



Appeal Decision

Site visit made on 8 August 2024

by H Faulkner BSc(Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th September 2024

Appeal Ref: APP/K1128/W/24/3337239

1 & 2 The Bight, South Town, Dartmouth TQ6 9BX

- 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 Mrs Margaret and Caroline Bridgefoot and Viles against the decision of South Hams District Council.
 - The application Ref is 1718/23/FUL.
 - The development proposed is the creation of parking deck to serve 1 & 2 The Bight with space for two cars.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site, 1 and 2 The Bight are a pair of semi-detached properties located within the Dartmouth Conservation Area (CA). There are also a number of Grade II listed buildings close to the site including Nos 20, 21, 22, 23, 24 and 25 South Town. In considering whether to grant planning permission, I have been mindful of my statutory duties under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, having particular regard to the effect on relevant designated heritage assets; and
 - the effect on highway safety.

Reasons

Heritage assets

4. The appeal site is accessed from Above Town and the boundary treatment on this side of the properties is a historic stone wall which directly fronts onto the narrow lane. The properties also have a stepped access from Southtown however, they are not highly visible from this street due to the changes in level.
5. Within the CA the appeal site falls within the southern part of Southtown and Above Town; Warfleet Road Extension 4 area as defined within the Dartmouth Conservation Area Appraisal (DCAA). The DCAA describes the historic and townscape importance of this area as: 'immense, together forming the

dramatically ranged horizontal development of the western shore made up of houses, gardens, streets and retaining walls’.

6. The significance of the CA is formed by its position on the river Dart and the development of the pedestrian town which includes narrow streets, intimate spaces, pathways and unexpected steps. Along with the terraces and steep contours which contribute to the area’s character and appearance.
7. The DCAA specifically references the walls along both sides of Above Town indicating that parts of which are likely to be ancient. The significance of this part of the CA is that these walls give a strong sense of enclosure, despite being interrupted regularly by what the DCAA refers to as insensitive garages and carports.
8. The walls along the part of Above Town closest to the site and the narrow nature of the lane strongly inform the area’s character giving the area an historic feel despite the introduction of more modern housing. The road and its walls are important components that contribute to the significance and special interest of the CA as a whole.
9. The proposal seeks to demolish part of the boundary wall and rebuild it further within the site to create two parking spaces. In doing so the significance of this part of the CA will be affected. The introduction of cars and the loss of the enclosing boundary wall would have a harmful impact on both the character and appearance of the CA introducing a modern intervention in a historic context. This is of particular importance in this part of Above Town where there are minimal breaches in the boundary walls on either side and the importance of this should be preserved.
10. The appellant argues that the wall is being relocated and not demolished, even if this argument were accepted, the repositioning of the wall would reduce its enclosing nature, affect the continuous nature of the boundary and lose the aged character of the wall.
11. Whilst there may be other breaches in the wall including other parking areas, this part of Above Town is largely unaltered and therefore more sensitive to change. Other examples serve to demonstrate where the character has been eroded and the cumulative impact harms the significance of the CA. Therefore they do not set a precedent that should be followed and unsympathetic alteration should be resisted.
12. With regards to the nearby listed buildings. The special interest/significance of these buildings is mainly derived from the quality of their architectural and artistic features, age, form and historic fabric. Their special interest/significance is experienced mainly within their immediate contexts and Southtown due to the significant level differences. That experience and views of them within their immediate contexts and the ability of the viewer to understand and appreciate their significance is unaffected by the overall development due to the location of that development. As such, there is no impact on the contribution that setting makes to their special interest/significance.
13. Paragraph 205 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.
14. Turning to the harm to the CA, given the scale and nature of the proposals, I consider that the degree of harm to the significance would be less than

substantial, which Paragraph 208 of the Framework indicates should be weighed against the public benefits of the proposal.

