

Appeal Decision

Site visit made on 7 February 2024

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15.02.2024

Appeal Ref: APP/Q1153/D/23/3325879

3 Langdown View, Spreyton, EX17 5AZ

- 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 Andrew Penny against the decision of West Devon Borough Council.
 - The application Ref 1275/23/HHO, dated 11 April 2023, was refused by notice dated 26 June 2023.
 - The development proposed is a car port.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on a) the setting of a listed building; b) the character and appearance of the locality; and c) living conditions for on-site residents.

Reasons

3. The appeal property is a detached two storey dwelling at the northern end of a row of 3 similar homes which have recently been constructed in this rural location fronting the A3124. The dwellings stem from a planning history which allowed new-build in lieu of 'fall-back' 'Class Q' consent. The dwellings are served by a shared driveway parallel to the main road with landscape alongside this and so are set some way off the main road edge. The proposal is for a double car port, timber sided and rear, with slate pitched roof, planned forward of the dwelling towards the northern corner of the plot.

Listed building

4. The Council underlines that there are a pair of semi-detached dwellings to the south of the site which are Grade II listed, with detached Grade II listed property (including garden walls) further to the south again (Fourways), with another Grade II listing (Langdown Cross Cottages) to the south of Fourways. It is of the view that the appeal proposal would lead to a detrimental impact on the setting of these listed buildings.
 5. There is a duty imposed by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving the setting of a listed building.
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6. I have carefully considered this matter. In my opinion the listed buildings are too far removed from the scheme to have any real inter-connection; there is too much intervening landscape, hard-surfacing and built form to argue any meaningful visual link-up; and the northern end of this row of new homes has no obvious historic connection to any of the listed buildings.
7. Given the above, I conclude that the proposal would not conflict with the aims of S66(1) of the Act. Similarly, it would not be contrary to Policies DEV20 and DEV21 of the Plymouth & South West Devon Joint Local Plan (LP) which, taken together and amongst other matters, seek to protect historic environments and contexts.

Character and appearance

8. The three dwellings are substantial and in my opinion with their layout and elevations not necessarily fully reflective of this rural location but almost suburban in form. However, there is some design merit and they are not overly intrusive in the wider scene or markedly jarring to passers-by not least due to their set back off the main road which understandably appears to have been a key layout determinant. I consider that this set-back of built structures should remain undiminished. Regrettably the planned car port would be intrusive into the scene due to proximity to the road, would lead to an overly-developed appearance for the plot, and would impinge upon the landscape qualities and countryside attributes of this location. The car port would be simply out of place.
9. LP Policies SPT1, TTV26, TTV29 and DEV23 are particularly relevant to this main issue. Taken together and amongst other matters they seek sustainable development which would protect the countryside, respect a site's context and conserve or enhance landscape character. In all the circumstances I conclude that the appeal proposal would run contrary to these policies.

Living conditions

10. The Council is concerned that the appeal proposal would result in the loss of garden amenity space that would be enjoyed by the occupants of the host property.
11. However, I am not convinced by this argument. In my opinion the remaining garden area is suitably sized for normal family use and reasonable dwelling-surrounding planting; the scheme would use-up relatively little open area. In contrast to the well-positioned south west facing main rear garden the area in question is unhelpfully orientated for amenity use and would also be subject to maximum road noise. In my opinion the footprint area of the proposed car port would add little to the 'enjoyment' of the on-site occupants.
12. LP Policies TTV29 and DEV1 particularly highlight the need to protect residential amenity. On the specific main issue of living conditions, I conclude that there would be no conflict with these policies, or any other less directly relevant LP policies cited by the Council.

Other matters

13. I recognise that previous now demolished farm buildings were set forward of the recently constructed dwellings. However, in the context of domestication of

the site by new-build rather than conversion I see no reason for those now removed buildings to set a building line benchmark. I am considering the site as it now stands. I can see that thought has been given to the selection of materials and that landscape should mature but I am not persuaded that this aesthetically justifies the forward positioning of the appeal proposal. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to one of the main issues identified above.

14. I confirm that policies in the National Planning Policy Framework have been considered and the development plan policies which I cite mirror relevant objectives within that document.

Overall conclusion

15. For the reasons given above I conclude that the appeal proposal would not have adverse effects on the setting of a listed building or on living conditions for on-site residents but the scheme would unacceptably impact upon the character and appearance of the locality. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR