



Appeal Decision

Site visit made on 8 April 2025

by **B J Sims BSc (Hons) CEng MICE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 April 2025

Appeal Ref: APP/K1128/D/25/3361567

27 Lansdowne Park, Totnes, Devon, TQ9 5UW.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Nathaniel Mason against the decision of South Hams District Council.
- The application Ref is 3163/24/VAR.
- The application sought planning permission for construction of front dormer and two roof windows to existing rear dormer without complying with conditions attached to planning permission Ref 1234/23/HHO, dated 21 June 2023.
- The conditions in dispute are Nos 2 and 3 which read as follows:

2. Adherence to Plans: The development hereby approved shall in all respects accord strictly with drawing number(s):

Location Plan / Block Plan 01 01 Rev A (rec. 03/05/2023)

Floor & Roof Plans 01 20 Rev B (rec. 19/06/2023)

Proposed Elevations 01 31 Rev B (rec. 20/06/2023).

3. Materials to Match: The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building, unless amendments have been agreed in writing with the Local Planning Authority.

- The reasons given for the conditions are:

2. To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. In the interests of visual amenity.

Decision

1. The appeal is allowed and planning permission is granted for construction of front dormer and two roof windows to existing rear dormer at 27 Lansdowne Park, Totnes, Devon, TQ9 5UW, in accordance with the application Ref 3163/24/VAR, without compliance with conditions numbers 2 and 3 previously imposed on planning permission Ref 1234/23/HHO, dated 21 June 2023, and subject to the following conditions:

1. Adherence to Plans: The development hereby approved shall in all respects accord strictly with drawings numbers:

Location Plan / Block Plan 01 01 Rev A (rec. 03/05/2023)

Floor & Roof Plans 01 20 Rev B (rec. 19/06/2023)

Proposed Elevations 01 31 Rev D (approved April 2025)

2. **Materials to Match:** The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building, save that the fibre-cement cladding to the front box dormer shall remain in dark grey colour to tie in closely with the finish to the neighbouring dormer unless amendments have been agreed in writing with the Local Planning Authority.

Procedural Matter

2. The application sought variation of Condition 3 of the original permission to permit the retention of dark grey fibre-cement cladding to the front dormer in place of square concrete hung tiles matching the existing building. No mention was made of Condition 2, requiring compliance with approved drawings, including 01 31 Revision B showing a concrete tile-hung finish. This is clearly noted in the Council Officer's report and I deal with both Conditions Nos 2 and 3, as being in dispute by way of this appeal. The only other Condition, No 1, imposed the standard time limit for commencement, which has been discharged.
3. The completed front box dormer is clad in fibre-cement material, in breach of the original Conditions 2 and 3.

Main Issue

4. The main issue is the effect of the proposed change to the external fibre-cement cladding to the front box dormer on the character and appearance of the appeal property, its semi-detached neighbour and the wider street scene of Lansdowne Park, compared with the tile-hung finish originally approved

Reasons

5. The Appellant asserts that the use of the fibre-cement cladding in the front box dormer, as constructed, provides a safer, more readily available, solution for both the front and permitted rear dormers. As further reasons for the change made, the Appellant cites significant cost increases, safety concerns with falling tiles noted in the neighbourhood, and non-availability of matching tiles. The Council responds, and I agree, that these stated reasons for the variation in finish do not amount to planning considerations. I determine this appeal on its individual planning merits with respect the main issue I have identified.
6. The dark grey fibre-cement cladding finish which has been applied to the completed front box dormer at the appeal property is in some contrast with the tile-hung finish to the otherwise matching front dormer to the semi-detached neighbouring dwelling at No 29.
7. Prominent front dormers, often clad with hung tiles, are a common feature of Lansdowne Park and the wider residential area. Whilst this results in some consistency in style, there is much variation in applied finishes. This is clearly demonstrated within Lansdowne Park itself. For example, at No 35 the front dormer is clad in timber and at No 37 the finish is in hung tiles, but these are larger than those at No 29. There are many other examples of such variation in the area.

8. The Appellant contends that this variation shows a developing trend with no countervailing enforcement action by the Council. However, I have not been provided with any detailed information in this respect. My assessment of this appeal is therefore based principally upon visual inspection.
9. I find that, in the context of both the attached property, No 29, and the wider street scene of Lansdowne Park and the surrounding area, the fibre-cement finish to the front box dormer at the appeal property has no significantly adverse impact upon the character or appearance of the host property, the semi-detached pair of Nos 27-29 or the street scene as a whole.
10. In this regard, I consider the existing finish to the dormer to be essentially compliant with Policies DEV20 and DEV23 of the Plymouth and South West Devon Joint Local Plan, as adopted by South Hams District Council. Together, these policies require development to respond positively to local character and to protect the visual character of the area.
11. I therefore conclude that the present finish to the dormer should be allowed to remain in place under a new permission, subject to conditions nominating the submitted revised drawing of the elevations and making exception for the installed fibre-cement finish with respect to the general requirement for finishes to match the existing building.
12. The appeal is therefore allowed in those terms.

B J Sims

INSPECTOR