



Appeal Decision

Site visit made on 27 March 2024

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2024

Appeal Ref: APP/W1145/D/24/3336373

Tree Tops, Durrant Lane, Northam, Devon EX39 2RL

- 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 Nick Smith & Ms Carolyn Reis against the decision of Torridge District Council.
 - The application Ref: 1/0608/2023/FUL, dated 22 June 2023, was refused by notice dated 13 October 2023.
 - The development proposed is described as Removal and creation of new roof extension to create a third floor and the addition of a balcony to dwelling and ground floor home office including hard and soft landscaping (Affecting a Public Right of Way).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For the avoidance of any doubt, the appeal proposals relate to alterations and extensions to an existing dwellinghouse including works within its domestic grounds. The appeal proposals were determined by the Council through a householder planning application and have been submitted to the Planning Inspectorate as a householder appeal. I have determined the appeal proposals on this basis.
3. I have used the description of the appeal proposals as taken from the decision notice, with my minor revisions, as I consider this better reflects the development before me.
4. Following the refusal of the appeal proposals by the Council and just prior to the submission of the appeal by the appellants, the revised National Planning Policy Framework December 2023 (the Framework) was published. There are no substantive changes relevant to the appeal before me, and therefore the Council, the appellants and other interested parties would not be prejudiced by my consideration of the 2023 version of the Framework.

Main Issue

5. The main issue is the effects of the appeal proposals on the character and appearance of the appeal property and the wider area.

Reasons

6. The appeal property is a detached dwelling accessed via the narrow Durrant Lane leading down from the A386 to the west. Durrant Lane continues beyond

the appeal property to its southern side and whilst the lane itself is private to vehicular traffic, it is a Public Right of Way, referred to as Northam Footpath 11 (NF11) by the appellants and the Council. Running to the northern side of the appeal property is a further Public Right of Way, referred to as Northam Footpath 38 (NF38). Reference is also drawn to Northam Footpath 10a (NF10a) by the appellants and the Council. NF10a is located to the north-east of the appeal site rising up from the wooded valley below and connects with Goats Hill Road.

7. During my site visit it was evident to me that the appeal property was visible from immediate views from NF11 and more notably NF38 to the north which leads down to the valley bottom below and lies adjacent to open fields which at the time of my visit accommodated livestock.
8. From NF10a, more distant views are possible, particularly from the section of NF10a directly to the south of Goats Hill Road, where NF10a runs directly to the western side of the parcel of land in which it is located and views are possible across the adjacent open fields towards the appeal property. From within the wooded valley below, only occasional glimpses were possible, and my site visit was during late March, before the deciduous trees had come into leaf.
9. I also noted during my site visit that the appeal property was visible from the opposite side of the River Torridge, albeit only for a short distance, along the South West Coast Path which runs adjacent to the B3233, within the section of the Coast Path near to the road turning from the B3233 towards Westleigh.
10. Neither the appellants or the Council contend that the appeal property has any visual or character merit. I concur, I understand that the property dates from circa the 1970's and it has a reflective external appearance, with haphazard window openings often with a horizontal emphasis. The topography of the appeal site, which slopes away in a northerly direction towards NF38, the adjacent open fields and the valley beyond, results in the northern section of the appeal property and in particular its northern gable appearing somewhat elevated above NF38. The massing of the property as perceived from NF38 appears as somewhat uncomfortable in my view when walking past and approaching up the hill from the north-east, this perception of the building awkwardly projecting out of the landform rather than settling comfortably within it, is also perceived from NF10a, and other viewpoints of the property from a north-easterly direction, alongside views from the west from NF11. With that said, the existing property does have some characteristics that are consistent with the surroundings and nearby building styles, such as the angular nature of its roof form.
11. Overall, whilst the design approach to the appeal property may have been considered innovative at the time it was constructed, the appearance has not dated well in my view, and I consider it is fair to say that the existing property when perceived in the immediate environs, or from further vantage points, does not contribute positively to the character and appearance of the area, primarily as a result of its relationship to the landform, its design detail and the surrounding characteristics.
12. With regard to the nearby context of building styles, whilst the appeal property sits alongside some of the more traditional properties in the area, it was evident to me from my site visit that a consistent characteristic was one of

modern infilling between older properties, and other more modern developments replacing or significantly altering existing properties to provide for a modern appearance.

13. Examples of such included some of the cases referred to me by the appellants which I observed during my site visit. This included the property Redwell located further up Durrant Lane to the west which I understand has been developed to provide for two dwellings, and the property Treharrock situated on the rising slopes adjacent to NF10a on the opposite side of the valley to the north, which I understand is a replacement dwelling. The appellants have also referred me to extensions approved at a property Nygarbor at Lower Cleave, which during my site visit I noted works were progressing on. Whilst I have limited details before me to understand the full circumstances behind these examples, and in any case, I am required to determine the appeal proposals on their own individual merits, I do acknowledge that contrasting design approaches and irregularity are not an unusual characteristic in this setting.
14. However, the appeal site itself, as I have described above, has a particular topographical characteristic, which elevates components of the appeal site and its building mass above the adjacent NF38 and the undeveloped open fields sloping down towards the north. The appeal site is also relatively unique in its context, in that it is not sited amongst other properties, due to its positioning between NF11 and NF38. This detached siting from other built form, the elevated location, and the relationship with the adjacent undeveloped fields, particularly exposes the built form upon the appeal site from surrounding vantage points.
15. Turning to the appeal proposals themselves and whilst acknowledging the tiered approach to the design, there is no doubt that the extensions and alterations would lead to an overall greater building mass upon the appeal site, through the increase in the vertical form of the appeal property, via the raising of the external walls to provide for an additional floor and the provision of a balcony enclosure which would be accessed from the proposed upper floor space.
16. Whilst I fully accept that there is scope to change the existing property, I am of the view that the increase in the massing and form as proposed, would increase the incompatibility of the appeal property with the landform, over what already exists at present. This would result in the appeal property appearing uncomfortably out of scale and incongruous within its surroundings when viewed from the public vantage points to the north, north-east and also when approaching the appeal property along Durrant Lane from the west.
17. The increase in scale over the existing would be particularly evident from the adjacent NF38 when approaching from the valley below to the east or leading onto NF38 from NF11 to the west. Whilst I appreciate landscape planting is proposed, I do not consider this would appropriately mitigate the uncomfortable scale of the proposals as they would be perceived from these directions, the building mass would be oppressive and overly dominant.
18. Further, I am not convinced that the single roof pitch in the manner proposed is an appropriate response to the site context, and to some extents exacerbates the concern I have with the form, massing and appropriateness of the design response to the topography and landform of the site and its surroundings. Whilst I acknowledge that the roof pitch has been kept to a

minimum, and this could also help to provide for the provision of solar pv in the future as suggested in the appellants submissions¹, the roof pitch would run contrary to the topography and whilst I appreciate the staggered building form proposed, this would nonetheless contribute to the appeal proposals appearing discordant in their surroundings.

19. I do accept there are a number of positives with the design approach, I welcome the introduction of more vertical openings, and the use of recessive materials such as the timber cladding. I also do not have any particular objection to an innovative design approach to the appeal site. However, ultimately it is the overall form and massing of the proposals, and the relationship of such with the specific characteristics and immediate surroundings to the appeal site, that leads me to conclude that the appeal proposals would result in harm to the character and appearance of the appeal property, and that of the wider area.
20. Consequently, for the reasons I have set out above, the appeal proposals would conflict with Policies ST04, DM04, ST09, ST14 and DM25 of the North Devon and Torridge Local Plan 2011-2031, adopted October 2018 (The Local Plan), which amongst other matters, require proposals to achieve high quality design that reinforces the key characteristics of the area in which they are proposed, contribute positively to local distinctiveness and protect and enhance landscape character. The proposal would also conflict with the provisions of the National Planning Policy Framework 2023 (the Framework), which amongst other matters requires development to be visually attractive and sympathetic to local character, including the surrounding built environment and landscape setting.

Other Matters

21. Whilst the Council have referred to Policy DM26 of the Local Plan in the planning officer's delegated report, this Policy is not referred to on the decision notice. As the Policy relates specifically to replacement dwellings in the countryside, and the proposal before me relates to householder alterations to an existing dwelling, I do not consider this Policy is of any particular relevance to the proposal before me and thus I have not determined this appeal against Policy DM26 of the Local Plan.

Conclusions

22. The appeal proposal would have a detrimental effect on the character and appearance of the appeal property and the surrounding area.
23. As a result of these negative effects, the proposal is in my view unacceptable, and contrary to the development plan, when read as a whole. There are no material considerations that would justify a decision contrary to the provisions of the development plan, in this case.
24. For all of the above reasons, having regard to all matters raised, I conclude that the appeal should be dismissed.

J Evans INSPECTOR

¹ The submitted plans do not indicate solar pv on the proposed roof slope, however the appellants have suggested the provision of solar pv maybe executed in the future potentially under permitted development rights.