



Appeal Decision

Site visit made on 25 September 2023

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 October 2023

Appeal Ref: APP/Q1153/W/23/3316022

49 Station Road, Bere Alston, Devon PL20 7EN

- 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 Patrick Callaway against the decision of West Devon Borough Council.
- The application Ref 1047/22/FUL, dated 21 March 2022, was refused by notice dated 5 August 2022.
- The development proposed is the construction of a replacement 3-4 bedroom house.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development on the character and appearance of the area, including any impacts on the Bere Alston Conservation Area, and
 - whether or not the scheme would meet the carbon reduction requirements of the development plan.

Reasons

Character and appearance

3. 49 Station Road is a detached two storey dwelling fronting the road within the settlement area of Bere Alston. The Council consider the building to be a non-designated heritage asset.
4. At my site visit I was able to see inside the dwelling and it appears to have been originally one room deep and constructed with stone main walls. It has chimneys at either end and now has a lean-to at the front and a kitchen extension at the rear. The building appears to be of some age and the plan form and appearance indicates a modest cottage.
5. However, the building does not appear on the Historic Environment Record, the Council has not confirmed it keeps a list of non-designated heritage assets, and it does not seem that the Bere Peninsula Neighbourhood Plan (to 2034) (the NP) identifies non-designated heritage assets or buildings of heritage significance within that plan area. Consequently, there is no documented information before me from any considered process to show that No 49 is of heritage importance. Furthermore, as part of the planning process, the Council has provided only limited information to justify its assertion that the building

should be considered of such importance that its potential loss should merit consideration in the planning process.

6. The Planning Practice Guidance explains that the substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets and that only a minority have enough heritage significance to merit identification as non-designated heritage assets. Based on the information before me and my site visit, I consider that the building does not have a sufficient degree of heritage significance that its loss should merit consideration in this planning decision.
7. Accordingly, I find no objection in principle with the demolition of the property and with the construction of a replacement dwelling.
8. The Council also raise an issue with the effect of the development on the Bere Alston Conservation Area (the CA). The CA covers a reasonably extensive area including properties adjoining the roads radiating away from the centre of the settlement. In the vicinity of the appeal site, the CA extends to and includes 47 Station Road, which fronts the junction, and the first row of properties within the start of Lockeridge Road. The significance of this part of the CA includes the age and appearance of the fairly modest scale and generally traditional character of the cottages and houses, which have some mix of styles and materials, often render and/or painted stone elevations, and usually fronting the road.
9. The appeal property, No 49, is located outside the CA. Within Station Road it is separated from the boundary of the CA by 47A Station Road. However, the rear garden of No 49 backs onto the garden of No 47, and this is the boundary of the CA in this location. In undertaking my assessment of the effect, if any, of the proposal on the CA I have had regard to all the information submitted by the appellant, including the Heritage Statement.
10. When approaching the appeal property from the broadly north west along Station Road, the frontage of No 49 appears as a reasonably consistent building line with No 47A and the gable of No 47. In the background, the gables of the cottages within the CA to the east of the junction with Lockeridge Road can be seen. This run of buildings and the background structures are experienced together as a street scene of buildings and No 49 forms part of that grouping. With its broadly similar height to the others it is associated with, its position fronting the road and overall proportions, the appeal property makes a positive, but understated, contribution to the general character and appearance of this building group.
11. Also, when in the vicinity of the front of the Fire Station, the buildings on the other side of the road and those extending to the north west along Station Road are experienced together and again No 49 appears as part of that group. Its contribution is modest when viewed from this area, however, its building line and modest proportions mean that it has a greater affinity with the built form of the CA than with the section of Station Road further to the north west, where the front hedge of The Firs and the step back of this building signals a transition in character.
12. The National Planning Policy Framework (the Framework) explains in the glossary that the setting of a heritage asset includes the surroundings in which a heritage asset is experienced. The CA is a designated heritage asset. Based

on my assessment above, this part of the CA in Station Road in and around the junction with Lockeridge Road, from some locations, is experienced in association with the frontage of the appeal property and No 47A. In this way No 49 forms part of the setting to this section of the CA and it contributes to the setting in a modest but positive way.

13. Looking at the details of the replacement dwelling, the building would be set a little way back from the road and this front elevation could still provide a sense of enclosure that would continue to relate to the building line and street scene character with No 47A and the side gable of No 47. However, the replacement dwelling would be quite a bit higher and bulkier than the existing building. This massing of the building with its position within the plot would become an overly dominant element of the street scene and it would unduly contrast with the more modest proportions of No 47A and the side gable of No 47.
14. In terms of the design, the combination of some of the external materials proposed, with the ground floor render, the first floor red brick and the quoins, would not appear to clearly reference the combination of materials and appearance of the more characteristic buildings in this area¹. In particular, there would be a discordant contrast with those buildings in the nearby CA which the replacement dwelling would be experienced in conjunction with. Furthermore, in terms of the front elevation, the combination of the mix of window shapes and positions, especially with the offset large central window, the position of the front door offset from the main two storey built element, and the angled side elevation, and the effect this angled elevation would have with the appearance of the roof form, would combine to produce a somewhat awkward design. This would draw the eye and would not be a sympathetic addition within this part of the street scene.
15. Parts of the rear of the replacement dwelling would be visible from a short section of Lockeridge Road. From this location, the double gabled dormer would appear as an overly bulky addition to the roof, and together with the extent of glazing which is not characteristic of the better examples of the built form in the locality, this rear part of the dwelling would appear as unsympathetic addition and would visually detract from the character of the area.
16. While the shape of the appeal site may present some challenges with designing a suitable layout and bulk of a replacement dwelling, and the proposal has the benefit of retaining the attractive tree to the side of the existing building, the scheme as proposed would not be a suitable design response to the site. The combination of the detailed elements of design, materials and bulk, which I have identified, would result in an overly dominant building that would detract from the street scene and would not be a sympathetic addition within the setting of the CA.
17. In coming to this judgement, I appreciate that there are some buildings in the general area that have quite a functional appearance. However, they tend to be outside the CA and their presence does not justify the replacement dwelling with the resulting harm that would be caused. Nearby is The Firs, which is a larger dwelling, however, this building is located within sizeable grounds and set back from the road such that it is not a comparable situation to the appeal

¹ I have taken into account the appellant's submissions including the list of properties and their external materials in the design section of the Design and Access Statement and the list of properties which have been redeveloped within the CA and are included in the appellant's statement to the Council after the refusal of the application.

scheme and its site. I have also carefully considered the information that related to the provision of No 47A which adjoins the CA. However, this building has much more modest proportions and sits more appropriately with the scale of development in the adjoining CA and, therefore, this planning history and its presence does not alter my conclusions on the appeal scheme.

18. The site falls within the Tamar Valley Area of Outstanding Natural Beauty (AONB) and this landscape designation covers the whole of the settlement and the surrounding countryside. The Framework explains that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which has the highest status of protection in relation to these issues. The reasons for refusal do not directly refer to the AONB, although I am conscious that the AONB Unit has objected to the scheme. However, its objection is largely in relation to the considered adverse effect of the proposal on the CA. In terms of the AONB, with the site falling within the settlement area and having regard to its generally built surroundings, the scheme would not result in an adverse effect on the special qualities that contribute to the landscape and scenic beauty of the AONB.
19. Nevertheless, while there would not be harm to the AONB, the effect of the proposal would be to cause a modest level of harm to the setting of the adjoining part of the CA and, therefore, would detract from the significance of this designated heritage asset. The harm to the CA as a whole would be less than substantial within the meaning of paragraph 202 of the Framework. In accordance with the Framework, this harm should be weighed against the public benefits of the proposal. The benefits of the scheme would include the provision of a replacement unit of accommodation with four bedrooms helping to address an undersupply of such sized dwellings. The replacement dwelling would be provided with a safer pedestrian access compared to the existing dwelling. The dwelling would be built to high standards, replacing a somewhat tired unit of accommodation, and in a location that has access to services, facilities and public transport. There would be social and economic benefits to the local area both during construction and in subsequent occupation. However, as the scheme would only provide the replacement of a single unit of accommodation, cumulatively, the public benefits would be minor and should afford no more than limited weight.
20. The Framework advises that any harm to the significance of a designated heritage asset (including from development within its setting) should require clear and convincing justification and that great weight should be given to the asset's conservation, irrespective of the potential harm to the significance. I have found that the public benefits of the proposal afford no more than limited weight and I judge that they would not outweigh the harm to the setting of the CA and its significance, which although modest, in accordance with the Framework, is required to be attributed great weight.
21. This is a detailed application for planning permission, and I am satisfied that there are no planning conditions that could be attached to any approval that would address the harm that would result from the scheme. For instance, it would not be appropriate or reasonable to seek to amend the external materials as part of a planning condition when they are specified on the plans and have been the subject of local scrutiny.

