



Appeal Decision

Site visit made on 10 October 2023

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 November 2023

Appeal Ref: APP/K1128/D/22/3304662

Dartside, Manor Street, Dittisham TQ6 0EX

- 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 and Mrs Doherty against the decision of South Hams District Council.
 - The application Ref 0507/22/HHO, dated 10 February 2022, was refused by notice dated 25 May 2022.
 - The development proposed is the construction of a free standing garden building (summerhouse) within rear garden curtilage.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a free standing garden building (summerhouse) within rear garden curtilage at Dartside, Manor Street, Dittisham, TQ6 0EX in accordance with the terms of the application, Ref 0507/22/HHO, dated 10 February 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: Location Plan; Floorplan and Elevations; Proposed Site Plan 01 (drawing number 289 - P(--))100-1 Rev F); and Proposed Site Plan 02 (drawing number 289 - P(--))100-2 Rev G).
 - 3) Prior to their installation on the development hereby permitted, samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved samples and retained as such thereafter.

Main Issues

2. The main issues are:

- the effect of the development on heritage assets, with special regard to the Dittisham Conservation Area and the setting of numerous listed buildings; and
- the effect of the development on the character and appearance of the area, with particular regard to the South Devon Area of Outstanding Natural Beauty.

Reasons

3. Dartside is a Grade II listed building that dates from approximately the 17th Century and is located in the settlement of Dittisham. It is amongst a group of residential properties located near to the Dittisham Ferry crossing. Many of the dwellings around the site are also listed, including the two neighbouring properties, Laburnum Cottage and Holly House.
4. The appeal site is within the Dittisham Conservation Area (CA). The significance of the CA lies at least in part in the positive contribution made by the streetscape and buildings with high architectural merit and historic value within streets such as Manor Street. The appeal site and the neighbouring listed buildings all contribute positively to the significance of the CA. Additionally, the street's steep and narrow nature with sloping gardens to the rear of the properties on the southern side of the street result in a distinct and characterful sense of place in this part of the CA. It is understood that the gardens were formed as historic enclosures dating from the medieval or early post medieval period and used as orchards. It is also noted that outbuildings are not uncommon within the gardens on the southern side of Manor Street.
5. Given the site's location in the CA and the setting of listed buildings, I am mindful of my statutory duties under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and have considered the appeal accordingly.
6. The appeal site is also within the South Devon Area of Outstanding Natural Beauty (AONB). In accordance with Paragraph 176 of the Framework, great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB.
7. The garden of Dartside is difficult to see from Manor Street due to the tight layout of the buildings that line it. It is also not easy to see the site from other streets within the settlement. When stood on the site it is seen that it is a well screened part of the garden by virtue of the mature planting in and around the appeal site.
8. The layout and steepness of the garden, and the screening around it, means that there would be limited views of the proposed summerhouse from the listed buildings themselves, including Dartside. There would also be limited intervisibility between them and the proposed development.
9. I observed that the gap between the mature planting would allow potential long-range views of the proposed development from The Ham and the River Dart, including part of the ferry pier. The former is within the CA. However, the viewpoints are a significant distance from the appeal site and the planting would still provide partial screening when stood on The Ham. Moreover, the summerhouse would be relatively small in scale compared to the built form around it and through the use of suitable materials, as demonstrated on the submitted plans, it would sufficiently assimilate with the wooded backdrop.
10. I have also been provided with substantial details of the planning background to a detached outbuilding that has been constructed in the garden of neighbouring Laburnum Cottage, which was approved by the Council in 2015. National planning policy has not significantly altered in relation to heritage assets and the assessment of impacts on such assets. I therefore afford weight

to the presence of such a building in a similar position on the sloping land at the rear of the properties on Manor Street.

11. When stood on The Ham, it is noteworthy that the conical roof with glass top of the outbuilding at Laburnum Cottage is overtly noticeable from this viewpoint. The typical garden structure design of the proposed summerhouse with a slate-like roof and timber walls would assimilate with its backdrop better, and would be no more eye catching, than the bold design of the adjacent outbuilding.
12. For the above reasons, the proposed development would preserve the character, appearance and significance of the CA and the listed buildings' settings. Consequently, the proposal complies with Policies DEV20 and DEV21 of the Plymouth & South West Devon Joint Local Plan 2014 – 2034 (JLP), which collectively seek, in part, to conserve and maintain the significance, character, setting and local distinctiveness of heritage assets and the historic environment. The proposal would also not conflict with the National Planning Policy Framework (the Framework), which places great importance on the design of the built environment and on the conservation of heritage assets.
13. Additionally, the proposed development would not cause material harm to the scenic beauty of the AONB. Consequently, the proposal also complies with Policies DEV23 and DEV25 of the JLP, which collectively seek, amongst other things, to conserve and enhance the natural beauty of the protected landscape. In respect of the impact on the landscape, the proposal would also not conflict with the Framework, which seeks, in part, to protect and enhance valued landscapes.

Conditions

14. I consider that the standard time limit condition and a condition listing the approved plans are necessary for the avoidance of doubt and in the interests of proper planning. I also consider that a condition requiring the submission and approval of external materials is necessary to ensure that the character, appearance and significance of designated heritage assets, and the scenic beauty of the AONB, are conserved.

Conclusion

15. For the above reasons, and having regard to other matters raised, the proposed development would preserve the character, appearance and significance of designated heritage assets and would not harm the scenic beauty of the South Devon Area of Outstanding Natural Beauty. As such, the proposal complies with the development plan, when taken as a whole, and the Framework. Accordingly, I conclude that the appeal should be allowed.

K Reeves

INSPECTOR