



Appeal Decision

Site visit made on 26 September 2023

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 November 2023

Appeal Ref: APP/Q1153/D/23/3320793

Southmoor, road from Thorndon Cross to Cowsen Cross, Thorndon Cross, Devon EX20 4NF

- 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 Duncan Creed against the decision of West Devon Borough Council.
- The application Ref 2391/22/HHO, dated 8 July 2022, was refused by notice dated 2 February 2023.
- The development is a rear extension to the existing dwelling to comprise a ground floor garage and living accommodation on the first floor.

Decision

1. The appeal is allowed and planning permission is granted for a rear extension to the existing dwelling to comprise a ground floor garage and living accommodation on the first floor at Southmoor, road from Thorndon Cross to Cowsen Cross, Thorndon Cross, Devon, EX20 4NF in accordance with the terms of the application, Ref 2391/22/HHO, dated 8 July 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing numbers 220504 L 001 Rev C (N.B. "south elevation" should read "west elevation" and "west elevation" should read "south elevation"), 220504 L 002 and 003.
 - 2) Within three months of the date of this permission, a landscape planting scheme and maintenance plan, shall be submitted to, and agreed in writing with, the Local Planning Authority. The details shall include the provision of screen planting on the southern and western boundaries of the application site. The approved planting scheme shall be implemented within the next planting season following the approval of details and shall be maintained thereafter in accordance with the approved maintenance plan.

Application for costs

2. An application for costs was made by Mr Duncan Creed against West Devon Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. I noted on my site visit that the extension has been constructed. I have therefore considered the appeal accordingly.
4. The appellant has submitted amended plans during the appeal process, which have added a window that was missing on the original plans and labelled two

elevations with the correct orientations. However, the plans also show a significant reduction in the size of the extension. This amendment to the size of the extension is a substantive difference from the proposal considered by the Council. It would also be procedurally unfair for me to accept the amended plans as the Council and third parties have not had an opportunity to comment on the change to the size of the extension. As such, I cannot accept the amended plans.

5. I acknowledge that determination of the application by the Council was based on the plans that incorrectly label the south and west elevations. However, the position of the extension is clear on the plans, and I can word the plans condition to include a correction on the two elevations. In terms of the missing window, the window is not in the extension and therefore it is not part of the proposal before me.
6. There is a disagreement between the Council and the appellant over the size of the red line area on the submitted plans, and in turn the area of land that forms the curtilage. However, the appeal relates to a residential extension and the matter of the extent of the dwelling's curtilage is not before me.

Main Issue

7. The main issue is the effect of the proposed development on the character and appearance of the host building and the surrounding area.

Reasons

8. Southmoor is a detached dwelling set within large grounds in the open countryside. It is situated on elevated ground in a position away from the group of residential properties at Thorndon Cross. The appeal property is located some distance from the edge of Dartmoor National Park (DNP). However, it can be regarded as being within the setting of DNP and I have therefore had regard to Paragraph 176 of the National Planning Policy Framework (the Framework). In terms of setting, this paragraph requires development within the setting of a National Park to be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
9. Policy TTV29 of the Plymouth and South West Devon Joint Local Plan 2014 – 2034 (JLP) relates to the erection of replacement dwellings and extensions to existing dwellings. Policy TTV29(5) is the part of the policy that relates to residential extensions.
10. Paragraph 5.172 of the JLP sets out that extensions to existing dwellings can individually, and cumulatively over a period of years, have an adverse impact both on the character of individual properties and on their surroundings.
11. My attention has been drawn to the Supplementary Planning Document (July 2020) (SPD). The SPD provides guidance on the application of planning policies, in this case Policy TTV29(5), and it does form a material consideration in the determination of this appeal.
12. The SPD sets out that should an extension, either singular or cumulatively with previous extensions, increase the size of the original dwelling by more than 50%, then factors to be considered should be whether the extension would have a demonstrable uplift in the quality of the built form, whether the primacy of the host dwelling would be unduly diminished and whether the proposal

- would have a negative impact on the external amenity space within the proposal site.
13. Despite being on elevated land within the surrounding landscape, there is substantial mature planting along parts of the boundaries of the site. Positions within the landscape where the extension is viewable through the planting are a long distance from the site. Furthermore, the planting around the site results in the massing and bulk of the extension not being easily readable. I am therefore satisfied that there is no material harm to the landscape character and appearance. Additionally, the extension's position on the rear of the dwelling, the orientation of the dwelling and the distance of the site from DNP means that it is not overtly visible from the protected landscape or its setting. Material harm to the setting of DNP has therefore not occurred as a result of the development.
 14. I appreciate that the full scale of the extension is visible when driving down the access track to the dwelling. The ridge line is also not set down from the ridge of the host building and its overall length and width is similar as well. However, the host building is a substantial building, and the extension is in keeping with that scale. Its position on the rear of the host building and the layout of garages on the ground floor leads to the extension being seen as an ancillary addition, and the primacy of the host building has therefore been retained. Furthermore, the dwelling is within a large garden that can accommodate the size of extension that has been constructed.
 15. The appellant has not necessarily demonstrated that there has been an uplift in the build quality as a result of the construction of the extension. However, that is just part of the assessment set out in the SPD. Moreover, the design and materials of the extension are congruent with the vernacular of the host building and I consider that the development has not resulted in material harm to the build quality of the host building.
 16. I note that the Council have mentioned in their third reason for refusal that there is a policy conflict around the desire to retain a supply of smaller homes in the plan area in keeping with rural surroundings, and Policy TTV29 has been referred to in this respect as well.
 17. However, most of Policy TTV29 relates to the replacement of existing dwellings. Part 5 of the policy is relevant to residential extensions and there is no reference to retaining smaller dwellings. Turning to the SPD, there is mention of "smaller dwellings", but this is under the heading – "TTV29.2 – Size of replacement dwelling". I acknowledge that the appeal property is a replacement dwelling granted planning permission in 2022, but in this appeal, I am only considering an extension to the property. Moreover, the SPD guidance for residential extensions is under a different heading and there is no mention of smaller dwellings there. I acknowledge that the development plan has a wider objective to retain a supply of smaller dwellings, but I can find no specific link of this objective to Policy TTV29(5). I find that the Council seeking to retain a smaller dwelling on site is not made out in the policy itself, insofar as it relates to residential extensions, and there is therefore no policy conflict with Policy TTV29(5) in respect of the desire to retain a supply of smaller homes.
 18. Having regard to all of the above, the proposal does not harm the character and appearance of the host building or the surrounding area, including the setting of DNP. The proposal therefore complies with Policy TTV29(5) of the

JLP, which requires residential extensions to be appropriate in scale and design in the context of the setting of the host dwelling. Additionally, it is also compliant with Policy DEV23 of the JLP, which seeks, in part, to conserve and enhance the landscape and scenic and visual quality.

Other Matters

19. An interested party has raised potential concerns over the proposed drainage for the development. However, I have no substantive evidence that the drainage system shown on the plans is not sufficient to accommodate the appeal proposal.
20. The same party has also commented on the gates at the entrance to the property. However, the gates do not form part of this appeal proposal.

Conditions

21. As the development has commenced there is no need for me to impose the standard time limit condition. For the purpose of certainty, I have imposed a condition specifying the relevant drawings.
22. I consider the suggested landscaping condition to be necessary and reasonable to further assimilate the scheme into its surroundings. I have amended the wording of this condition to ensure that it is precise.
23. The suggested condition requiring the living accommodation and the garages to be used ancillary to the rest of the dwelling are not considered to be necessary as a separation of the planning unit to form a separate dwelling or business unit would require planning permission anyway. The requirement for the garages to be used only for the storage of vehicles is also not necessary given the substantial parking area present at the property that would allow the appellant to park vehicles outside of the garages without compromising highway safety.

Conclusion

24. For the above reasons, and having regard to other matters raised, I conclude that the proposal complies with the adopted development plan, when taken as a whole. Accordingly, I conclude that the appeal should be allowed.

K Reeves

INSPECTOR