



# Appeal Decision

Site visit made on 23 November 2023

**by J White BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 4 December 2023**

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**Appeal Ref: APP/K1128/D/23/3322451**

**1 Devon Villas, Devon Road, Salcombe, Devon TQ8 8HD**

- 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 & Mrs D Shalders against the decision of South Hams District Council.
  - The application Ref 4426/22/HHO, dated 19 December 2022, was refused by notice dated 1 March 2023.
  - The development proposed is works to existing outbuilding/garage.
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## Decision

1. The appeal is allowed and planning permission is granted for works to existing outbuilding/garage at 1 Devon Villas, Devon Road, Salcombe, Devon TQ8 8HD in accordance with the terms of the application, Ref 4426/22/HHO, dated 19 December 2022, subject to the conditions set out in the attached schedule.

## Preliminary Matters

2. The description of development as set out in the planning application form also includes the words 'householder application for'. As these are not directly related to the act of development for which permission is sought, I have not included this wording in my formal decision.
3. Since the Council made its decision, on 5 September 2023, a revised version of the National Planning Policy Framework (the Framework) has been issued. However, the only substantive revisions relate to national policy for onshore wind development in England, and the changes to national planning policy do not materially affect this appeal. I have taken the Framework into account in reaching my decision.
4. Notwithstanding the recent announcement that all designated Areas of Outstanding Natural Beauty are to be renamed National Landscapes. I have referred to these designated landscapes as Areas of Outstanding Natural Beauty in my decision below, which is the existing terminology that is referred to in the Framework.

## Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the local area, including Salcombe Conservation Area and taking into account its location within the South Devon Area of Outstanding Natural Beauty.

## Reasons

6. The appeal site lies within Salcombe Conservation Area (CA) and within the South Devon Area of Outstanding Natural Beauty (AONB). Due to the site's position within the CA, I am required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
7. The appeal site is a three-storey semi-detached Victorian villa. The Council identify it as a significant positive feature in the CA, with its largely undeveloped gardens contributing to its special architectural and historic character. There is no dispute that the dwelling is a non-designated heritage asset. It has a strong vertical emphasis, with steep roofs, and is constructed of traditional materials with decorative barge boards. The dwelling's rear garden extends away to the southwest up to an existing garage, which is the subject of this appeal and is accessible from Allenhayes Road.
8. The garage occupies a higher ground level than the dwelling. It appears as a single storey building when viewed from Allenhayes Road, however, because of the slope of the ground, there is access to an undercroft garden store on the northeast side.
9. Whilst the estuary setting and relationship between the town and its waterfront are obvious special factors that attract the wider AONB designation, the CA, as far as the appeal site is concerned, is characterised more for its enclosed, winding streets with buildings on a steep hillside. The prominence of Victorian villas and traditional construction materials reinforces the local character, appearance and distinctiveness of the area and, in-so-far as it relates to this appeal, contributes strongly to the significance of the CA.
10. In contrast to the predominant existing built vernacular around the site, the garage is a plain unadorned building with modern profiled windows and a relatively shallow pitched roof that is clad with concrete tiles. A variety of roof dormers are evident in the local and wider street scene.
11. The proposal would increase the roof ridge height of the garage and introduce a dormer window on its northeast facing roof slope, amongst other things. This would increase the mass of roof within the building and its prominence within the street scene, particularly as observed from Allenhayes Road, but also in views from wider areas including Devon Road. Nevertheless, given its overall scale, its siting, and having regard to the context of Victorian buildings, it would introduce a vernacular roof form, materials and detailing that would be appropriate within the context of existing developments, even though some of the existing features of the garage would remain legible. Thus, in this context it would not be an unduly dominant feature and it would sit comfortably in the street scene and context of traditional buildings.
12. Although the proposal would introduce a dormer window, the proposed size and position of the structure in the roof would result in it being set comfortably away from the roof margins and set in from the eaves. Its dimensions and siting would mean that it would sit comfortably within the roof slope.
13. Having regard to the context of existing developments, I am satisfied that even though the proposal would increase the mass and scale of the existing building,

it would not be so changed that it would challenge the primacy of the host dwelling. It would retain sufficient visual gaps with existing buildings and would not lessen the existing undeveloped character of the garden. It would not therefore appear as over development, nor would it be a dominant or visually intrusive element in relation to the scale and proportions of the existing house and local built context.

14. The appeal scheme would be in keeping with the local building vernacular and represent a minor addition to the overall townscape. I find that this would have an acceptable impact on the character and appearance of the area, and its scale, massing and design would be congruent.
15. For the above reasons, the significance of the CA would be preserved. As there would be no harm to the character or appearance of the CA, even when attaching great weight to the importance of the heritage asset, the details of the development would be acceptable, and the scheme would comply with the requirements of the Framework in this regard. For similar reasons, there would be no harm to the landscape and scenic beauty of the AONB.
16. Therefore, in terms of the main issue, the proposed development would not harm the character and appearance of the local area, including Salcombe Conservation Area and taking into account its location within the South Devon Area of Outstanding Natural Beauty. In this regard the proposal complies with Policies DEV20, DEV21, DEV23 and DEV25 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (adopted March 2019), Policies SALC Env1 and SALC B1 of the Salcombe Neighbourhood Development Plan 2018-2034 (2019) which, amongst other things, seek to ensure developments are high quality design, respecting local character, maintain the intrinsic character of the landscapes, townscapes and seascapes, and conserve and enhance the historic environment.
17. I find no conflict with paragraph 130 of the Framework, which amongst other things, requires developments to be sympathetic to local character and history. I am also satisfied that the proposal would comply with paragraph 134, which advises development that is not well designed should be refused. Nor would it conflict with paragraph 176, which amongst other things, requires that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. There would also be no conflict with Section 16 of the Framework in respect of conserving and enhancing the historic environment.
18. The Council has cited conflict with the Supplementary Planning Document (SPD). However, for the reasons given above, it is not evident to me that there is any conflict with the SPD.

### **Other Matters**

19. The submitted evidence has referred to a previous refusal of planning permission. However, no details of this have been submitted to enable me to take it into account. In any case I have considered this appeal proposal on its own merits. The site lies in a built-up area where there is a degree of mutual impact between neighbouring land uses. In this context, there is no substantive evidence to suggest that the appeal scheme would translate to harm neighbours' living conditions.

20. I note the concern that allowing the proposed development would create an undesirable precedent. However, I have found the scheme would be acceptable and therefore see no reason why it would lead to unacceptable development elsewhere.

### **Conditions**

21. The conditions set out in the accompanying schedule are based on those suggested by the Council. These conditions have been considered against the tests of the Framework and advice provided by Planning Practice Guidance (PPG) on conditions. Those included in the schedule are found to be reasonable and necessary in the circumstances of this case. I have shared these conditions with the main parties, and I have had regard to any comments received where necessary.
22. I have attached the standard time condition and I have specified the approved plans in the interests of certainty. A condition relating to matching materials is not necessary because the approved plans clearly include a material schedule for the appeal scheme.
23. Imposing a condition to require the prior approval of the natural slate and the new stone to be used is reasonable and necessary in the interests of the character and appearance of the development and locality. However, given that the conditions enable the Council to approve the slate and stone it would not be necessary or reasonable to set out a hierarchy of origin or require a minimum warranty period.
24. The Council has suggested a further condition be imposed specifying that the development be used incidental to the use of 1 Devon Villas as a single dwelling. Given the nature of the accommodation proposed and the position of the development, the certainty provided by the condition is reasonable and necessary. In the interests of protected species, a condition requiring that the development is carried out in accordance with the submitted Ecological Report is reasonable and necessary.

### **Conclusion**

25. For the reasons given I conclude that the appeal should succeed.

*J White*

INSPECTOR

### **Schedule of 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: 4276 01, 4276 20 C, 4276 21 B and 4276 30 D.
- 3) Prior to their installation, details (such as a product brochure, technical specification sheet and colour photographs) of the natural roofing slate to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details and retained as such thereafter.
- 4) The new stone wall(s) shall be constructed of natural random stone laid traditionally on its quarry bedding. A sample panel of not less than two square metres shall be provided for inspection and written agreement by the Local Planning Authority prior to the construction of any of the new stone walls. The stone walls shall thereafter be constructed in accordance with the agreed details and retained as such thereafter.
- 5) The development hereby approved shall not be occupied at any time other than for purposes incidental to the residential use of the host dwelling "1 Devon Villas, Salcombe" and shall not be used, let, leased or otherwise disposed of for any other purpose or as a separate unit of accommodation.
- 6) The recommendations, mitigation and enhancement measures of the Ecological Report, by Colin N. Wills dated March 2022, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing by the Local Planning Authority.

### **End of Schedule**