



Appeal Decision

Site visit made on 4 December 2024 by R Dickson BSc (Hons) MSc MRTPI

Decision by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 5th March 2025

Appeal Ref: APP/J9497/D/24/3350340

Treeby, Aish, South Brent, Devon TQ10 9JH

- 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 and Mrs Tannian against the decision of Dartmoor National Park Authority.
 - The application Ref is 0218/24.
 - The development proposed is for the demolition of existing extension, erection of two storey ancillary annex and addition of a veranda.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Subsequent to the decision made by the Council on the application to which this appeal relates, the Government published the revised National Planning Policy Framework (the Framework) on 12 December 2024. I consider that there have been no major changes relevant to the main issues in this appeal. It will therefore not prejudice any party by making my decision with regard to the revised Framework.
4. The description of development in the banner above is taken from the decision notice, as this most accurately describes all elements of the proposal.

Main Issues

5. The main issues are:
 - The effect of the proposal on the character and appearance of the area and on the host building; and,
 - The effect of the proposal on the living conditions of neighbouring and future occupiers, with specific regard to overlooking, loss of privacy and loss of sunlight.

Reasons for the Recommendation

Character and appearance

6. The appeal site is located within Dartmoor National Park. Under Section 245 of the Levelling-up and Regeneration Act 2023, I have a duty to have regard to the National Park's statutory purpose, which amongst other things, includes conserving and enhancing the natural beauty, wildlife and cultural heritage of the area.
7. The appeal site is located within the village of Aish and is comprised of a two-storey Victorian property which exhibits a largely symmetrical façade. It has a series of single storey extensions attached to one side which do not intrude on the overall appearance of the main dwelling owing to their comparative low height, and use of similar materials. The extension area, part of which is an old dairy, is easily accessible from the main house and, at the date of my visit, appeared to be used as storage. By reason of its design, scale and location within the village, in my view the host building makes a positive contribution to the character and appearance of the area.
8. Policy 3.7 of the Dartmoor Local Plan 2021 (Local Plan) limits the size of a residential extension to no more than 30% of the original dwelling's Gross Habitable Floor Space (GHFS) as at 1995. It is disputed by the Council and Appellant as to whether the single storey extensions contribute towards the original dwelling's GHFS. In any case, by the Appellants' own admission, the proposed extension would still be marginally over the 30% increase stipulated within Policy 3.7 of the Local Plan, and would therefore conflict with this policy.
9. The proposed two-storey annex would be a significant addition to the side of the main dwelling. While the existing extensions are single storey, the introduction of a two-storey addition would dominate the appearance of the building, and would visually unbalance the front elevation. While I acknowledge that the proposed extension would accord with parts of the guidance set out within the Dartmoor National Park Design Guide (2011), owing to the existing symmetry and simple massing of the main building, the proposed two storey side extension would still dominate the host, even with the lower roof ridge height and its set back from the front elevation.
10. The proposed annex would introduce a large, glazed element to the ground floor which would further add to the unbalanced appearance which would result. The size and placement of the glazing would be at odds with the existing symmetry and pattern of windows on the main dwelling. Although the Appellants have provided evidence of other large, glazed windows within the National Park, they do not compare to the appeal proposal in terms of placement on the principal elevation of a large symmetrical dwelling.
11. The final part of the proposal includes a ramp from the parking area up to the front of the dwelling. I consider that this would have a neutral effect on the character and appearance of the host building and surrounding area.
12. Nonetheless, for the reasons given above, the proposal would adversely affect the character and appearance of the host building and its surroundings. The proposal therefore conflicts with Policies SP1.1, SP1.2, SP1.5, SP1.6 and P3.7 of the Local Plan, which collectively seek to protect Dartmoor's special qualities through

ensuring that development has the scale and massing relative to views, buildings and spaces.

Living conditions

13. During my site visit, I observed the view out of the existing first floor window which partially overlooks the gardens of Feoffee Cottages and Clovers. The annexe would introduce another window on the same elevation, but it would be nearer to Feoffee Cottages and Clovers. Despite its proximity, the window would serve a bathroom, and a planning condition could ensure that this window would be obscure glazed to mitigate any harm arising from any overlooking opportunities from this window.
14. The annexe would introduce additional windows to the rear and side of the property, which would face the garden of Box Cottage and bedroom window of Aish House respectively. The appeal building has an existing window at first floor level on the rear elevation, and introducing two additional windows on the rear elevation would increase the opportunity for overlooking into the garden of Box Cottage. However, and whilst noting that there is a height difference between the appeal building and the garden of Box Cottage, the proposed window is an adequate distance away from the garden and there is mature planting between. Both would reduce the level of potential overlooking, so that the proposal would not harm the living conditions of the occupants of Box Cottage.
15. Treeby has one small window that faces Aish House, and the introduction of a larger first-floor side window slightly closer to the neighbouring property could give rise to overlooking into the bedroom window of Aish House. That being said, there is a reasonable distance between the appeal property and Aish House, together with partial screening by the boundary hedge of Treeby. It is therefore unlikely that the proposal would have a detrimental effect on the privacy experienced by the occupants of Aish House.
16. The proposal would introduce three rooflights into the old dairy. Owing to the differences in ground level, these would be very close to the garden of 1 Feoffee Cottage, near to an area used by the occupants of No 1 to dry washing. It would be possible to stand in the garden of No 1 and to have a view into the old dairy through the rooflights. Given the rotary clothes airer nearby, it is highly probable that this could happen and would compromise the privacy of the occupants of the proposed annex. While blinds could be used at these windows, this would not be an enforceable solution. The use of blinds or other glazing obscurers could be oppressive for future occupants, and would give rise to further impacts on the living conditions of future occupants.
17. It would also be likely that the increase in height from the single storey extension to a two-storey annexe would reduce the sunlight that reaches part of the garden of 1 Feoffee Cottages, where the rotary clothes airer is positioned during the day in summer months. Furthermore, although the annexe would be built on the same footprint as the existing extensions, it would introduce a tall two-storey wall near to 1 Feoffee Cottages. This would have an overbearing and enclosing effect for the occupants of No 1, particularly when in the garden. The increase in height, together with the proximity of the proposal would negatively impact on the living conditions of the occupants of 1 Feoffee Cottages with regard to outlook and loss of sunlight.
18. Accordingly, while the additional windows on the rear and side elevations would not have a negative impact on the living conditions of neighbouring occupiers, the

introduction of rooflights to the old dairy, and the increase in height of the annexe would have a harmful effect on the living conditions of future occupants of the annexe and the occupants of 1 Feoffee Cottages respectively. As such, the proposal fails to comply with Policy 1.7 of the Local Plan, in so far as it would have an unacceptable impact on the living conditions of occupiers of nearby properties.

Conclusion and Recommendation

19. In conclusion, the proposal would result in harm to the character and appearance of the host dwelling and its surroundings, and would harm the living conditions of the occupants of 1 Feoffee Cottages, and the future occupants of the annexe. For these reasons and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Mr A Spencer-Peet

INSPECTOR