



## Appeal Decision

Site visit made on 4 July 2023

**by Alison Fish BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 July 2023**

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**Appeal Ref: APP/K1128/D/23/3319432**

**Loring Cottage, Loring Road, Salcombe, Devon TQ8 8AT**

- 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 Niall Rudd against the decision of South Hams District Council.
  - The application Ref 3534/22/HHO, dated 3 October 2022, was refused by notice dated 17 March 2023.
  - The development proposed is described as 'The proposal includes a new first & ground floor extension, which will incorporate the existing lower ground floor element. In addition to this, the existing internal layout will be reconfigured to provide open-plan living spaces & internal access to the lower ground floor.'
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this appeal are:
  - The effect of the proposal on the character and appearance of the appeal dwelling and the area;
  - The effect of the proposal on the living conditions of neighbouring occupiers with respect to outlook and daylight;
  - The effect of the proposal on biodiversity; and
  - Whether the proposal maximises opportunities to deliver low carbon development.

### Reasons

#### *Character and appearance*

3. The appeal site is a detached dwelling located in a predominantly residential area with a mix of dwelling styles, types and sizes.
4. The appeal site is located on sloping ground such that the ground floor at the rear is elevated above garden level with steps down and there is a flat roof projection below it at lower ground floor level, accessed from the garden.
5. The appeal proposal seeks to extend the flat roof projections at both lower ground floor and ground floor level, with the addition of a flat roof extension at first floor level. Together, these would appear as a bulky addition to the dwelling, extending out from the rear to a significant degree in a relatively modest sized plot. The flat roof design, particularly at first floor level would

have a somewhat box-like appearance which would be emphasized by the use of a contrasting material. The introduction of large areas of glazing would relate poorly to the existing character of the building.

6. The proposed extensions would not be prominent when viewed from Loring Road. The first floor extension would be visible from a pedestrian path referred to as White's Lane on the submitted site location plan. However, views from here would be fleeting, partial and at a distance such that it would not detract to a harmful extent from the character and appearance of the wider area.
7. The Council say that that the proposed development would be widely visible from the surrounding residential areas but they do not refer me to any specific public vantage points. I was unable to see the appeal site from the surrounding roads due to the sloping topography and relatively tight knit nature of the residential area in which it is located. In this respect, I find no conflict with Policy DEV23 of the JLP which seeks to avoid significant and adverse landscape or visual impacts.
8. However, I have reasoned above that the proposed extension would appear as a dominant addition to the appeal building due to its overall design, mass and bulk. As such, I find that the appeal scheme would be at odds with Policy DEV20 of the Plymouth and South West Devon Joint Local Plan 2014-2034 adopted March 2019 (JLP) and Policy SALC B1 of the Salcombe Neighbourhood Development Plan 2018-2034 (NP) which require high quality design which respects the scale and character of the existing building and improves the quality of the built environment. For the same reasons, the appeal proposal would not accord with the provisions of Paragraphs 130 and 134 of the National Planning Policy Framework which requires development to be of high quality design which is visually attractive.

#### *Living Conditions*

9. The sloping nature of the appeal site and the surrounding land means that the existing properties to the east of the appeal site, on Grenville Road, are set down from the appeal site. As such, there is already a degree of overlooking from the appeal site. I also observed that there is some overlooking of parts of the rear gardens to the properties either side of the appeal site from the existing windows in the appeal property.
10. The first floor extension would present a blank elevation to the property to the south known as 'Genesis' but I do not find that this would result in an overbearing impact or a loss of daylight for the occupiers. The flat roof, lack of window openings and its location to the north of Genesis would mean that the current levels of daylight and outlook would be protected. I also find that the sitting out area above the lower ground floor area would not result in any greater degree of overlooking to the rear gardens of the two neighbouring properties by virtue of the screening proposed at either end.
11. However, the introduction of opening doors at first floor level would be likely to result in the occupiers standing there for sustained periods of time taking in the view. This would also result in a greater degree of overlooking of the neighbouring gardens and erode the privacy currently enjoyed by their occupiers.

