



Appeal Decision

Site visit made on 21 March 2023

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 April 2023

Appeal Ref: APP/P1133/D/23/3316245

Poachers Croft, Hiller Lane, Netherton, Devon, TQ12 4RP

- 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 Jackson against the decision of Teignbridge District Council.
 - The application Ref 22/01103/HOU, dated 1 June 2022, was refused by notice dated 13 December 2022.
 - The development proposed is described as '*Single storey Kitchen/Dining & Living Extension to rear, loft conversion with new pitched roof to replace existing*'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Jackson against Teignbridge District Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, including upon the setting of a listed building.

Reasons

4. The appeal property is a modest, detached bungalow with a low profile but set in an elevated position above Hiller Lane, a narrow no-through road along this stretch and which rises up and away from the central part of the small settlement of Netherton. The area's residential development pattern is focused to the south, east and north-east of the site comprising a mix of traditional cottages and more recent dwellings of various sizes. To the west of Poachers Croft is open fields within undulating countryside. To the north-east of the appeal site is Well Cottage, a Grade II listed dwelling set on lower levels and at the roadside.
5. Although the appeal property is located within the settlement of Netherton it is outside of any defined settlement boundaries included within the Teignbridge Local Plan 2013-2033 (TLP) and is therefore classed as within open countryside where TLP Policy 22 states that development will be strictly managed but which allows for, amongst other things, alterations and extensions to existing dwellings.

6. The appeal proposal follows the refusal of application Ref 20/02058/HOU which was for a similar scheme. A subsequent appeal (Ref APP/P1133/D/21/3281839) was dismissed in January 2022. In that case, the Inspector identified two main issues. He found that there would be no unacceptable levels of overlooking or loss of privacy for nearby residents but concluded that the scheme would have an unacceptable impact on the character and appearance of the area. In terms of impact upon designated heritage assets, he confirmed that it was not a matter that was critical to his overall decision.
7. The current appeal proposal seeks to address the concerns of the previous Inspector. The principle of raising the existing dwelling's eaves height to create new first floor accommodation remains as an integral part of the scheme. However, the increase in height has been reduced, with a dwelling more akin to 'chalet' style now proposed with first floor glazing breaking through the eaves line. A further change is the omission of vertical and roof timber cladding as a dominant facing material, replaced with a mix of painted render and stonework to the lower levels and north facing gable, with vertical slate hanging at first floor elsewhere and a slate pitched roof.
8. These changes are significant. The use of slate would reflect materials widely found in Netherton, as would the approach of hanging tiles at first floor level. The height of the building would ensure that it would remain in scale within its plot and in proportion with surrounding development. Due to the topography of the area, with land levels dropping steeply to the north, there would be some significant overall height to the north elevation. However, I do not consider the increase over the existing to be excessive.
9. The increased scale of the building would be seen in the background when viewing Well Cottage from the cul-de-sac entrance on the opposite side of the road to it. But with a separation distance of over 22m, I am not persuaded that it would appear overbearing or dominant in the vista. Well Cottage has a roadside setting and is removed from neighbouring dwellings. This would not change but it is significant that in wider views of Well Cottage, the elevated and significantly more imposing presence of other buildings is already seen. For this reason, I am satisfied that the surroundings within which Well Cottage is experienced would not be affected to any degree that would be harmful to its setting. As a consequence, the significance of Well Cottage as a heritage asset would be unaffected. I therefore find no conflict with TLP Policy EN5 which deals with heritage assets, or with the National Planning Policy Framework's (the Framework) objectives for conserving and enhancing the historic environment.
10. Notwithstanding the foregoing, there are many elements of the proposal that remain very similar to the scheme that was considered on appeal in 2022. The current proposal would change the existing dwelling, which is a modest and unobtrusive feature in the area, to one much more prominent and visually imposing. The simple form of the existing dwelling is apparent in views from the public domain, both from close quarters along parts of Hiller Lane, and from longer distance, across open land looking south from the north. Its simplicity is largely typical and reflective of the characteristics of dwellings within the immediate area. This would noticeably change.
11. The increased height and overall scale, albeit less than previous, would be perceived and exaggerated by the use of large areas of glazing, especially at

first floor level where it would dominate space formerly occupied by an inconspicuous roof profile. The scale of glazing was recognised by the last Inspector as uncharacteristic for the area. Despite some reduction, this would remain to be the case. Combined with the inclusion of other overtly modern features and detailing, including cedar cladding, dark stained cladding board and standing seam metal in parts, my impression overall is that the proposal would fail to appear as a legible and coherent remodelled dwelling, or one that would integrate well with the character of the surrounding rural built environment.

12. Consistent with the previous Inspector, I accept that the proposal would not cause harm to any particular landscape features in the area. Nevertheless, and notwithstanding the examples of large, detached contemporary dwellings in the wider area that have been highlighted by the appellant, the harm that I have identified from the specific details of the proposal leads me to conclude that the qualities, character and distinctiveness of the locality would not be adequately preserved.
13. I note the appellant's suggestion of controlling the use of lighting within the property by condition to reduce potential light spillage from the windows. However, the use of a condition would not be appropriate as it would not be possible to be precise about the control, and neither would it be easy or reasonable to enforce. In any event, this would not affect the overall composition of the building which I find would have an unacceptable impact on the character and appearance of the surrounding area. As such there would be conflict with TLP Policies S1, S2 and EN2A as far as they require development to integrate with and, where possible, enhance the qualities, character and distinctiveness of the built and natural environment of the locality. I recognise that the existing dwelling has no particular architectural merit. Nevertheless, by failing to adapt or improve its unobtrusive presence in a manner that would complement the character of the area, there would also be conflict with TLP Policy WE8, which deals with domestic extensions. For the same reasons there would be conflict with the Framework's objectives for achieving well-designed places.

Conclusion

14. Notwithstanding my findings in relation to the effect of the proposal upon the setting of Well Cottage, for the reasons given I conclude that the proposal would harm the character and appearance of the area. I have noted some support for the proposal, including from the Parish Council, but this does not detract from the level of harm that I have identified or alter my findings. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR