



Appeal Decision

Site visit made on 10 January 2024

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2024

Appeal Ref: APP/K1128/W/22/3306873

Sand Pebbles Hotel, Inner Hope to Outer Hope, Hope Cove TQ7 3HY

- 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 M Davies against the decision of South Hams District Council (the Council).
- The application Ref 4031/21/FUL, dated 26 October 2021, was refused by notice dated 22 July 2022.
- The development proposed is the redevelopment of the existing hotel with owner's accommodation to 7 holiday lets and 5 residential units.

Decision

1. The appeal is dismissed.

Main Issues

2. Having regard to the reasons for refusal, the main issues in this case are
 - a) the effect on the character and appearance of the area and whether the development would conserve the landscape and scenic beauty of the South Devon National Landscape;
 - b) the effect on the living conditions of existing and proposed residents;
 - c) whether the accommodation to be delivered accords with the strategy for the District and
 - d) the impact on the natural environment.

Reasons

Character and appearance

3. The Sand Pebbles Hotel is on steeply rising land to the north of a lane called the Hope Bypass on the plans, and comprises a vacant 10-bedroomed hotel with owner's accommodation. It dates from around the mid-20th Century, albeit with subsequent additions, and is predominantly 2 storeys high with a third storey in the roof space. It is of a rendered finish with a pronounced front gable, and whilst it is of no strong design merit, in my opinion it also is not particularly unattractive either. It stands near the centre of its large plot, with a drive rising up steeply from the road through a car park.
4. It sits in a built-up area within the settlement boundary of Hope Cove, which extends back from the sea along this steep northern side of the valley. To the east and west of the appeal site along this section of the Hope Bypass are detached properties of various designs. They nonetheless tend to be of similar

ages, scales, sizes and layouts, and draw on a limited palette of materials, design approaches and roof forms. They also each appear to sit on relatively large plots. As a result, while acknowledging the variations that exist between one property and another, there is a certain cohesiveness in the appearance of this section along the north of the road. To the rear, further up the slope, are one and two storey buildings on Cliff Road, Grand View Road and Weymouth Park, but these are not so apparent from the Hope Bypass.

5. The appellant's evidence shows that this area of Hope Cove developed around an existing network of country lanes. The original rural character that these no doubt had still remains to some extent, as the Hope Bypass is a relatively narrow lane with informal edges, and limited pavements or streetlights, while the buildings on the north side especially are set back. Moreover, in the vicinity of the site the carriageway is often bounded by embankments. Although the appeal property is a slight departure from this as it has a rendered wall adjacent to the highway, this wall, especially at the eastern end, is not particularly tall and the embankment above is apparent. As a result, even here a sense of the rural character of the lane remains.
6. Overall, I therefore consider that this length of the Hope Bypass has a notable degree of unity in the appearance and layout of properties, and displays a pleasing spacious, landscaped character that echoes the rural past of the road.
7. The proposal comprises 4 buildings. Buildings 3 and 4 would be at the back of the site, and these would be 3 storeys high and form 5 units. The 2-storey Building 2 would be in front of them and contain 2 apartments. Beneath Building 2 would be Building 1, which would be an underground car park at road level with a row of 5 single aspect apartments above.
8. Buildings 2, 3 and 4 are each, separately, of a scale that reflects the properties along this side of the Hope Bypass. Moreover, Buildings 3 and 4 would be roughly in the same position as the hotel now on site.
9. However, given their scale and how close they are to each other, these 3 buildings would, in my opinion, result in an intensity of development on the site that was appreciably at odds with the relatively spacious and informal character that is now found along this section of the north side of the road. I note that when looking at the 3-dimensional drawings the informal arrangement of buildings rising up the hillside gives the impression of a relatively dense development already being present, but on the ground I consider this is mitigated to an appreciable degree by the spaciousness between buildings.
10. Furthermore, Building 2 would be mainly in front of where the hotel now stands, and would, in part, be at an elevated level when compared to the existing landform. As a result, it would not only project further forward than the properties to either side, but would also be raised up appreciably closer to the carriageway, and so it would be a dominant and discordant feature in the streetscape.
11. Finally, Building 1 would create a row of windows stretching across much of the site, which again would conflict with the surroundings and emphasise the scale and presence of development. Moreover, whilst there might be parking bays elsewhere at the edge of the carriageway, the wide entrance to the underground car park, even if gated or similar, would be a formalised feature more associated with an urban environment, and it would not reflect the rural

ambience that this length of the road still maintains. Whilst the underground parking would mean the site's cars were concealed, and while I recognise that an area of embankment would be established where the existing site entrance is now, any benefits from these do not outweigh this harm.

12. Accordingly, I find this would be an adverse and discordant development that would detract to an unacceptable degree from the character and appearance of this part of Hope Cove.
13. In coming to this view I do not question that, of themselves, the various buildings before me are well-designed. However, in this location I find their nature, grouping and form to be inappropriate. Although the building and its grounds at the moment may be in poor condition and unkempt, that is probably because of limited maintenance during the period of vacancy, and so could be readily rectified. It is therefore not a matter to which I attach significant weight.
14. Turning to the other aspects of this issue, Hope Cove is in the South Devon National Landscape (previously called the South Devon Area of Outstanding Natural Beauty). However, views of the scheme from the surrounding countryside would be limited and, from where it would be apparent, most notably to the south, it would be set among the varied built form running up the northern slope of the valley. Although there are a few places within the built-up area where the new buildings would be set against the skyline or encroach into existing views of the countryside around, these would be fleeting and would not, of themselves, fail to conserve the landscape or scenic beauty of the National Landscape.
15. Given its position in the built-up area, the scheme would not have a detrimental effect on the undeveloped and intrinsic character, appearance or tranquillity of the Undeveloped Coast, or the Heritage Coast that are in the vicinity of Hope Cove. It would be away from the beach on an already developed site, and so would not detract from the natural beauty, heritage, or flora and fauna of such areas, and would not diminish their recreational, environmental and economic value. As such, it would not conflict with Policies DEV24 or 25 in the *Plymouth and South West Devon Joint Local Plan* (the Joint Local Plan), or Policy SH Env2 in the *South Huish Neighbourhood Plan*. I have had regard to the reasons for siting the scheme here, and am aware it is a redevelopment of an existing site. Therefore any conflict with Neighbourhood Plan Policy SH Env2(b) is not a basis to resist the scheme.
16. The locality benefits from dark skies, and there is a significant amount of glazing on the southern elevations of the intended buildings. Many of the properties around the site on the hillslope have their main windows facing southwards over the valley though, and the existing hotel would also generate a certain amount of light if operational. Given this, and with the possibility of controlling lighting outside of the buildings, on the evidence before me I am not satisfied that the proposal would harm the dark skies or detract from the unlit environment of the Parish. As such, it would not conflict with Policy SH Env8 in the Neighbourhood Plan.
17. Accordingly, I conclude the scheme would detract unacceptably from the character and appearance of the area. It would consequently conflict with Joint Local Plan Policies DEV20 and 23, and Policy SH HBE3 in the Neighbourhood Plan, which together, among other things, broadly require proposals to

conserve townscape, having proper regard to the context in terms of local distinctiveness, sense of place, visual impact, scale, massing and density.