12. The proposed extensions would be closer to the rear elevations of properties in Grenville Road. This together with the extension at first floor level, the replacement of all windows on the rear elevation of the appeal building with opening doors and the use of the area above the lower ground floor extension as a sitting out area, would increase the degree of overlooking to an unacceptable level.
13. Taken together, the proposal would therefore be contrary to Policy DEV1 of the JLP insofar as it seeks to ensure that new development provides satisfactory privacy for existing residents.

#### *Biodiversity*

14. Policy DEV26 of the JLP seeks to protect and enhance biodiversity across the plan area and deliver a level of biodiversity net gain which is proportionate to the type, scale and impact of the development. This includes enhancements for wildlife within the built environment from all scales of development.
15. The application was accompanied by a Preliminary Ecological Appraisal which concluded that there were no features suitable to support roosting bats and no evidence of bat use. However the Plymouth and South West Devon Joint Local Plan 2014-2034 Supplementary Planning Document 2020 (SPD) encourages measures such as bat and bird boxes, bee bricks and holes for small mammals in garden fences to be provided in minor developments. There is nothing before me to suggest that these measures could not be sought by way of a suitably worded condition.
16. In addition, the appeal proposal includes the provision of a green roof, which although relatively small in size could lead to some minor biodiversity enhancement of the appeal site.
17. When taken together, I do not find that the appeal proposal is at odds with Policy DEV26 of the JLP in terms of delivering a net gain in biodiversity which is proportionate to the development proposed particularly as Paragraph 7.102 of the Plymouth and South West Devon Joint Local Plan 2014-2034 Supplementary Planning Document 2020 (SPD) states that applying measurable net gain does not apply to alterations to house extensions but that proportionate enhancements for wildlife may be sought, where appropriate.

#### *Low carbon*

18. Policy DEV32 of the JLP seeks to reduce carbon emissions in the design and implementation of all development and sets out an 'energy hierarchy'.
19. The Council refer to the need for simple measures such as consideration of the layout, orientation and design to maximise natural heating, cooling and lighting and the consideration of minimising heat loss and renewable technology.
20. The proposal includes enlarged openings on the east elevation This would provide an increased level of natural light to rooms facing east. In addition, the appellant refers to the addition of timber cladding with insulation to the front and rear elevations, the installation of insulation boarding with render to the south elevation and the installation of new windows. These measures would help to reduce heat loss.

21. The appeal proposal relates to extending and altering an existing dwelling and in this respect, the opportunities to reduce the energy load of the development are more limited. However, on the basis of the information before me, I am satisfied that the measures proposed would not be at odds with the requirements of Policy DEV32 of the JLP.

### **Other Matters**

22. I saw that the neighbouring property 'Genesis' has been recently extended by way of single storey extensions at lower ground and ground floor level. However, I am not persuaded that the two proposals are comparable as it did not appear to incorporate a first floor extension. As such, it does not alter the harm I have identified in respect of the appeal proposal.
23. The appeal site is located within the South Devon Area of Outstanding Natural Beauty. Section 85 of the Countryside and Rights of Way Act 2000 requires that I have regard to the purpose of conserving and enhancing the natural beauty of the AONB and Paragraph 176 of the Framework requires that great weight is given to conserving and enhancing landscape and scenic beauty in AONB's. From what I have seen and read, including the Councils consideration of the impact of the proposal on the AONB, I am satisfied that the proposal would conserve the natural beauty of the AONB.

### **Conclusion**

24. Whilst I have not identified harm in terms of biodiversity, carbon emissions and the effect on the character and appearance of the area, I have found that the appeal proposal would result in harm to the character and appearance of the appeal dwelling and have a harmful effect on the living conditions of neighbouring occupiers. As such, the proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has failed.

*Alison Fish*

INSPECTOR