



Appeal Decision

Site visit made on 12 March 2024

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2024

Appeal Ref: APP/K1128/W/23/3325981

Atlantic Lodge, Inner Hope to Outer Hope, Hope Cove, Devon TQ7 3HH

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr James Holt against the decision of South Hams District Council.
 - The application Ref is 3559/22/FUL.
 - The development proposed is demolition and replacement of existing dwelling and garage.
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Decision

1. The appeal is allowed and planning permission is granted for demolition and replacement of existing dwelling and garage at Atlantic Lodge, Inner Hope to Outer Hope, Hope Cove, Devon, TQ7 3HH in accordance with the terms of the application, Ref 3559/22/FUL, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr James Holt against South Hams District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. A revised National Planning Policy Framework (the Framework) was published on 19 December and updated on 20 December 2023. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the matters relied on by the main parties are unchanged. Therefore, I did not need to consult with the main parties regarding the revised Framework and in determining this appeal, I have had regard to the most recent version.
4. On 22 November 2023, all areas in England and Wales designated as an Area of Outstanding Natural Beauty (AONB) were retitled National Landscapes (NL). There has been no change to the legal designation and policy status of these areas, but I have replaced reference to the South Devon AONB with the South Devon NL (SDNL) in my decision to reflect this change.
5. The Council's second reason for refusal relates to insufficient information in respect of landscaping, excavation and ground levels. The appellant has submitted revised plans with the appeal that confirm the retained ground levels of the land in front of the proposed development. The plans also introduce vertical slats in front of the upper glazing of the two storey link addition. The revised plans do not make a substantive change to the proposal from that

considered by the Council, and I do not consider any party would be prejudiced by my taking revised plans into account in deciding the appeal.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the SDNL and the Heritage Coast.

Reasons

7. Given that the site is within the SDNL, I am conscious that the Framework requires great weight to be given to conserving and enhancing landscape and scenic beauty in protected landscapes.
8. Atlantic Lodge is a mid-20th Century bungalow that is situated in the settlement of Hope Cove. Hope Cove is split into two distinct areas, Inner Hope and Outer Hope. The appeal site is located within the latter. Adjacent to Atlantic Lodge is another mid-20th Century bungalow that is accessed via the same vehicular access.
9. The appeal site is cut into the hillside, with other properties situated in its foreground and background, on sloping land that rises from the public car park near the beach to the top of the hill. The existing bungalow is unremarkable in form and materials, and experienced within a backdrop of buildings which are a range of age and architectural styles, including some traditional stone built buildings or relatively modern buildings that tend to be render, stone and brick. The predominant roofing material locally appears to be concrete tiles that is a relatively innocuous, non-traditional material that adds little to local distinctiveness and the character and appearance of the area. The site is on sloping land between the public car park near the beach and the top of the hill. Next to the car park are buildings that have a traditional appearance but immediately around the site itself are relatively modern buildings that are of limited historical interest. A varied palette of materials has been used in the construction of those buildings, including render, stone and brick, but concrete tiles appear to be the predominant roof material.
10. In terms of fenestration, I observed there is a mixture of typically proportioned window openings and larger expanses of glazing in the area. In particular, the two storey property in the background of the appeal site has a notable amount of glazing at first floor with a glazed balcony in front of it. The more traditional buildings next to the car park also have large areas of glass. As such, large expanses of glazing are not stridently out of keeping nor uncommon within the immediate surroundings of the appeal site.
11. The appeal proposal would demolish the existing bungalow and replace it with a two-storey dwelling that would have its lower floor cut into the existing ground. I note that the Council have not objected to the principle of a replacement dwelling nor the scale of the proposal per se. Rather it is the proposed modern design utilising contemporary materials and large areas of glazing that are specific concerns for the Council.
12. I acknowledge that the quantum of glazing in the proposed development would be comparatively greater than the glazing on other single properties and the existing bungalow. However, owing to the site levels, the lower ground level of the proposed dwelling would be set lower than the garden level in the

foreground and it would be behind a planter that would provide an element of screening. Furthermore, the amended plans show that vertical slats would be installed in front of the upper glazing of the two-storey link addition. These measures would assist in breaking up the expanses of glazing, softening its visual impact, especially from public vantages, including from the South West Coast Path.

13. The proposed roof material would be standing seam zinc, which would be a departure from the concrete tile roof material of the existing bungalow and that predominates locally. However, against the rising hillside, and context of more modern dwellings in the vicinity, the proposed use of standing seam zinc would harmonise with the surroundings and provide a quality finish, fitting to the contemporary design of the proposed new dwelling. Furthermore, increasingly over time, the zinc material would take on a dark and muted tone. To my mind the use of zinc would not stand out but would sufficiently recess into the backdrop of the site and wider landscape. As such, the use of zinc and materials of the proposed development would not be harmfully out of place.
14. Overall, I consider that the proposed replacement building would be of quality design and finish that, together with associated landscaping, would be an enhancement to the appeal site over and above the existing bungalow dwelling, including from key viewpoints, such as the South West Coast Path. Therefore, the proposed development would not harm the character and appearance of the area but would conserve and enhance the landscape and scenic beauty of the SDNL and Heritage Coast. Consequently, the proposal would comply with Policies 20, 23, 24 and 25 of the Plymouth & South West Devon Joint Local Plan 2014 – 2034 (LP) and Policies SH HBE3 and SH ENV2 of the South Huish Neighbourhood Development Plan 2019 – 2034, which collectively seek, in part, to ensure that development meets good standards of design, conserves and enhances the landscape and seascape character, prevents damaging or inappropriate development within protected landscapes and avoids detrimental effects on the Heritage Coast. The proposal would also comply with the good design and environmental protection policies of the Framework.

Other Matters

15. There would be a carbon impact associated with the demolition of the existing dwelling and the erection of a replacement. However, the replacement dwelling would be more environmentally sustainable in the long term than the existing given that, in part, it would involve the installation of a solar PV system, air source heat pumps and electric vehicle charging points. Furthermore, the appellant has confirmed that the dwelling would need to have a suitable level of energy performance and efficiency to comply with Building Regulations. As such, the proposal would not, in isolation, materially compromise the Council's strategy for combating climate change.
16. I note the comments about the effect on the amenity of neighbouring occupiers and parking provision. Both matters were assessed by the Council and were not identified as reasons for refusing to grant planning permission. The ridge height of the replacement dwelling would not be higher than the existing dwelling and the proposal would not result in a material increase in overlooking of the neighbouring property, Ocean View. In terms of parking, the proposal would involve the provision of three parking spaces within the site and a garage. As such, the proposal would meet the parking provision requirements

set out in the LP. I therefore do not consider there would be harm in respect of neighbours' living conditions or parking provision.

17. Turning to the matter of surface water drainage, the planning application was accompanied by a drainage strategy that would sufficiently deal with surface water run-off through permeable surfaces, an attenuation facility and rainwater harvesting. I have no evidence before me to arrive at the conclusion that the discharge of water from the site would result in material harm. I am therefore satisfied that the proposed development would be acceptable in terms of drainage and flood risk.
18. A single dwelling already exists on the appeal site, and this would be replaced. Whether the dwelling is a family home or holiday accommodation and whether the proposal represents affordable housing for local people are not matters before me. Rather I have dealt with the appeal on the basis of the merits of the proposal, relevant planning policy and the evidence before me.

Conditions

19. The Council have suggested various conditions in the event that I am minded to allow the appeal. I have considered these against the six tests set out in the Framework and Planning Practice Guidance and made changes to the wording to add clarity and preciseness as appropriate.
20. The standard time limit condition and a condition listing the approved plans are necessary for planning certainty. Conditions to control external materials and requiring the installation of external lighting to be carried out in accordance with pre-approved details are necessary and reasonable in the interests of character and appearance and the site's location within the SDNL.
21. The installation of solar panels on site would contribute towards the green credentials of the development and a condition requiring their installation is therefore necessary and reasonable. As the submitted plans do not make clear where the solar panels would be installed on the roof of the replacement dwelling, and given that the site is within a protected landscape, the approval of details of the solar panels are also necessary in the interests of the character and appearance of the area. A condition removing permitted development rights for the enlargement of, or alterations to, the replacement dwelling is necessary and reasonable given that alterations to the form, materials or fenestration could affect the character and appearance of the protected landscape. A landscaping condition has not been suggested by the Council, but such a condition would be reasonable and necessary to ensure the proposal would conserve and enhance the character and appearance of the area.
22. In the interests of biodiversity and ecology it is reasonable and necessary for a condition to require the works to be carried out in accordance with the recommended mitigation measures set out in the bat and nesting bird survey. A condition requiring the implementation of the drainage scheme is also considered to be reasonable and necessary to prevent flood risk.

Conclusion

23. For the reasons given above, I conclude that the appeal should be allowed.

K Reeves INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing numbers PL-001, PL-002 Rev B1, PL-003 Rev B1, PL-004 Rev B1, PL-005 Rev B1, PL-006 Rev B1, PL-007 Rev B1, PL-008, PL-009, PL-010, PL-011, PL-012, PL-013 and PL-014.
- 3) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities; earthworks showing existing and proposed finished levels or contours; means of enclosure and retaining structures; hard surfacing materials; habitat creation; and an implementation programme. The landscaping works shall be carried out in accordance with the approved details and implementation programme before any part of the development is first occupied. The completed scheme shall be maintained in accordance with an approved scheme of maintenance.
- 4) No development shall take place unless in strict accordance with all of the recommendations for mitigation set out in the Bat & Nesting Bird Survey report (Butler Ecology, 31 October 2022) as submitted with the application in all respects. Any variation thereto shall be agreed in writing by the Local Planning Authority before such change is made.
- 5) Prior to their installation, details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the approved details.
- 6) Prior to the installation of external lighting, full details including height, design, location and intensity shall be submitted to and approved in writing by the Local Planning Authority. The lighting installation shall then be carried out in accordance with the approved details and maintained as such thereafter.
- 7) Prior to first occupation of the development hereby permitted, the drainage works shall have been completed in accordance with the Drainage Statement (JRC Consulting Engineers, 30 July 2022), including the plans attached at Appendix A.
- 8) Prior to first occupation of the development hereby permitted, solar panels shall be installed on the dwelling in accordance with details approved in writing by the Local Planning Authority.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, B and C of Part 1 of Schedule 2 to the Order shall be undertaken.