



Appeal Decision

Site visit made on 8 November 2023 by S Wilson LL.B. MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2024

Appeal Ref: APP/K1128/D/23/3322208

32A Gallants Quay, South Town, Dartmouth, Devon TQ6 9BU

- 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 Peter Frampton (Frampton Town Planning Ltd) against the decision of South Hams District Council.
 - The application Ref 4220/22/HHO, dated 30 November 2022, was refused by notice dated 7 March 2023.
 - The development proposed is alterations and extension to existing dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for alterations and extension to existing dwelling house at 32A Gallants Quay, South Town, Dartmouth, Devon TQ6 9BU in accordance with the terms of the application Ref 4220/22/HHO, dated 30 November 2022, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. Areas of Outstanding Natural Beauty (AONB) have, since 22 November 2023, been renamed as National Landscapes. This change in terminology has not affected the reasons for their designation or the fundamental aspects of their special qualities. I have accordingly referred to the South Devon AONB as the South Devon National Landscape (SDNL) in my recommendation.
3. The decision notice identifies the applicant as Peter O'Brien. The appeal form refers to Peter Frampton. A letter confirming that the owner of the property is Peter O'Brien is attached to the grounds of appeal and gives the agent, Peter Frampton, authority to be the applicant and, as such, the appellant. I have proceeded on this basis.

Appeal Procedure

4. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

5. The effect of the proposal on the character and appearance of the area with specific regard to the Dartmouth Conservation Area (DCA) and the SDNL.

Reasons for the Recommendation

6. The appeal building is a large and relatively modern three storey dwelling with limited merit in architectural or heritage terms. It is located noticeably low on

the sensitive bank of the Dart estuary whose landscape features make a significant visual contribution to the nationally protected landscape of the SDNL. In this particular case, the defined slope of the land towards the waterfront which is adorned with buildings of various sizes and designs and punctuated with landscaped areas, mature trees and planting. The wider settlement has something of an organic and unplanned appearance. The DCA appraisal notes that the shore below Southtown where the appeal site finds itself has a combination of modern houses, original merchant houses and converted industrial buildings, and that the unity of the town is most apparent from on the water.

7. There is no question that the appeal proposal would add bulk and scale to all three floors and make the building appear larger. However, the existing Lower Ground Floor (LGF) is constructed of stone and creates the illusion of being a retaining wall. Consequently, from Kingswear and the river, the property appears to squat into the slope and be two stories tall. The proposed LGF extension would be constructed with matching stone and would perpetuate the illusion. The DCA appraisal notes that retaining walls are a prominent feature at this location. As such the proposed LGF would integrate well with both the existing house and its wider setting.
8. The proposal would introduce a second west facing forward projection to the Ground floor (GF) and First Floor (FF) with a gable. The FF north elevation extension would have a flat roof which would match the ridgeline between the two gables. These design elements are visible in the wider DCA architecture and would consequently integrate well with both the existing house and its built surroundings. Furthermore, the overall roof height would be lowered which, combined with the flat roof elements, would visually reduce the prominence of the altered building overall.
9. Stone and render finishes are consistent with the local vernacular. Despite the proposed FF floor cladding being a modern material, it would be befitting of the modern design of the extensions and acceptably (in this case) juxtaposing with the traditional. The proposed GF and FF south elevation side extensions would add balcony space at both levels. The use of matching stone would integrate the extra mass into the retaining wall illusion and the use of half height construction and glass balustrade at FF would limit the obviousness of the visual effect.
10. Despite its additional mass, bulk and scale, the proposed design would reduce the appeal site's visual prominence and integrate well into its sensitive location. Its overall height would suit the lie of the land and the distinct rhythm of cascading buildings as they adorn the hillside. It would be modern but unashamedly so and utilise an appropriate mix of materials and features which are in use elsewhere in the DCA.
11. Consequently, the appeal scheme would preserve the character and appearance of the DCA and, by association, the special landscape qualities of the SDNL. Accordingly, the proposal would comply with Policies DEV20, DEV 21, DEV23, DEV25 of the Plymouth and South West Devon Joint Local Plan 2020 (Local Plan) and Policies GE1, GE10, TE2, and TE3 of the Dartmouth Neighbourhood Development Plan 2022 (DNP). Amongst other things these policies require development to have proper regard to the pattern and scale of local development and distinctiveness, respect or enhance heritage assets and

development to protect and maintain the unique National Landscape. For the same reasons, the proposal would also comply with the relevant paragraphs of the National Planning Policy Framework (the Framework). The most recent changes to which from December 2023 have not materially affected the relevant substantive parts as they relate to the main issue.

Other Matters

12. Substantive concerns have been recorded concerning light pollution due to the size and quantity of the fenestration. The Council has not objected on this ground. Floor to ceiling fenestration is a repeated characteristic of properties along the riverbank at Dartmouth and as such the proposed design would integrate well in this respect. Dartmouth is an urban settlement that spills multiple lights onto the river at night. Some buildings have larger areas of glazing than the appeal scheme and given the enlarged fenestration would mostly replace the existing there would be no additional harm arising.
13. I am aware of the appeal site being at risk of flooding but equally the Council do not object subject to the implementation of recommendations through the appellant's flood risk assessment. I see no reason to disagree with these conclusions, noting that the scheme is for the extension and alteration of an existing dwelling and not the creation of a new one.

Conditions

14. In addition to the standard time period for commencement of the development, a condition requiring works to accord with the approved plans would be necessary for enforcement purposes. Conditions ensuring high quality and contextually appropriate materials are necessary given the location of the proposed development. The Council's suggestion is however overly prescriptive and duplicating. I have therefore recommended less conditions but addressing the relevant matters sufficiently. This also allows flexibility and the Council final say on suitability. The materials condition needs to be pre commencement due to what it seeks to secure. The matter of existing and natural stone is compliance based.
15. A Construction Management Plan is required to safeguard neighbours' living conditions and take account of the access issues for the appeal site for which the water may be preferred. As is, in the interests of the proper functioning of the appeal scheme, the maintenance and retainment of the approved surface water drainage scheme. Given what they seek to achieve, details would be required prior to the commencement of development for the CMP and prior to first use/occupation for the drainage scheme.
16. A condition requiring that works be carried out in accordance with the Flood Risk Assessment by Vectos dated November 2022 is necessary to ensure that the development is safe from flooding for its lifetime in accordance with Local Plan Policy DEV35 and DNP Policy GE11 and the Framework. A condition requiring development to take place in accordance with the recommendations for ecological mitigation and enhancement set out in the ecological report, dated October 2020, is necessary to safeguard protected species in accordance with Policies DEV26 of the Local Plan and GE2 of the DNP.
17. A condition requiring that the LGF shall be permanently retained with open sides in accordance with approved plans to prevent conversion/use of this

floorspace as habitable is necessary to ensure that present and future occupiers are protected against flooding in accordance with Local Plan Policy DEV 35 and DNP Policy GE11 and the Framework.

Conclusion and Recommendation

18. For the reasons given above, the appeal scheme would comply with the development plan and there are no material considerations worthy of sufficient weight (including the Framework) that would indicate otherwise. I therefore recommend the appeal be approved, subject to the conditions in the attached schedule.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, subject to the conditions attached.

John Morrison

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1670/001 - Site Location Plan; 1670/008A – Proposed Elevations; 1670/005 – Proposed Roof Plan; 1670/006 – Proposed Lower Ground Floor and 1670/007 - Proposed Floor Plans.
 - 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted and their method of fixation, jointing and/or pointing has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any re-enactment of that Order) all new natural stone walls shall be constructed in accordance with the plans hereby approved and all existing natural stone walls shall be retained in their natural stone external finish and shall not be rendered, colour washed or otherwise treated in a manner that would obscure the natural stone finish.
 - 5) No development shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by the local planning authority. The plan shall provide for:
 - i) the timetable of the works;
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) the method and location of the loading and unloading of plant and materials;
 - iv) storage of plant and materials used in constructing the development;
 - v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) delivery, demolition and construction working hours.
- The approved Construction Environmental Management Plan shall be adhered to throughout the construction period for the development.
- 6) Development shall be carried out in accordance with the surface water drainage scheme shown on the plans hereby permitted and shall be retained and maintained in accordance with a scheme to be submitted to and approved in writing by the local planning authority prior to the first occupation/use of the development hereby permitted.
 - 7) Development shall be carried out in accordance with the Flood Risk Assessment by Vectos dated November 2022.

8) Development shall be carried out in accordance with the recommendations for ecological mitigation and enhancement set out in the ecological report, dated October 2020.

9) Notwithstanding the plans hereby approved the lower ground floor shall not be enclosed and/or used/occupied as independent or further residential accommodation.