Living conditions

Neighbouring residents

18. The property next to the rear, north-west corner of the appeal site stands on higher ground, and has a first floor patio window, balcony and conservatory adjacent to the boundary, with a window on the floor below and a rear-facing window in its adjacent detached building. From these points what can be seen is the first floor of the existing hotel along with its roof and dormer window, as the landform means the hotel's lower floor is substantially below ground level. There would also be a view along the drive to the west of the hotel to the hill beyond. This adjacent property is called Coaching House on the submitted plans, though called The Lodge in the appellant's Landscape and Visual Assessment.
19. When seen from this property, Building 3 would appear 2 storeys high. There would be 3 windows at ground level, about 15m away from the rear boundary. Although closer to Coaching House than the existing rear elevation of the hotel, as they would be lower down they should not give rise to issues of unacceptable overlooking. There is to be a lounge/kitchen window on the top floor of Building 3, that would be nearer to the rear boundary than the only existing north-facing window now at roof-height, which is a dormer window. However, views from that window towards the conservatory and balcony at Coaching House would be acute. There would also be rooflights in the roof of Building 3, but given their height I consider the opportunity for overlooking would be extremely limited. As a result, any loss of privacy for those neighbours on the balcony, or in the conservatory or the room served by the patio windows, would not be unacceptable.
20. However, the rear window in its adjacent building would have a far more direct relationship with the intended lounge/kitchen window on the top floor. As it would also be closer, and, as there is little overlooking now from the current dormer window as it serves only a landing, I consider the new lounge/kitchen window would result in a loss of privacy in that building. As I have not been told that the room served by that window is not used as living accommodation, I consider there would therefore be unacceptable harm to the living conditions of its users.
21. In coming to this view I have had regard to the appeal decision from Yelverton in 2006, where the Inspector said that bedrooms were only lightly used during the day and this affected the level of overlooking that was allowed by their windows. However, the window I have concerns about is not to serve a bedroom. Therefore, even if I were to concur with that Inspector's views I nonetheless consider I am assessing a materially different situation.
22. Furthermore, although in absolute terms nearly all of Building 3 would be lower than the hotel, its elevations would extend above the existing eaves height, and it would be appreciably taller than the element presently on the western end. Taking these factors together, along with it being notably closer, I consider this building would be unduly dominant and overbearing when seen from this adjacent property.

23. To the north-east of the appeal site is The Puffins, which I was told was used as 2 holiday flats. This building too is close to the boundary, with a conservatory and a window at ground floor level and a balcony and window above. At this point though the existing hotel has a single storey element with a tall gable projecting rearwards to close to the boundary, and a window is in that end elevation. As Buildings 3 and 4 would not be as near to the boundary, I consider the proposal would cause less overlooking and allow greater privacy at that adjacent property. Although slightly taller, the setback would also mean they would be less dominant and overbearing.
24. To the east of the site is Beacon Cottage. Although it stands forward of the hotel, there is already an awareness of the existing building and the intervening boundary treatment from the windows and doors in its western elevation. This elevation would be located mainly between Building 4 and Building 2, looking through the gap in between. There would be some loss of a view, but that is not, of itself a planning matter. However, when the separation involved, the status of the windows in question and the outlook they currently enjoy are all taken into account, I consider the effect of the scheme on the living conditions experienced by those residents would not be unacceptable.
25. Also to the east is Fern Lodge, but the intervening curtilage of Beacon Cottage means the scheme would not affect the outlook or privacy enjoyed there.
26. To the west is Blue Bay, a 2 storey property with a third storey in the roofspace. On the first floor in the gable are 2 windows. One appears to be a secondary window to a room that has a larger window on the building's front elevation, and again the effect on outlook would therefore not be unsatisfactory. The other window would be well back, beyond the northern elevation of Building 4 and so would not suffer an unacceptable loss of outlook. This gable also has a window in the attic, which appears to serve a kitchen and again would be level with the rear elevation of Building 4. Therefore any effect on the outlook from this window would not be unacceptable either.
27. Finally, although at a lower level, the dwellings to the south are on the opposite side of the road and so a significant distance away. The presence of the road also compromises the privacy afforded the rooms on their northern elevations, and their outlook is limited by the rising land on the appeal site. Those residents would therefore not be unduly harmed in this regard.
28. Whilst some of the proposed rooms would be deep with a single aspect, these tend to be sunk into the ground and so the likelihood of side windows being formed is limited. In any event that could be addressed by a condition.
29. It was also said the residents around would experience increased noise. However, mindful it is now a hotel with outside terracing, I have no grounds to consider what is before me would be materially worse in that regard. Conditions could be imposed to restrict noise from air source heat pumps and similar. If some of the neighbouring properties are used as holiday accommodation I have not been told of restrictions that mean they would necessarily remain as such into the future. It is therefore reasonable to assess them as permanent living accommodation.