15. In terms of the benefits of the scheme these would largely amount to private benefits for the appellants. The benefits such as the reduction in pressure on on-street parking and electric charging are minor benefits. Other benefits such as reduction in vehicle movements and improvements in traffic flow are in dispute and even if these were to be accepted these along with the other public benefits would be insufficient to outweigh the less than substantial harm to the CA.
16. For these reasons, I find that the proposed development would conflict with 72(1) of the Act. The proposal would also fail to accord with Policies DEV20, DEV21, DEV23 and DEV29 of the Plymouth and South West Joint Local Plan 2014-2034 (JLP) insofar as they seek to ensure development conserves and where appropriate enhances the significance of designated heritage assets, and for development to complement and reflect the character of the surrounding area. It would also conflict with Policies DNP TE3 and DNP ST2 of the Dartmouth Neighbourhood Plan. Additionally, the proposal would conflict with the historic environment protection and design policies of the Framework.

Highway Safety

17. Above Town is a particularly narrow road with limited passing spaces and no pavement. Access to Above Town from near the Warfleet Road/Swannaton Road junction is particularly steep and would be difficult to access for larger vehicles.
18. The narrow nature of the road and the presence of walls on both sides makes it difficult to navigate in a vehicle. There is potential for conflict where pedestrians and cars meet, as passing places even for pedestrians, are limited. However, given the challenging driving environment speeds along the road are likely to be slow.
19. There are already a number of accesses on Above Town and the road is in active use. There is dispute between the parties as to whether the vehicle movements would increase or decrease due to the dropping off arrangement that currently occurs. I am of the view that even if vehicle movements were to increase the overall impact would not be of a significantly harmful magnitude. The users of the parking spaces would know the challenges posed by the road arrangement and exercise caution as a result.
20. The Highways Authority argue that there are better options for unloading for the property from Southtown as it is wider. However, as there is an existing pedestrian access from Above Town along with a proposed pedestrian access point granted recently these are more likely to be used by the occupants of 1 and 2 The Bight as they do not involve a stepped access.
21. Paragraph 115 of the Framework is clear development should only be refused on highway grounds if there would be an unacceptable impact on highway safety. I do not find that to be the case here. The residual cumulative impacts on the road network would not be severe given the number of parking spaces proposed.
22. Given the potential low number of vehicle movements involved on a road that is already freely open to traffic I do not find that the proposal would have a significant impact on highway safety and would not therefore conflict with Policy DEV29 of the JLP so far as it relates to traffic movements to and within the site or paragraphs 114 and 115 of the Framework.

Other Matters

23. A list of examples of parking areas having been granted in the last few years are presented within the Design and Access Statement and Appeal Statement. None of the specific details of these approvals have been provided. Photos of accesses in Above Town are also provided, however, the background to these examples is not known, for example whether they have permission. It is also not known in these cases whether any wall was removed to accommodate the spaces. The character of the area directly surrounding the site was considered in the assessment which included the presence of existing parking areas.
24. In terms of the addresses provided 114 Above Town is not comparable as an existing parking space was on the site, and the existence of other garages makes this area less enclosed in any event. For Land adjacent to 50 Above Town it is not clear what was on the site before the recent development and the character differs here with shorter lengths of wall and the road being enclosed as much by houses as the wall.
25. At The Old Lookout a garage has been installed so not a directly comparable example as the sense of enclosure remains. At No 17 there is an existing parking space on site, there are more buildings surrounding the site than continuous stretches of wall so the character is not comparable. At No 108 again the context is different as the parking spaces appear to be built into the existing retaining structure. It was not clear from the detail provided if these were built like this originally.
26. The parking space at No 110 is a single space where there is a much smaller breach in the wall. The character is more varied here with more parking spaces and garages.
27. Whilst a number of examples have been presented without full background details, they can only be considered in terms of how they impact the character of the area rather than in respect of consistency on the part of the Council. As explained above none are considered directly comparable due to their context in the CA. In the case of the appeal site the length of wall to be relocated and the resultant impact on the character has a harmful effect.
28. The site lies within the South Devon Area of Outstanding Natural Beauty (AONB). There is no dispute between the parties that the proposals would have a neutral impact on the AONB and I have no reason to reach a different conclusion given the localised impact of the proposed alterations.

Conclusion

29. Even though I have found no harm in respect of highway safety, the proposal would nonetheless have an unacceptable effect on the character and appearance of the CA and therefore having a harmful impact on its significance. The proposed development would conflict with the development plan, when read as a whole and there are no other material considerations, including the provisions of the Framework, that outweigh this finding. Therefore, for the reasons given the appeal should be dismissed.

H Faulkner

INSPECTOR