



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: 15 September 2023

Appeal Ref: APP/K1128/D/23/3318729

Snapes, Coronation Road, Salcombe, Devon TQ8 8EA

- 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 Clodagh Ward against the decision of South Hams District Council.
 - The application Ref 2161/22/HHO, dated 20 June 2022, was refused by notice dated 18 January 2023.
 - The development proposed is described as 'Alteration and extension of Snapes with associated landscape works'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 5 September 2023 the Government published a revised National Planning Policy Framework (The Framework). The revised Framework is a material consideration which should be taken into account for decision-making from the date of publication. The only substantive revisions to it relate to national policy for onshore wind development, and there have been no fundamental changes relevant to the main issue in this appeal. Therefore, I will not prejudice any party by taking the Framework into account in reaching my decision.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the living conditions of neighbouring occupiers of the property known as 'De Cotte' by virtue of sunlight, daylight and outlook.

Reasons

4. Coronation Road has been built on an incline such that the properties on either side of the road step down the hillside. Properties at the lower, eastern end of Coronation Road are predominantly terraced with the properties at the higher western end, including the appeal site, tending to be larger detached houses.
5. The appeal proposal includes various works to extend the existing property known as 'Snapes' by way of single storey extensions to the rear and a two storey extension to the side. Snapes is positioned such that it has level access from Coronation Road but part of the ground floor at the rear is elevated above garden level, providing an 'undercroft' below the existing living area, accessed from the garden.
6. The Council say that the single storey additions to the rear, due to their size, siting and distance from the boundary would not result in any adverse impact

on the living conditions of neighbouring occupiers and from what I have seen and read, I agree.

7. The proposal also includes the replacement of a single storey lean-to garage along the north east elevation with a two storey extension. The extension would be set back from the front elevation of the property and set down below the existing ridge of the dwelling. Given its location on the north east side of the dwelling, it would not have an adverse impact on the living conditions of the occupiers of the property to the south west known as 'Welsummer'.
8. However, it would project beyond the single storey lean-to element on the rear of the neighbouring property known as 'De Cotte'. De Cotte is a terraced property sited on lower ground immediately adjacent to the boundary with the appeal property. Its position on the inside of a bend in Coronation Road means that it is angled towards the appeal site such that its rear garden is smaller than other surrounding gardens and tapers considerably.
9. The appellant's submissions include an analysis of the effect of the proposed two storey extension on daylight and sunlight amenity to the neighbouring properties¹ which they say has been undertaken in accordance with the methodology and guidance provided in the Building Research Establishment (BRE) Report 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice 2022'. The submission concludes that there would be no unacceptable effect on the receipt of sunlight or daylight within the interior of the neighbouring property. Given the specialist nature of the evidence from the appellant on this issue, I see no reason not to accept its conclusions.
10. The submission does not include an assessment of the 45 degree guideline set out in the Plymouth and South West Devon Joint Local Plan 2014-2034 Supplementary Planning Document 2020 (SPD). However, there is nothing in the SPD which indicates where the basis for the 45 degree guideline originates from and nor have the Council indicated that the proposal would fail to meet the guideline, simply that evidence has not been provided to prove the proposed extension would meet the guidance. Taken together, I find that the proposal would not result in harm to the neighbouring occupiers of De Cotte by virtue of loss of daylight or sunlight.
11. However, having regard to the extent to which the extension projects beyond the rear elevation of De Cotte, its two storey form, the narrowness of the gap between the flank wall of the proposed two storey extension and the rear window to De Cotte, its elevated position relative to De Cotte and the orientation of both properties means that the proposed two storey extension would have an imposing presence and enclosing effect when viewed from De Cotte. As a result, it would appear overbearing and dominant thereby altering the outlook which the occupiers currently enjoy from both within the dwelling and within the sitting out area immediately adjacent.
12. I have found that the proposed two storey extension would not have a significant harmful impact on the living conditions of the residential occupiers of the neighbouring properties by reason of loss of sunlight or daylight. Nevertheless, I conclude in respect of the main issue that due to its mass, form and relationship to De Cotte, the proposed extension would result in a harmful

¹ Carried out by Consil dated 13 March 2023 in respect of the two neighbouring properties known as 'Welsummer' and 'De Cotte'

impact on the living conditions of the residential occupiers of De Cotte due to its overbearing and dominating impact. In reaching this view I have considered the advice in the SPD which states that an extension should not be constructed in close proximity to either a habitable room or private garden of a neighbouring property such that it would have an unacceptable overbearing effect on outlook.

13. The proposal is therefore contrary to the objectives of Policy DEV1 of the Plymouth and West Devon Joint Local Plan (2014-2034) adopted March 2019 (JLP) as they relate to, amongst other things, safeguarding the health and amenity of local communities by ensuring that new development provides satisfactory outlook for existing residents, taking account of the level of amenity generally in the locality.

Other Matters

14. The appeal site is located within the South Devon Area of Outstanding Natural Beauty (AONB). 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.
15. How the Council originally administered the application, and any correspondence between the applicant and the Council therein (including case officer intentions to approve or refuse), are not matters for this appeal, which has been determined in accordance with the evidence presented, the development plan and any other material considerations.
16. I note that the proposal has received support from a number of interested parties. Whilst there may be some benefit arising from the use of photovoltaic panels, an air source heat pump and the installation of a car charging point, there is no evidence to suggest that these benefits could not be achieved without the proposed extensions. I also note the views that the proposal would result in an enhancement to the appearance of the dwelling and the street scene and provide improved accommodation for its occupants. However, these do not override the harm I have found in respect of the main issue.
17. I note that the Town Council have raised concerns about the effect of the two storey extension on the street scene. However, given my findings above it has not been necessary for me to address this matter further as the appeal has failed on the main issue.

Conclusion

18. 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