



Appeal Decision

Site visit made on 1 August 2023

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 September 2023

Appeal Ref: APP/K1128/D/22/3308874

39 Weymouth Park, Hope Cove TQ7 3HD

- 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 Mrs Susanna Harley against the decision of South Hams District Council.
 - The application Ref 0285/22/HHO, dated 19 January 2022, was refused by notice dated 29 July 2022.
 - The development proposed is described as 'Proposed single storey rear extension & alteration to an existing dwelling. To include new replacement windows and addition of glass balustrade to existing garage flat roof'.
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Decision

1. The appeal is allowed and planning permission is granted for the development described as 'Proposed single storey rear extension & alteration to an existing dwelling. To include new replacement windows and addition of glass balustrade to existing garage flat roof' at 39 Weymouth Park, Hope Cove TQ7 3HD in accordance with the terms of the application, Ref 0285/22/HHO, dated 19 January 2022 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Drawing No. 2348.SLP dated January 2022; Site Block Plan Drawing No. 2348.SBP dated January 2022; Plans and Elevations as Proposed Drawing No. 2348.11 dated November 2021.
 - 3) The development hereby permitted shall be carried out in accordance with recommendations set out within the Bat and Nesting Bird Survey by Butler Ecology dated 31 March 2022 and once implemented, shall thereafter be retained.

Main Issues

2. The main issues in this appeal are:
 - The effect on the character and appearance of the area including the South Devon Area of Outstanding Natural Beauty and Heritage Coast; and
 - The effect on the living conditions of neighbouring occupiers by virtue of loss of privacy, noise and disturbance.

Reasons

Character and Appearance

3. The appeal site is located in the South Devon Area of Outstanding Natural Beauty (AONB). Its special qualities include its wild and rugged coastline and unspoilt and expansive views. It is also located in the South Devon Heritage Coast where the main objective, insofar as relevant to this appeal, is to conserve, protect and enhance the natural beauty of the coast.
4. The appeal site occupies a corner plot in a twentieth century residential development of bungalows. The appeal dwelling has been previously extended and I saw that a new dwelling was under construction on the adjacent site. The appeal property is therefore located within an established residential area.
5. The proposed single storey extension would be sited at the rear of the property and would not therefore be visible on the approach from Weymouth Park as the ridge would be no higher than that of the existing dwelling.
6. The extension would be visible from the footpath located to the south of the property and from the South West Coast Path (SWCP). It would comprise a single gable roof extension in place of a smaller rear extension which currently has two gabled roofs sitting side by side. Whilst it would project further out from the rear of the dwelling than the existing extension, its simple gable form no higher than the existing ridge, would not out of keeping with the existing property nor be a dominant addition. Views of the appeal site from the SWCP are partially obscured by the presence of existing buildings and as such it would not appear incongruous or visually prominent.
7. The proposed flat roof addition next to the extension on the rear is modest in scale and would not be unduly prominent. I saw a number of flat roof additions to properties in Weymouth Park, including the garage of the appeal property. In this context, it would not appear at odds with the overall character and appearance of the dwelling. The appeal proposal also includes alterations to the fenestration and external materials on the existing dwelling. My attention has been drawn to the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020 (SPD) which seeks to ensure that residential extensions are built to a high standard and make a positive contribution to the character of the settlement. However, nothing I have seen and read would lead me to conclude that the proposed alterations would be at odds with this.
8. I conclude that the appeal proposal would comply with Policies DEV20, DEV23, DEV24 and DEV25 of the Plymouth and South West Devon Joint Local Plan 2014-2034 adopted March 2019 (JLP) insofar as they require a good standard of design, seek to conserve and enhance landscape, townscape and visual quality and protect the special qualities, landscape and scenic beauty of the AONB and Heritage Coast. I also find no conflict with Policies SH Env2, SH HBE2 and SH HBE3 of the South Huish Neighbourhood Plan made on 20 May 2021 (NP) insofar as they seek to maintain the intrinsic character of the landscape, promote high quality design and respect the landscape setting of Inner Hope. Furthermore, I find no conflict with Paragraphs 130, 134 and 178 of the National Planning Policy Framework (the Framework) which seek to

achieve well designed places which conserve and enhance the landscape and scenic beauty of the AONB and Heritage Coast.

9. In reaching this conclusion, I have had regard to the statutory duty¹ on me to have regard to the purpose of conserving and enhancing the natural beauty of the AONB and Paragraph 176 of the Framework which requires that I give great weight to conserving and enhancing landscape and scenic beauty in the AONB.

Living Conditions

10. The proposal includes the provision of a glass balustrade to the roof of the existing flat roof garage. Whilst the plans do not indicate how access would be gained to this area, it could nonetheless be used by the occupiers of the appeal dwelling for recreational purposes.
11. There is an existing patio area at the rear of the property, raised to a similar level as that of the flat roof over the garage. As such, I am not persuaded that any noise and disturbance from the use of the roof area over the garage would have any greater effect on the occupiers of surrounding properties than the current use of the existing raised patio.
12. Existing properties to the south are well set down such that only the roofs are visible from the garage roof area of the appeal dwelling. As a result, users of the garage roof area would be looking over those properties towards the coastline. The appeal proposal would not result in overlooking or loss of privacy to the occupiers of the properties to the south to any harmful extent.
13. I saw that the new property being constructed to the east of the appeal dwelling has a large window in the elevation facing the appeal site. I also saw that there are windows to the front of the existing appeal property which face eastwards towards the new property. Given that the balustraded area above the garage would afford dramatic coastal views to the south and west, it would be unlikely that users of that area would spend long periods looking eastwards. In any event, there is sufficient separation distance between the two properties such that overlooking and a loss of privacy would not occur.
14. Interested parties have suggested that an opaque screen could be added to the balustraded area above the garage but given my findings, I do not consider that this would be necessary.
15. An interested party has expressed concern that windows on the north elevation of the proposed extension would result in overlooking of the neighbouring property. However, the windows would be at ground floor level and there is sufficient separation and screening between the two properties such that overlooking to a harmful extent would not occur.
16. I have had regard to the SPD and in particular, paragraphs 13.17, 13.20 and 13.23 which seek to avoid intrusive, direct and uninterrupted views of private garden areas but I have reasoned that this would not occur.
17. The appeal proposal complies with Policy DEV1 of the JLP insofar as it seeks to ensure that new development provides satisfactory privacy and protection for existing residents from noise disturbance.

¹ Section 85 of the Countryside and Rights of Way Act 2000

Other Matters

18. I saw the Monterey Cypress tree located on the southern boundary of the appeal site, subject to a Tree Preservation Order. The Council consider that the appeal proposal would not result in any building works closer to the tree and would therefore be unlikely to have a detrimental impact on the health of the tree and I agree.
19. I accept that the introduction of rooflights may lead to an increase in light spillage. However, given that the appeal site is within an existing residential development and no higher than the existing dwelling, the Council are satisfied that any increase in light spillage from the proposed development is unlikely to have a material impact on the AONB or conflict with Policy SH Env 8 of the NP and I agree.
20. Whilst the proposed dressing room could be used as an additional bedroom, I have no evidence before me, such as the views of the statutory undertaker, which demonstrates that to do so would result in an unacceptable strain on the existing sewage system.
21. Interested parties have raised concerns that the appeal proposal would amount to overdevelopment. The Council say that that the appeal site is a large corner plot and that as a result, the appeal proposal is unlikely to result in a diminished level of amenity for the occupiers and I agree.
22. I note that the site location plan is not up to date but the submitted block plan shows the proposed footprint of the appeal building and I saw the building under construction on the plot next door.

Conditions

23. The Council has suggested a number of conditions in the event that the appeal was allowed. I have considered these in light of the tests set out in paragraph 55 of the Framework and the Planning Practice Guidance, amending them where necessary for the sake of clarity and precision.
24. In addition to the standard time condition, it is necessary to specify the approved plans in the interests of certainty and a condition is necessary to safeguard the interests of protected species.
25. I have not imposed a condition requiring the implementation of the surface water drainage scheme. The details indicated on Drawing No. 2348.SBP appear to be indicative and lack sufficient clarity. There is nothing before me to suggest that the appeal site is in an area at risk of flooding or that there is an existing problem with surface water run-off in the area. Having regard to Paragraph 169 of the Framework I am not persuaded that the condition would pass the test of necessity.
26. The Council have also requested a condition requiring that a sample of the natural slate for the roof is agreed and that the slate is fixed using nails rather than clips. The existing dwelling is located in a modern residential development and has a tiled roof. In this context, I do not find that a natural slate fixed with clips would be harmful to the character and appearance of the area.

Conclusion

27. The appeal scheme would adhere to the development plan and there are no material considerations which indicate otherwise. Accordingly, for the reasons given above, I conclude that the appeal should succeed.

Alison Fish

INSPECTOR