

Appeal Decision

Site visit made on 6 April 2023

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2023

Appeal Ref: APP/K1128/W/22/3303552

Summer Hill, Kingston Lane, Dartmouth TQ6 9HB

- 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 Dr and Mrs Shribman against the decision of South Hams District Council.
 - The application Ref 4336/21/FUL, dated 21 November 2021, was refused by notice dated 21 January 2022.
 - The development proposed is development of a modest two storey dwelling with associated car parking and amenity space within the curtilage of Summer Hill.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In December 2022 and following submission of the appeal, the Dartmouth Neighbourhood Plan (DNP) was adopted by the Council following a successful referendum. As the appellant has considered and provided comments in respect of the changes to the planning policy context, no prejudice has occurred.
3. The Council's decision notice refers specifically to two protected trees, T444 and T445, which were originally to be removed as part of the proposal. These two trees have already been removed by way of separate approval processes.

Main Issues

4. Despite that the Council's reasons for refusal appear to address two distinctly different topics, i.e. the loss of trees and the unsuitability of design, and the former of these has become less relevant through the necessary removal of the trees for other reasons, the main issue is whether the proposal would constitute good design and its effects on the character and appearance of the area and the South Devon Area of Outstanding Natural Beauty (AONB).

Reasons

5. The appeal site forms part of the extended curtilage of the host dwelling, Summer Hill, which sits in an elevated position above Victoria Road and is accessed via Kingston Lane. The linear, steeply sloping area of land situated between the two roads has a role as a retaining structure with a number of stone walls and is populated by a number of trees.

6. The area, including the wider town of Dartmouth, falls within the AONB which is known for its rugged coastline; rolling farmland; dramatic topography; long, unspoilt views and its time depth as a settled, yet rural landscape.
7. The proposal would involve the construction of a 2 bed dwelling over two storeys with a reverse level internal layout. The dwelling would be accessed via Kingston Lane in a similar manner to the host dwelling and would have its parking provision on a flat roof terrace above the dwelling, covered by a pitched roof canopy. Due to the linear form of the site, the dwelling would appear wide, with external terraces at both sides, but it would be relatively shallow, built against the retaining bank. Consequently, the outlook from the dwelling would primarily be to the south-east over the townscape.
8. The built form found in the surrounding area largely comprises a blend of C20 traditional terraced dwellings of 2 to 2.5 storeys, paired semi-detached dwellings, detached dwellings and flat blocks of a C21 infill variety, all of which relate differently to the varied topography which is steeply sloping in places. Despite some variation, many dwellings have a typical defensible space to the front and a private rear garden.
9. One relatively unique example of a dwelling in the area sits relatively close to the site between Fair View Road and Victoria Road. Due to the way it is built against Victoria Road, it largely appears to sit below road level, but is two storey from Fair View Road (with garaging at ground level) and is constructed from stone on the lower sections, with timber and zinc cladding on the upper parts. The appeal proposal would have some similarities to this dwelling in terms of its contemporary design, materiality, constrained plot size and focussed southerly aspect.
10. From my observations, on the long stretch between the junctions of Victoria Road/Lower Broad Park and Church Road/Victoria Road, the northern side of Victoria Road has a strongly defined character as a vegetated slope with retaining structures and, where they appear, dwellings set well above and back from the road level. The high number of trees and shrubs along this linear feature provide some welcome relief to the built form, softens the appearance of the bulky retaining structures and allows attention to be drawn in a southerly direction, where the landscape falls away beyond the dwellings to reveal the meeting of the town and coastline.
11. Despite that trees T444 and T445 have already been removed from the site, the established trees and vegetation elsewhere on the retaining bank help to preserve its green quality and the emptiness following their removal appears as an anomaly in this context. Nonetheless, the site's role as a relatively narrow area of retaining bank with walls and vegetation is still apparent.
12. The introduction of a dwelling onto the appeal site would undermine the supportive landscape role that the northern side of Victoria Road contributes to the townscape. The dwelling would become a feature within that arrangement, but due to the constrained plot size and its prominent position almost directly onto the road, it would appear cramped, awkward and dominant above Victoria Road. Though I note the intention to plant around 16 new trees and shrubs, the additional landscaping would not sufficiently mitigate the impacts of overdeveloping the site through the introduction of such a solid mass of built development, particularly as the greenery and tree cover would be far sparser in the vicinity of the dwelling than would have previously been the case.

