



Appeal Decision

Site visit made on 21 March 2023

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 May 2023

Appeal Ref: APP/J9497/W/22/3306424

Heather Lea, Plymouth Road, Horrabridge, Devon PL20 7RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Compton against the decision of Dartmoor National Park Authority.
 - The application Ref 0177/22, dated 21 April 2022, was refused by notice dated 7 July 2022.
 - The application sought planning permission for removal of existing outbuildings and replacement with proposed garage/store without complying with conditions attached to planning permission Ref 0505/18 dated 6 November 2018.
 - The conditions in dispute are Nos 2 and 4 which states that: *"The development hereby permitted shall be carried out in accordance with the following approved drawings: 1631 D L01.01, 1631 D PL.07B and 1631 D PL.08A"* and *"Unless otherwise agreed in writing by the Local Planning Authority, the Yennadon stonework shall be laid and pointed using traditional techniques and materials and shall predominantly comprise exposed rough stone faces rather than exposed cut stone faces"*.
 - The reasons given for the conditions are: *"To define the permission and for the avoidance of doubt"* and *"To protect the character and appearance of the building and its impact upon this part of the Dartmoor National Park in accordance with policies COR1, COR4, DMD7 and DMD24 of the Development Plan"*.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appellant seeks to erect a boundary wall of a differing appearance to that previously approved. The application the subject of this appeal sought to replace condition No. 2 of planning permission ref. 0505/18 with a condition specifying an alternate plan that amends the boundary wall specification, and remove condition No. 4 which requires the use of Yennadon stonework.
3. The main issue, therefore, is whether the conditions are reasonable or necessary in the interests of the character and appearance of the area.

Reasons

4. The appeal site is within a ribbon development of dwellings to the eastern side of Plymouth Road. Boundary treatments fronting Plymouth Road in the vicinity of the appeal site are varied and generally comprise hedging and /or stone walls, although some rendered walls are in evidence in the wider area.

5. Due to the steeply falling topography, properties to the eastern side of the highway around the appeal site are lower than Plymouth Road, resulting in the roadside boundaries, despite being low in some cases, gaining prominence in the street scene. The prevalence and prominence of natural stone and planted hedge boundaries, even if it is the case that some hedge boundaries are unkempt, significantly contributes to the semi-rural character and verdant appearance of the surrounding area.
6. Although I observed areas of rendered walling as has been drawn to my attention by the appellant, those in the near vicinity of the appeal site tend to be set back from the highway behind parking areas, reducing their visual prominence. Furthermore, those rendered walls that do directly abut the highway, while I acknowledge have in some cases become 'weathered', are seen as visually notable departures from stone or hedge boundaries within the street scene.
7. I note that a laurel hedge has been planted at the appeal site, which would back the wall, and it is put to me that this would enhance the character of this part of the road. Even if the planting were visible above the wall, it would not sufficiently distract from a rendered wall which, even when weathered, would be an apparent and visually harmful incongruous feature within this particular part of Plymouth Road. The existence of other rendered walls elsewhere does not justify further harm.
8. Consequently, I conclude that the disputed conditions are reasonable and necessary in the interests of the character and appearance of the area and meet the appropriate tests as referenced within the Planning Practice Guidance. The proposal would conflict with policies 1.1, 1.2, 1.5, and 3.7 of the Dartmoor Local Plan 2018-2036 adopted December 2021 (LP). Amongst other matters, these policies require development to deliver high quality design that creates a strong sense of place, and conserves and enhances the character and quality of the National Park as well as the setting, character and local distinctiveness of its settlements. Although cited within the reasons for refusal, LP Policy 1.3 relates to the spatial strategy of the National Park, while LP Policy 1.7 seeks to protect local amenity. On the evidence before me I find no direct conflict with either Policy.

Other Matters

9. Although I acknowledge that the costs associated with constructing the wall as previously approved may be prohibitive to the appellant, and it is put to me that a rendered wall would be easier to maintain, this does not outweigh the harm identified above and associated conflict with the development plan.
10. I have noted that an interested party supports the proposal, and no objections were received from neighbours or the Parish Council. Even with no third-party objections, and noting the interested parties' comments, my assessment of the effect of the development is unchanged and a lack of objections is not a reason in itself to allow development that is unacceptable.
11. Furthermore, while acknowledging comments that a wall is important due to the drop behind the hedge, I have no evidence before me to indicate that this poses any significant safety concerns, or that the previously approved wall would not fulfil the same function, without the harm I have identified above.

Conclusion

12. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations, individually or cumulatively, indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR