



---

## Appeal Decisions

Site visit made on 23 November 2023

**by A Tucker BA (Hons) IHBC**

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

**Decision date: 8<sup>th</sup> December 2023**

---

### **Appeal A Ref: APP/K1128/W/22/3312729**

#### **39 Fore Street, Salcombe, Devon, TQ8 8JE**

- 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 Keith Winter against the decision of South Hams District Council.
  - The application Ref 2972/22/HHO, dated 22 August 2022, was refused by notice dated 17 October 2022.
  - The development proposed is bay windows with French doors and juliet balconies to the rear, east facing elevation.
- 

### **Appeal B Ref: APP/K1128/Y/22/3312734**

#### **39 Fore Street, Salcombe, Devon, TQ8 8JE**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr Keith Winter against the decision of South Hams District Council.
  - The application Ref 2973/22/LB, dated 22 August 2022, was refused by notice dated 17 October 2022.
  - The works proposed are bay windows with French doors and juliet balconies to the rear, east facing elevation.
- 

### **Decision – Appeal A**

1. The appeal is allowed, and planning permission is granted for oriel windows with French doors and juliet balconies to the rear, east facing elevation, at 39 Fore Street, Salcombe, Devon, TQ8 8JE, in accordance with the terms of the application, Ref: 2972/22/HHO, dated 22 August 2022, subject to the following conditions:
  - 1) The development hereby approved shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby approved shall be carried out in accordance with the following approved plans: S\_02, P\_00 and P\_01.

### **Decision – Appeal B**

2. The appeal is allowed, and listed building consent is granted for oriel windows with French doors and juliet balconies to the rear, east facing elevation, at 39 Fore Street, Salcombe, Devon, TQ8 8JE, in accordance with the terms of the application, Ref: 2973/22/LB, dated 22 August 2022, and the plans submitted with it subject to the following conditions:
  - 1) The works hereby approved shall begin not later than 3 years from the date of this decision.

- 2) Prior to the construction of the oriel window hereby approved, full details of its materials, structure, glazing and the balustrade design, with elevation and section drawings at a minimum of 1:10 scale where appropriate, shall be submitted to and agreed in writing by the Local Planning Authority. The structure shall be constructed in accordance with the agreed details.
- 3) Prior to the installation of the slate hanging, full details of the natural slate to be used, its orientation and method of fixing shall be submitted to and agreed in writing by the Local Planning Authority. The structure shall be constructed in accordance with the agreed details.

### **Preliminary Matters**

3. I have modestly amended the description of development in my decisions above, to clarify that the proposal is for an oriel window rather than a bay.
4. The appeals relate to the same scheme under different legislation. I have dealt with both appeals together in my reasoning.

### **Main Issues**

5. The effect of the proposal upon the significance of the grade II listed building known as Nos 39 to 41 (consec) and Little End, Fore Street<sup>1</sup>, and whether it would preserve or enhance the character or appearance of the conservation area.

### **Reasons**

6. Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
7. The appeal building is part of a terrace of four buildings that are covered by a single listing. The list description suggests they date from 1789, although they do not appear to be of the same build. They occupy a prominent position alongside the road on steeply sloping ground, to the extent that their east façade has lower storeys. In the context of the appeal building, these lower storeys comprise a separate dwelling. Together the buildings form a pleasant group. Little End has a prominent and decorative end gable. The appeal building is thought to have older origins as a former fisherman's dwelling close to the waters edge. It retains elements of historic fabric at the lower level, and an overall scale reflective of its modest origins. The overall form of the buildings and their surviving historic fabric are primary contributors to the special interest of the listed terrace.
8. The appeal building stands within the Salcombe conservation area (SCA). The SCA is defined by its picturesque coastal setting. Built form is tightly packed and arranged around narrow roads and passageways, particularly at a lower level where many buildings started life as humble fisherman's cottages. The density of traditional development, tight alleyways and roads as well as the

---

<sup>1</sup> List entry number: 1289281

overarching coastal setting are defining characteristics of the SCA that contribute to its significance.

9. The proposal relates to the rear elevation of the building, which faces over a narrow passageway that leads down to the waters edge. Owing to the topography, its rear façade is elevated above the passageway by two storeys. Accordingly, the rear elevation is not prominent to view, although it does form part of a narrow view for a short period when ascending the steps from the water. It comprises artificial hanging slates and an upper level oriel window with plain glazing. It has an alignment that does not correspond with the older masonry wall below. For these reasons, the rear face of the building has very limited significance.
10. The proposal would see the existing oriel window extended down a storey, so that it has an overall form that would match its neighbour. This would unify the appearance of the two buildings, which appear to have been built as a pair. The rear face would be clad in natural slate, which would also constitute an enhancement, given the flat and lifeless appearance of the existing artificial slates.
11. The fenestration of the oriel windows over both storeys would be modern, with full height inward opening doors to the centre behind a glass screen, and plain casements to the side. This would not match the traditional appearance of the sash windows on the neighbouring building. I accept that matching this existing detail has some logic.
12. However, the glazed balustrade would be similar to many balconies and glazed facades in the area, which have been designed to maximise views out over the estuary. Views of the structure from the adjacent passageway would be limited owing to the height of the building and narrow passageway width. There would be some views from the estuary and from the jetty opposite, where the upper part of the oriel window would be visible. In these more distant views the change would be difficult to perceive and would in any case be seen in the context of numerous picture windows and balconies.
13. Given the very limited significance of the rear façade an exact copy of the neighbouring oriel would not be necessary. Additionally, I give weight to the enhancement of the improved slate finish and overall form of the oriel, the characterful mix of materials and forms in the area, and the presence of an oriel window on the opposite side of the passageway with plain casements. Taking these matters together I find that the proposal would not harm the building's significance or appear out of place.
14. I note the concerns of the Council regarding the detail of the glazed balustrade, and I agree that there is some ambiguity in the drawings as the edge of the screens are not visible on the side elevation drawing. However, surface mounting the glazing would be a typical arrangement. It would make the glazing modestly more prominent than if it were rebated; however, given the discreet position of the rear façade, I am satisfied that such an arrangement would not be harmful. Final details can be secured through an appropriately worded condition.
15. I therefore find that the overall impact on the special interest of the listed building would be neutral, and that the proposal would preserve the character and appearance of the SCA. In coming to this view I have had regard to the

duty placed on me by the LBCA. The proposal would thus accord with paragraph 199 of the National Planning Policy Framework, which establishes that great weight should be given to the conservation of heritage assets. It would also accord with Policies SPT11 and DEV21 of the Plymouth & South West Devon Joint Local Plan 2014-2034 and Policy B1 of the Salcombe Neighbourhood Development Plan 2018 to 2034. Together these Policies seek to ensure that development proposals conserve the historic environment.

### **Other Matters**

16. The appeal site is within the South Devon Area of Outstanding Natural Beauty (AONB). The statutory purposes of an AONB is to conserve and enhance the natural beauty of the area. Paragraph 176 of the Framework establishes that great weight should be given to conserving and enhancing the scenic beauty in AONBs. The Council has not identified any harm to the AONB that would arise from the proposal. The proposal is of a small scale and is tucked into the dense built form of Salcombe. I am satisfied that it would conserve the scenic beauty of the AONB.

### **Conditions**

17. I have had regard to the conditions suggested by the Council. I have considered these against the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed a condition for the planning permission that specifies the approved plans as this provide certainty.
18. I have imposed conditions to secure details of materials to safeguard the special interest of the listed building and the character and appearance of the SCA.

### **Conclusion**

19. For the reasons above I conclude that both appeals should be allowed.

*A Tucker*

INSPECTOR