

Appeal Decision

Site visit made on 11 September 2024

by H Faulkner BSc(Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2024

Appeal Ref: APP/K1128/D/24/3342022

1 Havelock Terrace, Road from Yondertown Cross to Gorah Cottages, Lutton, Devon PL21 9SP

- 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 Bradley Nicholls against the decision of South Hams District Council.
 - The application Ref is 3518/23/HHO.
 - The development proposed was originally described as 'the erection of a single storey front porch, external cladding and insertion of patio doors'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey front porch, external cladding and insertion of patio doors at 1 Havelock Terrace, Road from Yondertown Cross to Gorah Cottages Lutton, Devon PL21 9SP in accordance with the terms of the application, Ref 3518/23/HHO and the plans submitted with it.

Preliminary Matters

2. The application form states the development was started in September 2022 although at the time of the application it was not considered to be complete. I saw during my site visit that the porch had been erected, patio doors installed and cladding applied to the building. This appears to accord with the plans before me. I have therefore considered the appeal on the basis that the development has already taken place, as did the Council. While retrospective, my assessment of the proposal is based on the plans before the Council at the time of the planning application.

Main Issue

3. The main issue is the effect of the proposed alterations on the character and appearance of the surrounding area.

Reasons

4. The appeal property is an end of terrace house within the settlement of Lutton. Properties in the terrace are mainly finished in render, painted in various shades of cream and white. There is variation in the terrace in terms of alterations, extensions and fenestration.

5. The appeal property is unusual as it is positioned forward of the rest of the terrace, making it more prominent and visible from the road. As a result even prior to any alterations taking place it was not consistent with the rest of the terrace.
6. I note the Plymouth and South West Devon Supplementary Planning Document 2020 (the SPD) states that extensions forward of the existing house will generally be resisted. The proposed extension complies with the SPD as it is a small addition and is sympathetic to the scale and design of the host building as well as the pattern and distinctiveness of existing front extensions in the wider terrace.
7. Whilst it is acknowledged that the use of cladding is not common in the area and does not match the existing terrace, there are other examples of buildings where a mix of materials is used. For example, houses with a mix of render and natural stone as well as properties with dark hanging tiles contrasting with render. This diversity of materials adds interest and responds positively to local distinctiveness within the settlement and the proposed cladding creates a similar effect in terms of colour to the works proposed.
8. The Council have accepted the installation of the patio doors in design terms and I also find that the doors have a neutral impact on the appearance of the building. Tying all these considerations together, the proposed development gives the property a more modern appearance adding variation and interest to the terrace. The existing dwelling is already set forward from the other houses in the terrace and the fact that the elevations differ does not harm the character of the rest of the terrace.
9. Overall, I find that the proposals do not significantly alter the form of the building or pattern of development in the area. The materials used for the roof and lower section tie in with the rest of the terrace and the use of cladding whilst different is complementary to other materials used in the area such as the slate tiles or grey colour stone. Policy DEV20 requires development to meet good standards of design and protect the quality of this environment which I find this scheme does. Therefore, I find that the proposals are consistent with policies of the JLP having an acceptable impact on the character and appearance of the surrounding area.
10. Therefore, the proposed development would preserve the style, pattern, and local distinctiveness of the streetscene relating positively to adjoining buildings. The proposed alterations would therefore have an acceptable effect on the character and appearance of the area complying with the relevant provisions of Policies DEV20.2 and DEV20.4 of the Plymouth and South West Devon Joint Local Plan 2014-2034 and paragraphs 13.35 and 13.36 of the SPD. These, amongst other things, require development to meet good standards of design and protect the quality of this environment.

Other Matters

11. The impact on the Dartmoor National Park has been raised by an interested party. The appeal site falls outside of the national park boundary. I have found the proposed works to be visually acceptable and their impact is at a very local level therefore no harm to the national park is observed.

12. Comments from interested parties include the impact of tree felling, boundary treatments, the access driveway and ownership of this access. The works forming part of this appeal do not relate to any changes to the access, trees or boundary treatments. In the absence of contrary evidence these impacts are not considered further.
13. Matters relating to loss of wildlife were raised however the Council did not consider there to be an issue in this regard and I have no evidence before me to take a different view.
14. Loss of light and impacts on privacy are raised. The extensions amount to a porch set away from the boundaries and which would not affect light levels to any neighbouring properties. The new windows considered as part of this appeal are in the same or similar positions to existing windows and therefore there would be no loss of privacy over existing levels.
15. Comments in relation to the content of the planning statement and in relation to the fact that the application was retrospective and the correct process not being followed are not matters which materially alter the assessment of this appeal.

Conditions

16. As the works have already been completed conditions relating to time limit for implementation and compliance with the plans are not necessary.
17. A further condition has been suggested to remove some permitted development rights from the property, however, I have not been provided with compelling justification as to why they should be removed. This condition is therefore not considered to be reasonable or necessary given the scale and context of the approved alterations.

Conclusion

18. For the above reasons the proposal accords with the development plan, when read as a whole. Material considerations do not indicate a decision should be taken other than in accordance with the development plan. I therefore conclude the appeal should be allowed.

H Faulkner

INSPECTOR

