



Appeal Decision

Site visit made on 13 June 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2023

Appeal Ref: APP/K1128/W/23/3314024

Steam Packet Inn, Fore Street, Kingswear, Devon TQ6 0AD

- 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 Tony Reynolds of Loca Shading Designs Ltd against the decision of South Hams District Council.
 - The application Ref 1304/22/FUL, dated 12 April 2022, was refused by notice dated 29 July 2022.
 - The development proposed is retractable canopy structure on the existing flat roof area with glazing to the front elevation. Fixed roof behind to create storage space. Replacement of first floor front windows with full width glazing.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the development would preserve or enhance the character or appearance of the Kingswear Conservation Area (CA).

Reasons

3. The appeal site is within the CA where there is a statutory duty to pay special regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The National Planning Policy Framework (the Framework) regards conservation areas as heritage assets and attaches great weight to their conservation. The significance of the CA is derived from Kingswear's historic connection with the neighbouring port of Dartmouth. The buildings of the village underwent a transformation in the C19 with the arrival of the Great Western Railway. The part of the CA the appeal site lies within includes groups of buildings that tend to be taller than they are wide, of mainly three or four storeys. Additionally, openings are regularly proportioned, with less glass to wall area and these features form part of the local character of the CA. The appeal site is within one of these distinctive groups that is identified within the Council's Kingswear Conservation Area Appraisal (KCAA) as having a positive effect on the CA.
4. The proposed canopy structure would provide a seating environment that would be suitable within a range of weather conditions. Furthermore, it would be a relatively lightweight structure and its glazing would continue to allow light between the tall terraced buildings it would lie within. However, the proposed canopy structure fronting the street would include a substantial degree of framework within its design, of a height and bulk that would erode the visually attractive gap between buildings that provides them with their characterful vertical emphasis and sense of openness.

5. Whilst the development would include similar materials to those associated with a previously approved glass balustrade, I am not aware of the specific circumstances of that decision. At my visit, I observed that an outdoor seating area was operational and that a low level glass balustrade formed part of that space. The glass balustrade is however materially different to the proposed canopy in that its very small scale and slim profiling does not harmfully erode the space between buildings as the proposed development would.
6. Although the ground floor fenestration has comparable depth and width to the proposed first floor window, the existing ground and first floor detailing has a symmetry typical of frontages found in the CA. Furthermore, the ground floor windows are separated by a central front door. Conversely, the proposed first floor window would introduce a large, full width opening below the narrow vertical emphasis of the upper floor windows found in this and adjoining buildings. Although the proposed first floor window would be of a similar appearance to the fenestration found within the proposed canopy area, I nevertheless find that the proposal would introduce an excessive ratio of glass to wall area within a positive group of buildings. As such, the development would be an incongruous feature that would not successfully integrate with the CA.
7. The development would cause less than substantial harm to the CA's significance as a designated heritage asset due to the relatively small-scale of the development proposed. Paragraph 202 of the Framework explains that in such circumstances, it is necessary to balance the harm against the public benefits of the proposed development. The proposal would generate employment during the construction phase, help sustain the existing business and add to the pub's amenity offering as a fully covered seating area. However, any such benefits would not be sufficient to outweigh the harm to the designated heritage asset.
8. Therefore, I conclude on the main issue that the proposal would fail to preserve or enhance the character or appearance of the CA. Consequently, the proposal would be in conflict with Policy DEV21 of the Plymouth & South West Devon Joint Local Plan 2014-2034 and Policy K6 of the Kingswear Parish Neighbourhood Plan 2019-2034 which, together seek to retain local character and distinctiveness by conserving and where appropriate enhancing the historic environment. There would also be conflict with chapter 12 of the Framework which, amongst other things, explains that account should be taken of the desirability of new development making a positive contribution to local character and distinctiveness.

Other Matters

9. There are grade II listed buildings near the site and consequently there is a statutory duty to pay special regard to the desirability of preserving their setting. The grade II listed Church of St Thomas of Canterbury's significance is derived from its early C13 medieval church origins and its later rebuilding in 1847 of local limestone rubble. The appeal site would not be readily visible from this church, therefore avoiding harm to both its setting and significance.
10. The grade II listed Kingswear Station is an example of a railway station completed in 1864 where original features including its ticket office, waiting room, and platforms contribute towards its significance. The proposal would be positioned at a significantly higher level and some distance from the listed

station, where views would be glimpsed. Consequently, the proposal would not be within the setting of the listed building and as such, would not contribute to its significance.

Conclusion

11. For the reasons above, and taking into account all other matters raised, I conclude that the development would fail to accord with the development plan as a whole and therefore the appeal should be dismissed.

J Hills

INSPECTOR