22. Drawing all these matters together, I conclude that the replacement dwelling would harm the character and appearance of the area, including detracting from the setting of the CA. The public benefits of the scheme would not outweigh the harm to this designated heritage asset. Accordingly, the proposal would conflict with Policies DEV20, DEV21 and DEV23 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (the JLP), Policies E1 and H6 of the NP and the Framework which seek, notably, that development will be required to meet good standards of design, contributing positively to townscape, and protects and improves the quality of the built environment.
23. The reason for refusal also references Policy DEV25 of the JLP. As this policy covers the JLP approach to the protection of the AONB, and as I have found no harm in this respect, the proposal would not conflict with this policy.

Carbon reduction requirements

24. Policy DEV32 of the JLP explains that the need to deliver a low carbon future for the plan area should be considered in the design and implementation of all developments. In particular, the policy requires that developments should be considered in relation to the energy hierarchy and identify opportunities to minimise the use of natural resources in the development over its lifetime, such as water, minerals and consumable products, by reuse or recycling of materials in construction, and by making best use of existing buildings and infrastructure. This approach is complemented by the Framework which indicates that local planning authorities should, in summary, usually expect new development to comply with any development plan policies on local requirements for decentralised energy supply. In general, this could include for a single dwelling, as a matter of principle, to incorporate such matters as PV panels or heat pumps and for these to be shown on the plans.
25. The application was accompanied by a statement which examined the justification for the replacement of the existing dwelling in terms of embodied energy and the difficulty of upgrading the fabric of the dwelling to meet modern requirements. This makes a reasonable and understandable case but needs to be set against the efficiency of the replacement dwelling and a demonstration as to how this would perform.
26. In this regard, the reasonably limited evidence in terms of the replacement dwelling, in my view, does not clearly and convincingly demonstrate that it has been designed to meet the requirements of minimising the use of natural resources. There is reference to the roof being more conducive to the installation of solar panels, however, the plans do not show their provision, and such panels may not be easily incorporated onto the roof in a way which would be sympathetically designed given the hipped roof form. There is some indication that the dwelling could have heat pumps and it is explained that there would be suitable space for plant and ductwork to manage ventilation and recover heat. Some stone would be reused in the front wall and the rear windows may ensure that there is passive solar gain. However, the limited level of details and specifications to demonstrate that the scheme would deliver a low carbon development, and thus that the scheme would be better than retrofitting the existing dwelling, has not been clearly and satisfactorily shown such as to meet with the requirements of Policy DEV32 of the JLP.
27. With the prominence of the development, that this is a detailed planning application and given my comments above on this issue, I do not consider that

it would be appropriate or reasonable for this matter to be the subject of a planning condition in any approval.

28. Accordingly, I conclude that the scheme would not meet with the carbon reduction requirements of the development plan and, in particular, would fail to comply with Policies SPT1 and DEV32 of the JLP and the Framework in this respect.

Other Matters

29. I have had regard to the representations from local residents and consider that the main issues that have been raised are analysed above. The Parish Council has commented that they agree to the development but would wish to see more off road parking as this is at a premium in Station Road. I have taken into account the views of the Parish Council, however, I have found harm in relation to the main issues which I have detailed above. In respect of the parking situation, there have been no objections from the Council or Highway Authority on parking grounds and I have found no reason to disagree.
30. The Council has indicated that the proposal should be subject to a legal agreement in order to secure mitigation to manage the increased recreational impacts on the Plymouth Sounds and Estuaries European Marine Site that would arise from the development. The appellant has indicated a willingness to sign such an obligation and pay the appropriate sum, however, the appeal has not been accompanied by a legal agreement. Nevertheless, given my overall conclusion I have not needed to consider this matter further and make an assessment under the Conservation of Habitats and Species Regulations 2017.
31. The appellant has set out in detail his frustrations with the approach and accuracy of the local planning authority throughout the processing of the application and after the refusal. He has indicated a willingness and desire to discuss the scheme, has employed a local and well-established architect, submitted reports requested by the Council and sought post refusal meetings, all to seek a resolution of any outstanding issues. Nevertheless, while the frustrations of the appellant are understood, they are not matters for my consideration in terms of the planning merits of this proposal at appeal.

Conclusion

32. I have found that the replacement dwelling would harm the character and appearance of the area, including the setting of the CA, and would not comply with the carbon reduction requirements of the development plan. This harm and policy conflict, to which I attach substantial weight, is such that the scheme would not comply with the development plan when considered as a whole. The benefits of the scheme, which I have summarised above, should merit limited weight in favour of approval. Consequently, the harm and policy conflict would not be outweighed by the benefits of the appeal development.
33. To conclude, the proposal is contrary to the development plan when considered as a whole and there are no material considerations to outweigh that finding. As a consequence, the appeal should be dismissed.

David Wyborn

INSPECTOR