



Appeal Decision

Site visit made on 16 July 2024

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th July 2024

Appeal Ref: APP/K1128/W/24/3336854

30 Westonfields, Totnes, Devon TQ9 5QU

- 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 Richard Forster against the decision of South Hams District Council.
 - The application Ref is 1816/23/FUL.
 - The development proposed is demolition of existing utility/workshop and construction of a new 1 bedroom 2 storey attached dwelling with associated works.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing utility/workshop and construction of a new 1 bedroom 2 storey attached dwelling with associated works at 30 Westonfields, Totnes, Devon TQ9 5QU in accordance with the terms of the application, Ref 1816/23/FUL, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - Whether the external areas would be sufficient to meet the day to day needs of future occupants for outdoor living space.

Reasons

Character and appearance

3. The appeal site is located within a residential area featuring dwellings of traditional appearance including render elevations under pitch roofs and a mix of predominantly semi-detached and terraced dwellings. Small groupings of dwellings with notable space in between, set back from the highway behind small front gardens or parking areas contribute to the open suburban character of the area.
4. Although replacing an existing single storey lean-to structure, the proposal would inevitably extend built form into an otherwise open space to the side of a pair of semi-detached dwellings. Nevertheless, the neighbouring dwelling to the east faces the highway at Higher Westonfields resulting in a large gap between the dwellings. Therefore, even allowing for the extended built form resulting from the proposal, a notable gap, and sense of space, would be retained. The retention of this visual gap, combined with a front garden and parking area of

similar scale to nearby dwellings would result in the proposal not appearing as over-development or cramped within the street scene.

5. Whilst the ridge line of the proposal would be below and feature a differing roof pitch to the host dwelling, this is not unique in the area, and I observed there to be similar relationships nearby. The proposal would also feature an oblique angled gable roof form due to the proposed side elevation broadly following the triangular form of the appeal site.
6. Nevertheless, the proposal would respect the existing build line of the attached pair of dwellings. Moreover, whilst the side elevation and angled roof form would be noticeable, given the modest scale and the proposed materials which are sympathetic to the area, it would not appear as a visually jarring or incongruous feature within the street scene.
7. Consequently, I conclude that the proposal would not harm the character and appearance of the area and accords with policies DEV10, DEV20 and DEV23 of the Plymouth and South West Local Plan 2019-2034 (LP) and policies En1 and En2 of the Totness Neighbourhood Plan 2019-2034. These policies, amongst other things, seek high standards of design that protects the quality, local distinctiveness and character of the urban environment. Furthermore, the proposal would also accord with guidance provided within the Plymouth and South West Supplementary Planning Document (2020) (SPD) with regards delivering high quality housing, and with the provisions of the National Planning Policy Framework (Framework) which seek to enhance the built environment and achieve well designed and beautiful places.

Outdoor living space

8. The SPD provides guidance on the provision for outdoor amenity space which is stated to include all front, rear and side useable areas. The Council do not dispute that the proposal would provide the minimum outdoor space as outlined within the SPD.
9. Although a relatively large area of available outdoor space would be utilised for parking, cycling and bin storage, the remaining garden area would be relatively flat, and although the larger area would be to the front of the proposed dwelling, some screening would be provided by hedge planting and would provide a sufficient useable garden area for future occupiers.
10. Furthermore, the rear garden would be of sufficient size for a small terrace area and planting, which subject to boundary treatment details which could be secured through a planning condition, would provide a more private area for future occupiers which would not feel overly enclosed or constrained.
11. To conclude, the proposal would provide sufficient external areas to meet the day to day needs of occupants for outdoor living space. The proposal would therefore accord with LP policies DEV1 and DEV10. These policies seek, amongst other things, to ensure living conditions are safeguarded and provide sufficient external garden space. In this respect, there would also be no conflict with guidance within the SPD, or the provisions of the Framework which seek to ensure a high standard of amenity for future users.

Other Matters

12. Although a first-floor window on the eastern elevation would overlook the rear of the neighbouring dwelling, this window serves a bathroom, and a planning condition can be imposed to ensure that it would be obscure glazed, preventing any harmful overlooking. Furthermore, given the spatial relationship with neighbouring properties and the rising topography resulting in neighbouring properties to the east being on higher ground, the proposal would not result in any significant loss of light or overshadowing.
13. Whilst the appeal site is within a residential area, any disturbance to neighbouring occupiers during the construction period would be short-term and could be mitigated by careful construction management. This is capable of being controlled by condition.

Conditions

14. The Council has provided a list of suggested conditions in the event of the appeal being allowed, which I have assessed and, where necessary, amended wording with regard to the advice provided in the Planning Practice Guidance. In addition to the standard time condition, it is necessary for a condition to confirm the approved plans in the interests of certainty.
15. Given the residential character of the area, a pre-commencement condition is necessary in relation to a Construction Method Statement to ensure continued safe operation of the surrounding highway network and to protect neighbouring occupiers living conditions.
16. Further conditions are necessary to ensure obscure glazing is fitted to the first-floor eastern elevation window, and rear garden boundary treatments are constructed in the interests of neighbouring and future occupiers living conditions and protecting the character of the area.
17. In order to contribute to a low carbon future for Plymouth and South West Devon and in the interests of meeting the challenges of climate change, a condition is necessary to ensure that carbon reduction measures are implemented and retained thereafter. A further condition is required to ensure ecological mitigation and enhancement measures are undertaken in the interests of bio-diversity.
18. Due to the constrained size of the appeal site, a condition is necessary to restrict permitted development rights in relation to the enlargement of the dwelling, or construction of outbuildings. However, I see no reason why permitted development rights in relation to additional stories should be removed.
19. Finally, although a condition is suggested in relation to unexpected contamination, I have no evidence before me to indicate that the appeal site could be contaminated, and given it's existing use and as a residential garden within an established residential area, such a condition is not necessary.

Conclusion

20. For the reasons given above, I conclude that the appeal is allowed.

S Harrington INSPECTOR

Schedule

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 approved plans: 0977-01; 0977-10; 0977-11; 0977-12; 0977-13 Rev 2; 0977-14R1; 0977-17R1; 0977-18R1; 0977-19; 0977-21; 0977-24.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - I. the parking of vehicles of site operatives and visitors;
 - II. storage of plant and materials used in constructing the development;
 - III. measures to control the emission of dust and dirt during construction;
 - IV. delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) The building hereby permitted shall not be occupied until the first floor east elevation window has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened more than 20cm. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 5) The building hereby permitted shall not be occupied until the rear garden is enclosed. Details of the boundary treatment including dimensions and materials shall be submitted to and approved in writing by the local planning authority before the boundary treatment is installed and once installed the boundary treatment shall be retained thereafter.
- 6) All carbon reduction measures set out within the carbon reduction statement (26 June 2023) and shown on the approved drawings including the solar panels, air source heat pump and electric vehicle charging point shall be installed in accordance with the approved details and shall be fully operational prior to the first occupation of the dwelling. These carbon reduction measures shall be retained for the life of the development.
- 7) Notwithstanding the details set out on the submitted drawings, the development hereby permitted shall be carried out in accordance with the recommendations set out in the Ecology Survey dated 11 May 2023 from Bulter Ecology. The biodiversity enhancements measures shall be implemented prior to occupation of the dwelling hereby approved, and retained thereafter.

8) Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order, 2015, as amended (or any Order revoking and re-enacting this Order) no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

- a. Part 1, Class A enlargement, improvement or other alteration of a dwelling house;
- b. Part 1, Class E, buildings etc incidental to the enjoyment of a dwellinghouse.

End of Conditions