Future occupiers

30. Contrary to the Reasons for Refusal, the appellant has confirmed what is my understanding from the submissions, namely that units 8-12 (comprising Buildings 3 and 4) are to be the 5 residential units, while those in Buildings 1 and 2 are to be the 7 holiday lets.
31. The Council contended the 5 units in Building 1 were too small, falling below the space standards in the *Technical Housing Standards - Nationally Described Space Standards* (NDSS) found in the Government's *National Model Design Code*. This was on the basis that they were shown as each being for 2 people and not, as the appellant claimed, for just one. However, even if the Council is correct, as they are intended for holiday accommodation and could be conditioned to remain so, the units would not be occupied permanently and would not have the same demands placed upon them as permanent housing. Consequently, any such shortfall is not a basis to dismiss the scheme.
32. The units in Buildings 3 and 4 would each be 3 bedroomed properties for 6 people. It is not expressly stated they are to be for holiday accommodation only. Rather, from the description of development, they are to be residential units. Therefore, while the appellant would like the flexibility for them to be used as second homes (subject to a condition preventing that not being imposed), they could be used as principal dwellings. As a result, it is reasonable to consider them against the NDSS. In support of this approach, I note that the appellant has argued in his Appeal Statement that deficiencies against the NDSS should not be applied to Units 1-5 because they are to be holiday accommodation, but he has not made a similar contention concerning Units 8-12.
33. The Council's Officer report said the 3 bed/6 person houses were far short of the required 102m² for 2 storey dwellings found in the NDSS as they each would have a floor area of 75m². However, the only 3 bed/6 person units in the scheme are in Buildings 3 and 4, and they are 3 storeys in height. Under the NDSS, the Government considers the gross minimum floor space for 3 bed/6 person units this tall to be 108m². The appellant confirmed that, despite what was said in the Appeal Statement and the Officer report, units 8, 9, 11 and 12 would each have a floor area of 105.9m², in line with the information in the Design and Access Statement. As such, they would be below the minimum given in the NDSS for 3 storey 3 bed/6 person homes, and so would be of an inadequate size. Furthermore, based on what is before me the area to the front of Buildings 3 & 4 would be open, while the area to the rear would have no direct access from the houses, but could only be approached around the side of each block. As a result, I consider it has not been shown that the residents of the dwellings in these buildings would have suitable access to reasonable private garden space.

Conclusions on this issue

34. Accordingly, for the reasons given above, I conclude that the development would unreasonably harm the living conditions of neighbouring residents and it would result in unacceptable living conditions for future occupiers. As such, it would conflict with Policies DEV1 and DEV10 in the Joint Local Plan, which seek to protect living conditions and deliver new housing in line with the NDSS.

Accommodation

35. Policy SH H2 in the Neighbourhood Plan says new open market housing will only be supported where conditions or similar mean its use as a principal residence is guaranteed.
36. The Council has suggested a condition be imposed on the open market dwellings to prevent their change from principal residences in the future, and I see no reason why this would be inappropriate. To my mind, as it is within the village, housing here would not be harmful and a condition would prevent their change once they had been built. Clearly, if there was any breach and the dwellings were occupied in a manner not in line with the condition it would be for the Council to take appropriate enforcement action. I recognise that I have found 4 of these units to be too small to be principal residences, but that is a separate issue to this that has no direct bearing on my assessment.
37. Turning to the holiday lets, they may not be supporting the housing needs of the Parish, but as they are maintaining the lawful tourism-related use of the site I am not satisfied such a requirement is justified. On this site there are no principal residences at the moment other than ancillary accommodation in the form of a manager's flat. As such, the holiday lets would not cause a loss of primary residences to second homes.
38. Policy SH H2 in the Neighbourhood Plan says new unrestricted second homes will be resisted. I am aware though that permission has recently been granted for the building to change to 5 holiday flats. Taking this into account, and noting the lawful tourism use of the site, I find this would not be a justified concern with this development.
39. Neighbourhood Plan Policy SH EC01 says changing hotels to non-hotel uses will only be permitted in certain circumstances. However, it goes on to say it aims to resist '*the loss of a hotel or tourism related site*' (so not drawing a distinction between the 2), and it sits under the overall purpose of preventing the loss of tourism related uses. It has not been shown that the demand for this hotel no longer exists as required by clause (c) in that policy. However, with Units 1-7, it is maintaining a tourism-related use on the site with development of a comparable and proportionate scale to the existing. This, in my opinion, appears to be in line with the overall purpose and thrust of the policy. Therefore, failure to show that the demand for this hotel no longer exists does not offer a basis to resist the proposal. I accept that, by seeking some of the units to be open market housing, it shows that the scheme is clearly divisible, and so the holiday units could be sold off separately, but I maintain my position that, on the evidence before me, any conflict with the development plan in this regard is not a ground to dismiss the appeal.
40. Mindful that the holiday accommodation would still need to be serviced, and that the new occupiers would support local businesses to some degree, there is little to show the scheme would reduce employment opportunities in the village to a material degree.
41. Accordingly, for these reasons I conclude the uses would be satisfactory, and, given the material considerations discussed above, any conflict there may be with Neighbourhood Plan Policies SH H2 or SH EC01 would not be a basis to resist the scheme.

Environment

42. I have no basis to consider the existing site has any particular biodiversity value, or includes any provision to address climate change.
43. The appellant's submissions provide sufficient comfort to show the site could be redeveloped in a manner that provided a suitable biodiversity net gain when compared to the situation at present, and also introduce suitable measures with regard to climate change and the scheme's carbon footprint. If minded to allow, it would be reasonable to deliver these through appropriate conditions.
44. Accordingly, I conclude the scheme would have due regard to biodiversity net gain and climate change, and so would not conflict with Joint Local Plan Policies DEV26 and DEV32, or Policy SH Env3 in the Neighbourhood Plan, which seek to deliver low carbon development and protect biodiversity.

Other matters

45. The site's existing access is poor, not just because it has limited visibility, but also because it is narrow, steep and, when coming from or going to the west, sharp. As a result, even if the new access to the underground parking has sight splays below those generally recommended for a road of this nature, they would be better than what is now available, and its overall arrangement would mean it was an easier and safer access for traffic to negotiate. Again, I recognise I have found the design of the car park access to be unacceptable in relation to character and appearance, but that is a separate issue to this matter.
46. The scheme would have 14 parking spaces. I understand this would be less than required by the adopted standards in Neighbourhood Plan Policy SH T1, but the Council accepted that the existing shortfall on the site was as bad or possibly worse. The shortfall associated with this scheme is therefore not a reason to resist the appeal as it would not cause harm to highway safety.
47. There is no evidence to show the expected traffic flows would have a severe effect on the highway network. If people walked to or from the site they would have to do so along the carriageway, but that applies at the moment and I am not satisfied that the effects as a result of this scheme would be materially harmful.
48. Accordingly, I conclude that when compared to the existing situation, the size of the shortfall in the number of parking spaces and the improved access, mean highway safety would not be compromised, and so the scheme would not conflict with Joint Local Plan Policy DEV29, while the material considerations of the case mean any conflict with Neighbourhood Plan Policy SH T1 mean refusing on that ground is not justified.
49. The Council accepts that Hope Cove has sustainable characteristics, and a travel plan could be secured by condition. On the evidence before me I have insufficient grounds to resist the scheme on the basis of its drainage or the various other concerns raised by local residents.
50. Devon County Council advised that education contributions would be needed, and had I been finding differently on the issues above this is a matter I would have explored further with the parties.

Planning Balance

51. I have therefore found harm in relation to the character and appearance of the area, as well as the living conditions of neighbouring residents and future occupiers.
52. In considering this case I have had regard to the support for the scheme, focussed around the potential economic and environmental benefits it is considered would arise by replacing the existing '*tired*' hotel with modern holiday accommodation. However, such benefits are unquantified. I also recognise the improvements to highway safety and the contention that the scheme is optimising the site's potential. However, taking them together along with the other benefits raised, these factors do not outweigh the harm cited above. Indeed, even if the detached building at Coaching House is not used as living accommodation, such benefits do not outweigh the remaining harm I have identified.

Conclusion

53. Accordingly, having regard to the development plan when taken as a whole, I conclude the appeal is dismissed.

JP Sargent

INSPECTOR