



Appeal Decision

Site visit made on 8 January 2025

by R Kent BA (Hons) MTP DipM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2025

Appeal Ref: APP/K1128/D/24/3344719

Lammas Coombe, Main Road, Salcombe, Devon TQ8 8JW

- 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 D and C Bennett against the decision of South Hams District Council.
 - The application Ref is 2827/23/HHO.
 - The development proposed is described as “Householder application for removal of existing single storey rear conservatory, timber decking/balustrade system, timber cladding and natural slate roof, all to be replaced with a new single storey kitchen extension, new upper and lower decking replacement cladding, natural slate roof, (main dwelling) and replacement windows and doors.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2024 after the appeal was submitted and updated again in February 2025. Whilst the second reason for refusal refers to paragraphs 136, 180(a) and (c) and paragraph 182 of the 2023 Framework, the wording in those paragraphs is now found in paragraphs 136, 187 and 189 of the 2025 Framework. I have determined the appeal accordingly.
3. Following my site visit I sought comments from the parties regarding the status of tree T82. As a result, the appellant submitted an annotated ‘Existing Site Plan’ reference 1239.23.03; an annotated ‘Proposed Site Plan’ reference 1239.23.04 and annotated ‘Proposed Terrace Plans’ reference 129.23.07. The annotations confirm tree T82 is now a tree stump. In its comments the Council confirmed that the removal of tree T82, an ash tree, was conditional on replacement planting not shown on the annotated plans. It supplied a photograph of a newly planted copper beech tree sapling relative to the stump of tree T82. The Council confirmed that notwithstanding the loss of tree T82 its concern about the proposal’s “poor relationship with the wider group of protected trees” remains alongside the concern expressed that replacement planting “is likely to be unacceptably compromised by the proposed decking.” I have therefore determined the appeal on the basis of this updated position.
4. On 19 December 2024 the Department for Environment Food & Rural Affairs issued ‘Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes’. I sought the parties comments on the guidance and have taken them into account in my consideration of the appeal.

Main Issues

5. The main issues are:

- The effect of the proposal on the character and appearance of its surroundings, having particular regard to the location of the site in the South Devon National Landscape; and
- The effect of the proposals on protected tree group G83 and the horse chestnut tree replacement planting for tree T82.

Reasons

Character and appearance

6. The existing dwelling sits at the northern end of the appeal site at the top of a large, steeply sloping garden with sweeping views of the bay to the south. A group of large mature trees lies along the site's north western boundary with further mature trees at its southern end and on adjoining land. Whilst there are detached dwellings either side of the site and above it on Main Road, the site forms part of the pleasant, steeply wooded landscape which is a key feature of the backdrop to the bay and part of its distinctive character.
7. The proposed decking and supporting gabian wall would extend across the entire width of the house and adjacent tiered garage block. It would abut the north western boundary with the trees. As it would be built on a sloping site, its split level design would result in a substantial increase in the mass of the dwelling on its north western side filling the gap between it and the boundary. This reduction in the space between the dwelling and the boundary would add noticeably to the scale and density of development in a prominent location at the top of the site.
8. The site falls within the South Devon National Landscape. The South Devon Area of Outstanding Natural Beauty Management Plan 2019-2024 indicates that iconic wide, unspoilt and expansive panoramic views and variety in the setting of the landscape are among the special qualities of the protected landscape. The plan indicates that the cumulative impact of small changes is being felt at a landscape scale across the area.
9. The existing dwelling is clearly visible in views between the existing trees from the road to the south east of the site and from other viewpoints below the site including from a public car park. Whilst the site is located between other buildings and the proposed kitchen extension is quite modest and in itself would not harm the character or appearance of its surroundings, the dwelling's elevated position on the slope overlooking the bay means that the increase in the bulk of the building arising from the substantial two levels of decking and significant length of gabion wall would make it more visually intrusive in the landscape. As a result, it would detract from the scenic quality of the National Landscape and would not conserve or enhance it.
10. Whilst a copper beech tree has been planted close to the stump of tree T82, it is very small in size and does not currently contribute to the wooded setting of the site. It is likely to take some time to reach sufficient maturity to provide screening to soften the view of the development from the land below. As a consequence, it

would not prevent the harm that would be caused to the landscape by the proposal.

11. For the above reasons, the development would harm the character and appearance of the South Devon National Landscape contrary to policy DEV23 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (JLP) and policies SALC Env1 and SALC Env7 of the Salcombe Neighbourhood Development Plan 2019 (SNDP) which seek to conserve and enhance landscape character and minimise the impact on the National Landscape.
12. It would also conflict with the Framework's policies to conserve and enhance the landscape and scenic beauty of the National Landscape, to which I attach great weight, and with the duty to further the statutory purposes of Protected Landscapes.

Protected trees

13. The development would be constructed adjacent to the trees along the north western boundary of the site which are protected by a group Tree Preservation Order (TPO). It would be a short distance to the north of the stump where tree T82 was located.
14. The Tree Survey states that the group of trees along the boundary annotated as G83 in the survey is an offsite, unmanaged copse of Sycamore, Bay, Red Oak, Holly, Sweet Chestnut and Goat Willow trees. The survey identifies the group as 'early mature' in age and in 'fair' physiological and structural condition. It assesses them overall as 'Category C', meaning they are considered to be "of low quality and value with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm". This categorisation is not disputed by the Council.
15. The Arboricultural Impact Assessment (AIA) indicates that the proposed decking, new steps and wall would bisect the root protection area of trees in G83. This would affect only the trees in the group nearest the development. However, as the young age of the group means the potential extent of their roots is reduced, the AIA concludes that the impact on them would be low.
16. The group of trees lies along the north western boundary of the site and as a result of their height, density and proximity to the dwelling would reduce the amount of sunlight reaching the proposed decking in the afternoon and evening when the sun is shining from the west. Due to the proximity of the decking to the trees, leaves or other debris from the trees would also be likely to fall on the decking as the trees mature. These effects however do not in themselves result in harm to the trees and the trees in G83 protected by the TPO could not be lopped, topped or felled without consent from the Council.
17. As referred to above, tree T82 has been removed and therefore would not be harmed by the development. The replacement horse chestnut sapling is situated a short distance beyond the edge of the proposed development and I have seen no evidence to indicate that suitable planning conditions could not be imposed to secure its protection during the construction of the development if the appeal were to be allowed. Nor does the evidence before me indicate the height it would reach once mature or demonstrate that its vitality would be compromised by the proposed development.

18. The evidence before me therefore does not demonstrate that there would be a loss or deterioration of the quality of the trees in G83 as a result of the development. Nor does it demonstrate how it would conflict with BS 5837:2012 'Trees in relation to design, demolition and construction'.
19. On this basis the development would not have an adverse effect on the protected group G83 or tree T82 and would accord with JLP policy DEV28 and SNDP policy SALC Env5 which seek to prevent the loss or deterioration of the quality of high amenity trees and existing woodland visible from the estuary.

Conclusion

20. The proposal conflicts with the development plan when read as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

R Kent

INSPECTOR