



Appeal Decision

Site visit made on 5 December 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2023

Appeal Ref: APP/K1128/W/23/3324731

Rendoc, Herbert Road, Salcombe, Devon TQ8 8HW

- 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 E & D Basham against the decision of South Hams District Council.
 - The application Ref 2194/22/FUL, dated 17 August 2022, was refused by notice dated 6 April 2023.
 - The development proposed is described as "demolition of existing lower ground floor basement flat (separate) to 1no dwelling to be replaced with 2no new proposed dwellings."
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing building & replacement with two residential units at Rendoc, Herbert Road, Salcombe, Devon TQ8 8HW in accordance with the terms of the application, Ref 2194/22/FUL, dated 17 August 2022, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. I have used a different description in the formal decision from that on the application form. This is taken from the Council's decision notice which is repeated in the appellant's appeal form and it more accurately describes the development.

Main Issues

3. The main issues are (i) the effect of the proposed development on the character and appearance of the area; and (ii) whether the proposed development would provide acceptable living conditions for existing neighbouring and future occupants, with particular regard to daylight, sunlight and privacy.

Reasons

Character and appearance

4. The appeal site lies within a built-up urban area with trees and gaps between development that add a spacious quality to the environs. The design, age, orientation, scale, bulk, siting and massing of properties is varied. Whether gable fronted or hipped, roof tops tend to step down in harmony with the steep slope. Regardless of its planning history, the appeal site comprises a large and architecturally unremarkable property on a very generous plot.

5. The proposed properties would cover a greater footprint than the existing building, though would be sited to maintain a similar set back from the road. Additionally, they would provide sufficient access arrangements, parking, private garden space and areas for frontage vegetation, thus maintaining the spacious quality of housing layout. In that context, although the existing swimming pool would be positioned near the rear wall of unit 1, there is no substantive evidence that it would not function well and provide good quality external amenity space.
6. The proposed properties would increase street frontage built form due to their separation from one another and their 3-storey design. This would increase some massing at the lower and upper parts of the appeal site. However, in the context of the street layout, the nearest existing property upslope is substantially set back from the road to the extent where it would not be dominated by the increased massing of unit 2. Unit 1 would be closer to the nearest property downslope of it, though it would still maintain a generous gap between buildings. Consequently, harmful overbearing effects would be avoided. Moreover, the harmonious roof top stepping would be maintained by the development.
7. Although some sections of untypical cladding would be introduced, the properties would include render, natural slate roofing and generous sections of locally distinctive natural stone on their elevations and walling. Furthermore, the visual effects of larger sections of frontage glazing would be tempered by proposed louvres. In the round and noting the variety of materials and house designs in the surrounding area, the proposed palette of materials would not appear out of place. Moreover, the simple architectural design and form of the properties would not be imposing and for these reasons, the development would respect its immediate and surrounding setting.
8. Therefore, I conclude on this main issue that the proposal would not harmfully affect the character and appearance of the area. As such, the proposed development would accord with policies DEV10 and DEV20 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (JLP) and Policy SALC B1 of the Salcombe Neighbourhood Development Plan 2018 to 2034 (NP) which, together in this respect, seek to promote developments that integrate with the pattern of local development. There would also be no conflict with paragraphs 130 or 134 of the National Planning Policy Framework (the Framework) which, amongst other things, say that decisions should ensure that developments will function well and add to the overall quality of the area and where significant weight should be given to development which reflects local design policies.

Living conditions

9. The proposed lower ground floor bedroom on each of the units would not include their own windows that would enable them to receive natural daylight. However, there would be some daylight gained towards the rooms via the glazed principal entrance and side hall window. Even if these bedrooms did not provide optimum natural daylight levels, the properties would also include several other bedrooms at first floor level. Therefore, the lower ground floor rooms would not be the only bedroom option for future occupants and could conceivably be used for other purposes, if so desired.
10. Unit 1 would be likely to generate a marginal increase in sunlight shadow over the side elevation of the nearest property downslope of it. However, there would still be a sizeable gap between properties. Additionally, any sunlight shadow would

primarily affect the side elevation of the existing property, and this contains a very limited number of openings. Reference has been made to guidance on residential extensions which is not directly relevant to this proposal. Even if I were to take this into account, there is no substantive evidence that the proposal would result in a harmful or significant loss of sunlight to habitable rooms.

11. Each of the proposed properties would include obscure glazed balconies to avoid harmfully overlooking their respective private garden spaces and gardens of neighbouring existing occupants. This obscure glazing could be secured via an appropriately worded condition. The proposed frontage glazing would primarily serve landing areas and would be of a similar distance from properties across the street when compared with the existing window arrangement. For the above reasons, the privacy of future and existing neighbouring occupants would not be unduly compromised by the development.
12. Therefore, I conclude on this main issue that the development would provide acceptable living conditions for existing neighbouring and future occupants, with particular regard to daylight, sunlight and privacy. As such, the proposed development would accord with policies DEV1, DEV10 and DEV20 of the JLP and Policy SALC B1 of the NP. Collectively in this respect, these policies seek to ensure new development provides good quality integrated accommodation including satisfactory daylight, sunlight, outlook and privacy. There would also be no conflict with paragraphs 130 or 134 of the Framework which, amongst other things, say that decisions should ensure that developments will function well and add to the overall quality of the area and create places with a high standard of amenity for existing and future users.

Other Matters

13. A number of other matters have been raised by interested parties and I have taken them all into account. This includes matters such as the effect of the proposed development on the National Landscape (formally and also known as an Area of Outstanding Natural Beauty); light pollution which would also be a hazard to birds; the accuracy of plans; the planning history, views of the estuary and surrounding hills and the location of bins. However, whilst I take these representations seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed.

Conditions

14. I have imposed a plans condition in the interests of clarity. A water management scheme condition is necessary in the interests of drainage. Conditions seeking details of timber louvres, roofing and solar panels are required in the interests of the character and appearance of the area. Conditions in respect of compliance with privacy screen details and required air source heat pump details are necessary in the interest of the living conditions of existing and future occupants.
15. An ecological compliance condition is necessary in the interests of biodiversity. A condition restricting the use of driveways and garages is required to ensure sufficient parking arrangements are maintained.

16. I have not imposed the Council's suggested low carbon measures condition as it is not sufficiently precise or enforceable. It has also not been shown that such a condition would be necessary to make the development acceptable.
17. I have removed certain permitted development rights to extend upwards and alter roofs in the interests of the character and appearance of the area. However, I have not removed other permitted development rights as suggested by the Council. This is because the PPG advises that the blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.
18. I have made some amendments to the Council's suggested conditions in the interests of clarity and to ensure compliance with the Framework.

Conclusion

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

J Hills

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of the permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Drawing No. 1102.21.01; Proposed Drainage Plan Drawing No. 22.016 03.00 Rev A; Proposed Sections Drawing No. 1102.21.10 Rev. B; Proposed Site Plan Drawing No. 1102.21.04 Rev. B; Proposed Long Elevations Drawing No. 1102.21.05 Rev. B; Proposed Elevations (Unit 1) Drawing No. 1102.21.06 Rev. B; Proposed Elevations (Unit 2) Drawing No. 1102.21.07 Rev. B; Proposed Plans (Unit 1) Drawing No. 1102.21.08 Rev. B and Proposed Plans (Unit 2) Drawing No. 1102.21.09 Rev. B.
- 3) Notwithstanding the submitted details, prior to the installation of any part of the surface water management scheme or before development continues above ground level, whichever is the sooner, full details of the most sustainable drainage option shall be submitted to and approved in writing by the local planning authority. Design steps as below:
 1. Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.
 2. If infiltration is suitable then the soakaway should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
 3. If infiltration is not suitable then an offsite discharge can be considered. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
 4. The offsite discharge will need to be limited to the Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. The discharge must meet each of the critical return periods. Full details of the flow control device will be required.
 5. A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels of the soakaways/attenuation features, within the private ownership. The soakaways should be sited 5m away from all buildings and highways to accord with Building Regulations and 2.5m from all other site boundaries for best practice.
 6. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.
- 4) 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 proposed development shall be submitted to and approved in writing by the local planning authority. The natural slate used on all new buildings with pitched roofs must accord with the hierarchy of origin as well as meeting the requirements to be compatible with local vernacular and design:
 - Reclaimed UK or European slates where available with proof of origin from supplier

- New UK derived slates with proof of origin from supplier
- New European derived slates with proof of origin from supplier
- No other natural slate products will be considered acceptable

All new roof slates and natural stone must be covered by a minimum warranty period of 50 years. Where possible, a product should be obtained that has an Environmental Product Declaration (EPD). If an EPD is not available, a verifiable certificate of origin or provenance will need to be supplied. The development shall then be carried out in accordance with those samples as approved. The slates shall be fixed in the traditional manner using nails not hooks and retained and maintained for the lifetime of the development.

- 5) The 1.8m high obscure glazed privacy screens as detailed on drawings 1102.21.06 Rev B and 1102.21.07 Rev B on the northeast and southwest elevations of each of the first floor rear balconies hereby permitted shall be installed prior to the use of any balcony and shall thereafter be retained and maintained.
- 6) Prior to occupation of any building hereby approved, the timber louvres on the southeast elevation of each of the dwellings shall be installed. The timber louvres shall thereafter be retained and maintained for the lifetime of the development.
- 7) Notwithstanding the information submitted, prior to installation full details of the Air Source Heat Pump hereby approved shall be submitted to and approved in writing by the local planning authority. The equipment shall then be installed, maintained and retained in accordance with those details for the lifetime of the development unless otherwise agreed in writing by the local planning authority.
- 8) Prior to their installation, details of the solar panels to be used in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The panels shall be of a visually recessive design. Prior to occupation of any building hereby approved, the panels shall be installed in accordance with those details as approved and retained and maintained for the lifetime of the development.
- 9) The recommendations, mitigation and enhancement measures of the Ecological Report by Butler Ecology, dated 12 August 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 with the local planning authority.
- 10) The garages and driveways hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order, 2015, as amended (and any Order revoking and re-enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express

consent in writing of the local planning authority other than those expressly authorised by this permission:-

- (a) Part 1, Class AA (enlargement of a dwellinghouse by construction of additional storeys)
- (b) Part 1, Classes B and C (roof addition or alteration).