The Planning Inspectorate

Appeal Decision

Site visit made on 21 June 2023

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2023.

Appeal Ref: APP/K1128/D/23/3320080
4 Greenhill Terrace, Greenhill, East Allington, Devon, TQ9 7RB

- 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 T McNulty against the decision of South Hams District Council.
- The application Ref 4018/22/HHO, dated 14 November 2022, was refused by notice dated 19 January 2023.
- The development proposed is the erection of a two-storey side extension and single-storey rear extension.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey side extension and single-storey rear extension at 4 Greenhill Terrace, Greenhill, East Allington, Devon, TQ9 7RB in accordance with the terms of the application, Ref 4018/22/HHO, dated 14 November 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: Drg Nos SG22-18/01 Rev A, SG22-18/02, SG22-18/03, SG22-18/04, SG22-18/05 Rev B, and SG22-18/06 Rev B.

    3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

    4) The solar panels as shown on the approved plans for the development hereby permitted shall be roof integrated (inset) panels. The panels shall be retained and maintained as such for the life of the development.

    5) The recommendations, mitigation and enhancement measures of the Ecological Report, by Colin N Wills dated 3 November 2022, shall be fully implemented, including precautions to prevent threat of harm to bats during construction works, and incorporation of one integrated bat roosting tube and two integrated bird nesting opportunities as described in the Ecological Report.

Main Issues

2. The main issues are the effects of the proposal upon: -

- The character and appearance of the area;
- The living conditions at 5 Greenhill Terrace, with specific regard to outlook and daylight; and
- Flood risk and water quality.

Reasons

Character and Appearance

3. The appeal property is a two-storey dwelling at one end of a short terrace of four (Nos 1-4 consecutive), located to one side of a narrow lane on the fringes of the village of East Allington and facing towards open fields opposite. Its unattached neighbour at No 5 is part of an original mirror terrace at Nos 5-8. The Council considers the two rows of terraces to be non-designated heritage assets (NDHAs) due to their age and quality. I have no reason to disagree that the terraces have some architectural and historic interest of local significance. Nevertheless, there have been some significant changes to some of the properties in both rows. These include changes to the original external finishes in places from stone to render, and various sized extensions. In my assessment, the alterations that I saw in all cases appeared sympathetic and not at all incongruous or out of place. Nevertheless, they have altered the original character and appearance of each terrace. As a result, these changes have reduced the overall significance of the terraces as NDHAs.

4. The proposal would include the addition of a two-storey extension to the side of No 4, almost doubling its width at first-floor level by projecting the dominant form of the existing building sideways. The Council has argued that the lack of subservience for the extension, by either a set-back to the front elevation or set-down from the ridge, would be contrary to guidance within the Plymouth and South West Devon Supplementary Planning Document 2020 (SPD). However, where the SPD deals with side extensions, it advises that they should '*generally'* be subordinate and set back from the front of the property. It is not a prescriptive requirement and in this instance the appeal site is not within a street scene that is characterised by regularly spaced properties. The side addition to No 4 would be proportionate to the scale of each of the dwellings within the terrace and would extend the building in a logical and balanced way. Fenestration patterns and detailing would match, as would a modest porch proposed for the front elevation. Furthermore, the side extension would be similar in scale and appearance to one at No 5. This was constructed after a grant of planning permission in 1997 and demonstrates how such an integrated extension can be successfully assimilated into these terraces, and as an acceptable part of the wider street scene.

5. The existing space between Nos 4 and 5 would unquestionably diminish but a 2m separation distance between the flank walls of these neighbouring properties would remain. There would be no physical connection between both properties and, in my assessment, the gap would be clear and unambiguous; sufficient to avoid the terraces from appearing to merge as one. Each terrace would still individually be read as one and each property within them (including

No 4) would remain to be seen as part of a group that contributes to the history and setting of the village.

6. A mix of external painted render and stone already exists in each terrace. No 4 is one that has been rendered and painted. The continuation of painted render would not appear alien or out of keeping. Although it would increase the proportion of painted render across the external frontage of the terraces to a degree, the existing amount of stone used overall within this context would not diminish.

7. Overall, I find that each of the proposed extensions would be of a scale, design and appearance that would complement the existing dwelling. The side extension would sit comfortably on the plot and within its setting without any visual harm to the character or appearance of No 4, the terrace of which it forms part, or the wider street scene. As such, the proposed development would not harm the significance of the building as a NDHA. I have been unable to detect any conflict with the aims or objectives of the SPD as it relates to residential extensions or NDHAs. Moreover, based on my findings, there would be no conflict with Policies DEV20, DEV21 or DEV23 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (JLP) which between them require amongst other things:- (a) development to have proper regard to the pattern of local development in terms of style, materials, historic impact and character; (b) as a minimum, the conservation of the historic environment according to its significance; and (c) the avoidance of significant and adverse landscape or visual impacts.

Living Conditions at 5 Greenhill Terrace

8. No 5 has been extended to the side up to the boundary of that plot at two-storey and adjoining a 2m wide access that would remain between both buildings. The side wall of No 5 includes two windows at first-floor level. The Council is concerned that due to the proximity of the proposed extension, there would be an unacceptable impact on daylight and outlook from these windows.

9. The Council has not identified what rooms or living spaces are served by either of the two flank windows. The appellant asserts that the smaller of the two windows, which is high level and positioned towards the front elevation of the property, provides ventilation to an enclosed shower unit in the front bedroom with the other larger window providing light to the neighbour's landing area. This has not been challenged and based upon the information before me, including the absence of any comments made by the neighbouring occupiers during the application process, and my own observations, I have no reason to doubt the assertions.

10. The existing windows serve non-habitable areas within No 5 and offer no meaningful outlook, being orientated towards the side elevation of the appeal property. These circumstances would not change as a consequence of the proposed extension. The appeal proposal would project the two-storey scale of No 4 closer to the windows. Nevertheless, a separation between both dwellings would remain. Whilst the reduced gap may diminish levels of daylight penetrating the windows to a degree, I am not persuaded that any impact would be significant or that it would materially affect the living conditions within No 5. A suggestion by the Council that there is a levels difference between Nos 4 and 5 that would exaggerate any impact was not confirmed by my own observations during my visit. Any difference that may exist is likely to

be minimal and does not alter my findings. As such, I can detect no conflict with the aims or objectives of the SPD as it relates to outlook and daylight, or with JLP Policy DEV1 insofar as it requires new development, amongst other things, to provide for satisfactory daylight and outlook for both new and existing residents.

Flood Risk and Water Quality

11. The proposal would extend the existing building sideways, with contiguous eaves and guttering. The current building discharges surface water run-off from the roof via an existing drainage system. The appellant has stated that a soakaway for the extension has not been considered as practical because there would be no way to separate additional surface water run-off from the extended roof from the existing. Contrary to the Council's assertion, a soakaway to accommodate surface water runoff from the development has been considered but has been discounted for reasons that I consider to be reasonable.

12. Furthermore, I note the Council's own assertion, and evidence provided, that the relevant water and sewerage company has accepted the option in principle of discharging the additional surface water run-off into an existing surface water sewer.

13. The purpose of JLP Policy DEV35 is to ensure that development is safe without increasing flood risk and pollution elsewhere. The appeal property is an existing dwelling with an existing surface water run-off into an existing dedicated surface water drainage system. There is no evidence to suggest that the additional surface water discharge from the development into the existing surface water drainage system would result in any increased risk of flooding or have any impacts upon water quality elsewhere. Given the modest scale of the proposal and the context I have outlined, I find no conflict with Policy DEV35.

Conditions

14. A condition specifying the relevant plans is necessary as this provides certainty. In the interests of maintaining the character and appearance of the area, a condition is required to ensure that the proposal is finished with materials to match the existing. For the same reason I agree with the Council that a condition is required to clarify use of roof integrated (inset) PV solar panels, where they are proposed to the front elevation of the roof.

15. To safeguard the interests of protected species I have included a slightly revised version of the Council's suggested condition relating to the implementation of the appellant's Ecological Report's recommendations, mitigation and enhancement measures.

16. An air source heat pump is shown on Drg SG22-18/05 Rev B to be provided in the rear garden of the appeal property. However, I do not consider the Council's suggested condition requiring details of the pump, including levels of sound emissions, to be necessary given the nature, scale and positioning of the plant, and that, in the unlikely event of noise issues arising, there would be a resolution via appropriate other legislation.

Conclusions

17. For the reasons given, I am satisfied that there would be no harm to the character or appearance of the area. I am also satisfied that there would be no harm to the living conditions at 5 Greenhill Terrace, and that the development would not affect flood risk or water quality. Accordingly, in the absence of any other conflicts with the development plan, and having regard to all other matters raised, the appeal is allowed.

John D Allan

INSPECTOR