



Appeal Decision

Site visit made on 18 December 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20.12.2023

Appeal Ref: APP/Q1153/W/23/3316577

The Old Rectory, Road From Vouldson Cross to Bratton Clovelly, Bratton Clovelly, Devon EX20 4LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Angus McCully against West Devon Borough Council.
 - The application Ref 3568/22/HHO, is dated 12 October 2022.
 - The development proposed is the conversion of a garage with the loft over it into a two-story assisted living space with access lift.
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Decision

1. The appeal is dismissed and planning permission for the conversion of a garage with the loft over it into a two-story assisted living space with access lift is refused.

Preliminary Matter

2. Whilst two applicants are shown on the planning application, the appeal has been made in Angus McCully's name and it proceeds on that basis.

Background and Main Issue

3. This appeal relates to the Council's failure to give notice within the prescribed period of a decision on an application for planning permission. The Council has provided an appeal statement which sets out the putative reason for refusal and the appellant has had the opportunity to respond to this. I have therefore had regard to the Council's submission when determining the appeal.
4. Thus, having regard to the above, the main issue is the effect of the proposed development on the character and appearance of the host building and surrounding area.

Reasons

5. The appeal site is an early twentieth century building set within a large plot at the edge of Bratton Clovelly within a predominately rural setting. The dwelling is an attractive detached principally two-storey building with red brick elevations under a slate roof. Views looking towards the site from the public highway are restricted by a hedgerow growing parallel with the road.
6. I observed during my site inspection that the red brickwork, sloping roofs with prominent gables clad in tiles and the quality of its details contribute positively to the character and appearance of the dwelling. Whilst a garage was added to the property in the 1960s, the historical form and character of the dwelling remains legible and is illustrative of its original design.

7. The Council's statement references that the host dwelling would be a non-designated heritage asset. However, whilst the building may be an historic building which has featured within the community, there is no evidence before me to support the contention that it is a non-designated heritage asset. Nevertheless, the appeal in any event focuses on the effect of the proposal on the character and appearance of the dwelling and the surrounding area.
8. The proposed development would introduce a flat roofed dormer over the existing single storey lean-to garage. It would occupy much of the garage roof slope and extend higher up the side wall to sit just below the eaves of the main two-storey dwelling. Whilst the garage was not part of the original building and I accept the dormer has been designed to deliberately contrast with the existing building, it would lack a sense of subtleness and would nevertheless be a large, elevated addition to the host building. These factors together with the unrelieved expanse of flat roof would give the extension a substantial scale and box-like form. This would fail to reflect the existing mix of pitched roofs, which are characteristic of the original building, and the proposal would appear as a bulky, dominant, and discordant addition to the dwelling. I do not consider that the proposed use of material to the sides of the dormer offsets the harm that would be caused to the character and appearance of the host dwelling.
9. I note that the proposal would extend the property and provide assisted living space. The proposal would be beneficial in those respects. Nevertheless, those are essentially personal benefits as opposed to public harm that would result. Furthermore, there is no compelling evidence before me that attaining those benefits is reliant on this particular proposal.
10. I also recognise the appellant considers that the existing roof is in need of repair. However, from all that I have seen and read, I am not convinced that this would be an acceptable design solution. Accordingly, I give this matter limited weight.
11. Although the extension would not be easily seen from wider areas due to the trees and hedgerows that break up some views, I have no evidence that they are protected and therefore cannot be relied upon to provide the same degree of screening in the future as they do now. Consequently, the sense of incongruity created by the design, scale and bulk of the dormer would harm the character and appearance of the original property, and the sense of unsuitableness would be given emphasis in the wider glimpse views. For these reasons, the extension would appear as an incongruous addition which would fail to integrate successfully with the host building and surrounding area.
12. Insufficient evidence is before me on the potential for a "fallback" position and the appellant's reference to permitted development rights. For example, there are no details of this before me to consider, or that it is indeed a real possibility for the appellant to pursue. Additionally, the appellant considers that permitted development rights would only apply to the back of the house. As such, they have very limited bearing on my decision.
13. My attention has been drawn to the nearby Bratton Clovelly Conservation Area (BCCA) and the potential impact the proposal might have on it. However, the appeal site does not lie within the conservation area, nor does it lie within the 50 metre buffer zone. As such it would be erroneous to undertake the statutory duties under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended. Moreover, the proposal would not form an intimate part

of the setting of the BCCA and the way in which the BCCA is experienced. The appeal scheme would therefore not have an impact on character and appearance of the BCCA.

14. Nevertheless, for the above reasons, having regard to the design, scale and bulk of the proposed roof extension, the whole effect is a scheme which would be an unsympathetic form of development. The proposed extension would cause unacceptable harm to the character and appearance of the host building and surrounding area. Therefore, it fails to accord with criteria in Policies SPT1, TTV29, DEV20 and DEV23 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (adopted March 2019) (the JLP) which together, amongst other things, require development to be high quality, reinforce local distinctiveness and improve the quality of the built environment.
15. The proposed development would also not accord with the overall aim of the Supplementary Planning Document 2020 that relates to dormers. For similar reasons, the proposal would be contrary to the provisions in the National Planning Policy Framework (the Framework) in relation to achieving well designed places.
16. It is noted that the Council suggested that the appeal scheme would be contrary to JLP Policies DEV10 and DEV21. Policy DEV10 refers to housing development, which is not proposed. Policy DEV21 relates to development affecting designated and non-designated heritage assets and their settings. Whilst the host dwelling is a traditional building, there is no evidence before me to suggest that it is a non-designated heritage asset nor that it is within a conservation area or its setting. On this basis, I have disregarded these policies and thus I have not taken them into account in my decision making.
17. It is also noted that the Council has referred to JLP policies TTV26, DEV1 and DEV2. These policies relate to isolated development in the countryside, protecting health and amenity, and air, water, soil, noise, land and light respectively. As such, these policies are not determinative on this appeal.

Other Matters

18. The appellant advises that there has been no local opposition to the proposal. Be that as it may, this does not deflect from my concerns relating to the effect of the proposal on the character and appearance of the host building and local area.
19. The appellant raises concerns over the conduct of the Council in the handling of the application. However, those are procedural matters that do not affect the planning merits of the case, which I have assessed on the basis of the evidence before me.

Conclusion

20. For the reasons given above I conclude that the appeal should be dismissed.

J White

INSPECTOR