance and distinctiveness of the area and, insofar as it relates to this appeal, contribute strongly to the significance of the NMCA. The wider opening that would provide access to a parking space within the appeal site would create a more significant break in the wall. Their loss would, therefore, fail to preserve and enhance the character and appearance of the NMCA and would harm its significance. Replacement with another wall or hedge to the rear of the parking space would be in a different alignment and would not have such a close, edge-defining, relationship with the road.
6. With respect to the listed buildings, Voss Cottage, also known as 50 and 51 Creekside Road, is a range of two cottages to the south of the appeal site that were built in the seventeenth/eighteenth century. No 54, also known as the Boathouse, is a late eighteenth/early nineteenth century cottage built over a cellar on the rivers edge, with a boathouse door to a slipway at the south gable end. The dwellings are constructed from traditional materials and lie close to Creekside Road, either abutting it directly or having low stone walls forming the roadside edge. The tightness of buildings and walls, and the strong presence of traditional construction materials therefore contributes directly to the special interests of the listed buildings.
7. The listed buildings setting is part of the townscape, and so the general features of the conservation area also contribute to the setting of the listed buildings. As such, the wall forming the edge of Creekside Road provides an important setting to the listed buildings and contributes directly to their special interest.
8. Consequently, the proposed development would erode the setting of the adjacent listed buildings thereby causing harm to their special interest. Therefore, I find that the proposal would harm both the character and appearance of the NMCA and significance of the listed buildings, Voss Cottage and No 54, by way of impact upon their setting.
9. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given the limited scale of the proposal, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
10. Under such circumstances, Paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. Given the evident lack of on-street parking opportunities in Noss Mayo, particularly around the appeal site, I can appreciate the inconvenience faced by the appellant arising from a lack of off-street parking near their home. However, the provision of an additional off-road space for the appeal site would have limited public benefit. Furthermore, even if the road is momentarily blocked when a delivery is made, there is no substantive evidence that there is

significant delay. Nonetheless, given the distance from the site to unrestricted parking opportunities, inconvenience to road users that result from loading and unloading outside the site and the recognised local parking pressures, I give the benefits associated with the provision of off-street parking moderate weight.

11. I understand that travel by car and car ownership is a necessary part of many people's lives in rural locations. However, there is no substantive evidence that nearby parking provision is essential to make the existing dwelling suitable for modern living. I note the appellant's suggestion that the parking space would provide opportunity to provide electric charging facilities. However, there is no mechanism before me to safeguard its use now, and there is no certainty that it would be the only way of servicing electric vehicles should their use become essential in the future. I, therefore, attach limited weight to these matters.
12. There are public benefits that would arise from the proposal. However, in weighing these against the less than substantial harm to the conservation area and setting of listed buildings, paragraph 199 indicates that great weight should be given to the asset's conservation. In light of the weight I have attributed to the benefits, they do not outweigh the harm. For the above reasons, therefore, I conclude that the proposal would fail to preserve the character and appearance of the NMCA and the setting of the adjacent Grade II listed buildings. The development would thus fail to satisfy the requirements of the Act, paragraph 197 of the Framework and would conflict with Policies DEV20, DEV21 and DEV23 of the Plymouth and South West Devon Joint Local Plan 2019 (LP) and policies N3P-1, N3P-4, N3P-8 and N3P-9 of the Newton and Voss Neighbourhood Plan 2017-2034 (NVNP). Together these policies seek, amongst other things, good standards of design that contributes positively to townscape and landscape, protects and improves the quality of the built environment and conserves the historic environment.
13. The proposal would fail to conform with guidance set out within the Council's Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020 (SPD). The SPD sets out guidance for development in conservation areas and advises that boundary treatments create a whole range of positive visual effects, like enclosure and identity and that by removing or realigning any of its length not only is this likely to erode the historic interest of a setting but its characteristics too. The proposal would fail to satisfy paragraph 130 of the Framework which, amongst other things, seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. The development would also conflict with paragraph 134 of the Framework, which states development that is not well designed should be refused.
14. The settlement of Noss Mayo has a strong landscape setting within the AONB. I, therefore, find that alterations to the built form would also have an effect on the scenic beauty of the AONB and the character and appearance of the Heritage Coast. Given the close relationship of the site and surrounding built form to the coastal landscape and riverside setting, I find that the harm to the conservation area would also result in harm to the AONB and Heritage Coast, in conflict with policies DEV23, DEV24, and DEV25 of the LP, and NVNP Policies N3P-1 and N3P-9 that seek to protect such interests.

Conclusion

15. In conclusion, and on the basis of what I saw on my site visit and the evidence before me, the proposal would cause less than substantial harm to the setting of the Grade II listed buildings, Voss Cottage and No 54, and the character and appearance of the NMCA, and it would cause harm to the scenic beauty and character and appearance of the South Devon AONB and the Heritage Coast. The benefits put forward for the proposal would not outweigh the harm caused when the scheme is considered against the Act, the Framework and Development Plan policy.
16. For the reasons given above I conclude that the appeal should be dismissed.

J White

INSPECTOR