13. In respect of the design of the dwelling, it would appear broadly horizontal in form and very contemporary. Though there would be a pitched roof canopy over the car port, its main flat roof form would be undeniable. For these reasons and despite the use of a varied material palette to break up the horizontality of the form, it would not follow the locally distinctive traditional pitched roof built form of dwellings found locally. The necessity for timber louvered cladding over the glazing to provide two-way privacy from vehicles travelling down Victoria Road also points towards a more fundamental problem with the prominent and constrained nature of the site.
14. Overall, whilst there would be some merit in the innovative way in which the design would respond to the site, it would not assimilate well within the receiving built environment which largely comprises more traditional plot arrangements and styles of dwelling. Though there may be other examples of modern dwellings on compact sites with flat roof forms in the area already, such as the aforementioned dwelling on Fair View Road with which the proposal would be closely related, I do not consider that developing in such a way would contribute positively to the locally distinctive townscape or AONB characteristics.
15. For the above reasons, the proposal would have a detrimental effect on the character and appearance of the area, including on the South Devon Area of Outstanding Natural Beauty contrary to, in particular, Policies DEV20 and DEV25 of the Plymouth & South West Devon Joint Local Plan 2014 – 2034 (2019) and Policies GE1, TE1 and TE2 of the DNP. These Policies collectively seek to conserve and enhance the natural beauty of the AONB, ensure new development has regard to the pattern of local development and the wider development context and surroundings in terms of style, local distinctiveness, siting, layout, orientation, visual impact, scale, etc. DNP Policy TE1 concerns the subdivision of existing plots, and seeks to prevent the loss of the character or environmental quality of the surroundings and DNP Policy TE2 seeks to ensure that innovative contemporary design solutions are only supported where they would not have a detrimental effect on the overall appearance and character of the area.

Other Matters

16. I note from the evidence that the principle of development is not in dispute. Similarly, I note that there are no highway, ecology or drainage related issues that could not otherwise be addressed by way of planning conditions.
17. I have considered the submitted Structural Report which suggests that following removal of the trees, further works may be needed to the retaining wall features on and around the site. However, there is no reason to believe that the appeal proposal is the only means of securing the stability of these structures.
18. I have also taken into consideration the limited supportive comments that have been submitted in respect of the proposal.

Planning Balance and Conclusion

19. The proposal would give rise to harm to the character and appearance of the area which brings the scheme into conflict with the development plan, when read as a whole.

20. The absence of harms in relation to highways, surface water drainage and carbon saving measures, which could be addressed by way of planning condition, are of neutral effect on the overall balance.
21. The social benefits of the scheme would result from the provision of a new dwelling to boost the local housing supply. As the dwelling would make efficient use of a site with convenient access to local facilities and services, it would also be environmentally beneficial, helping to reduce the pressure to construct housing on greenfield sites. The construction phase of the development would also generate economic benefits to the area, albeit of a more time-limited nature. Given the modest scale of the development, these benefits attract limited weight.
22. However, the development plan is the starting point for determination of the appeal and none of the policies are deemed to be out of date through an absence of a five year housing land supply or otherwise. In my view, the limited benefits of the scheme do not outweigh the conflict with the development plan and there are no other considerations of such materiality, including the provisions of the National Planning Policy Framework, that indicate that a decision should be taken other than in accordance therewith.
23. For the reasons set out above, the appeal is therefore dismissed.

Hollie Nicholls

INSPECTOR