

Appeal Decision

Site visit made on 13 February 2024

by G Powys Jones MSc FRTPI

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

Decision date: 29th February 2024

Appeal Ref: APP/K1128/D/23/3328692

9 North Street, Totnes, TQ9 5NZ

- 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 Simon Brook against the decision of South Hams District Council.
 - The application Ref 1273/23/HHO, dated 11 April 2023, was refused by notice dated 16 June 2023.
 - The development proposed is a single storey extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey extension at 9 North Street, Totnes, TQ9 5NZ in accordance with the terms of the application Ref 1273/23/HHO, dated 11 April 2023, subject to the conditions set out in the attached Schedule to this decision.

Preliminary matters

2. The appeal property is described by the Council as a non-designated heritage asset (NDHA) and is located within the Totnes Conservation Area (CA). Across the appeal property's garden a short distance away is 8 North Street, which is listed as a building of architectural or historic significance (*Grade II*).

Main Issue

3. The main issue is whether the character or appearance of the CA would be preserved or enhanced and the effect on other local heritage assets.

Reasons

4. The appeal property is sited at the end of a small terrace of 3 dwellings. The terrace's plain rear elevation adjoins an access lane. The principal elevations of all three dwellings face inwards towards gardens. Across the gardens stands the rear of 8 North Street. Access to all houses in the terrace is obtained via a covered pathway alongside No 8. Immediately to the east of the appeal property is a municipal car park. Walls and the mass of No 8 surround and enclose the gardens, so that the lower parts of the dwellings are sheltered in the public realm.
5. In the Council's view, the property's significance is derived from its age, character and relationship with the adjacent dwellings, and its inclusion on the first edition 1880 OS maps. These factors, in the Council's view, together with the quality of the surviving fabric is deemed sufficient to assess the property as a NDHA. Given the status placed upon the building I share the Council view when it

says that ‘*..careful consideration needs to be afforded to any scheme of alteration or addition.*

6. The Council draws particular attention to that part of its SPD¹ which provides that that ‘*..extensions that project forward of the existing house will generally be resisted except in exceptional circumstance where there is no obvious building line or where front extensions are a feature..*’
7. The Council points out that the three dwellings ‘*..share a front building line and common features which preserve the authenticity of the terrace..*’. I saw that to be the case in part, but what is also evident that the front elevations of the two end of terrace dwellings have been subject to change over the years. Both have small mono-pitch front extensions, and No 11 at the far end from the appeal property displays a conservatory². Thus, what may once have been a distinct and apparent common front building line no longer exists.
8. Accordingly, two of the terrace houses have been subject to significant elevational change over the years, and notwithstanding the provenance of the extensions, their evolved shapes contribute to forming local character. Nonetheless, given the screened and visually constrained nature of the site, the lower parts of the dwellings are not particularly apparent to the world outside. To my mind, the appellant proposes a reasonably sized extension, similar in form to the existing, and which would mirror a rear extension on the nearby listed building at No 8. The extension, if built, would have minimal impact either on the integrity of the NDHA and would have no greater impact from the outside the site than that which already exists.
9. The effect on the character and appearance of the host property and the terrace as a whole would, to my mind, be relatively minor and not harmful. The effect on the CA as a whole would be neutral and certainly not harmful. The Council does not suggest that the setting of the nearest LB would be materially affected or harmed, and I have no reason to conclude otherwise.
10. I therefore conclude that the development, when complete, would not harm the character, appearance or integrity of any local heritage asset, and the preservation of the CA would be ensured. Accordingly, no conflict arises with the relevant provisions of those policies of the Plymouth and South West Devon Joint Local Plan (SPT1, SPT2, DEV20, DEV21) and the Totnes Neighbourhood Plan Policies (En1, En2, En3) directed to maintaining local distinctiveness and sense of place, respecting historic character and providing a positive sense of place and identity.

Conditions

11. In the interests of visual amenity, I shall impose the Council’s suggested condition in respect of external materials.
12. It is also necessary, in the interests of certainty, that the development shall be completed in accordance with the approved plans.

¹ The Plymouth and South West Devon Joint Local Plan (JLP) Supplementary Planning Document

² The Council says that this structure does not have the benefit of planning permission. However, it exists and seems to have been in place for some time. No evidence has been presented to show that it has been subject of past enforcement action.

13. Two additional conditions have suggested by the Council in respect of ecological mitigation and surface water drainage respectively.
14. However, the only letter/report submitted by the ecologist on behalf of the appellant provided to me contains no proposals for ecological enhancement. Accordingly, the Council's suggested condition in this regard is not imposed.
15. As to surface water drainage, I have seen no approved plan or any other plan dealing with drainage. However, in his Design and Access Statement, the appellant suggests that this aspect be dealt with by condition, which I shall do.

Other matters

16. I have noted the references to other development plan policies but those to which I have referred are considered the most relevant having regard to the particular circumstances of the case. I have also taken account of the references to the *National Planning Policy Framework*.
17. I have noted the views of the Totnes Town Council. I am satisfied that the development would have no material impact on the wider landscape.
18. All other matters raised in the representations have been considered but none outweigh those considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

SCHEDULE OF CONDITIONS

- 1). The development hereby permitted shall be completed in accordance with the following approved plans: location plan and Drawing Ref 022-031-1-B.
- 2). The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing dwelling.
- 3). The development hereby permitted shall not be occupied until a surface water drainage scheme has been implemented in accordance with details previously approved in writing by the local planning authority. Once installed the approved drainage scheme shall be retained for the lifetime of the development.