



Appeal Decision

Site visit made on 15 April 2025

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 April 2025

Appeal Ref: APP/K1128/D/24/3352386

Roszella, Renney Road, Heybrook Bay, Devon PL9 0BD

- 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 A & J Cross & Northmore against the decision of South Hams District Council.
 - The application Ref is 1978/24/HHO.
 - The development proposed is addition of first floor extension, ground floor extensions and raised patio with glazed balustrading.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the living conditions of neighbouring occupiers at St. Petroc, Swakeleys and No.7 Lentney Close with particular regard to outlook, and on the neighbouring occupiers at No.7 Lentney Close with particular regard to privacy.
 - the character and appearance of the host dwelling and wider area, including whether the proposal conserves and enhances the landscape and scenic beauty of the South Devon National Landscape and character and appearance of the Undeveloped Coast with particular regard to light emissions.

Reasons

Living conditions

3. The proposal would extend the existing bungalow upwards to create a first floor with a shallow pitched roof over. As a result, the proposal would introduce two windows to bedrooms at first floor level in the rear elevation.
4. The first floor rear elevation of the extended dwelling would be in close proximity to the rear boundary with No.7 Lentney Close (No.7). As a result, the first floor bedroom windows would directly overlook the rear garden of No.7 in close proximity. Furthermore, due to the position of the appeal dwelling close to its rear boundary, in combination with the rear living room of No.7 extending into its garden at a level higher than the appeal dwelling, the proposal would result in a harmful level of overlooking into the rear of No.7.
5. It is noteworthy in this regard that when seated in the living room, on the raised terrace to No.7 or when within its garden, there are no direct views into existing windows to the appeal dwelling. Moreover, there are no other first floor windows to the rear of properties on Renney Road directly overlooking No.7 to the same extent as proposed. In light of this and given the close position of the proposed first floor windows to the rear boundary of No.7, there would be a harmful level of overlooking regardless of the separation distance

between windows and the guidance in the Plymouth & South West Devon Joint Local Plan 2014-2034 (LP) Supplementary Planning Document July 2020 (SPD). This is because the 21m distance relates to two-storey development and as the proposal would result in intrusive, direct and uninterrupted views to the most private areas of No.7.

6. I recognise that the living room and terrace to No.7 are an extension to the original dwelling with some limited views between the existing ground floor windows to the appeal property, the upper parts of the living room to No.7 and when standing on the terrace. Nonetheless, this does not overcome the harmful and increased levels of direct overlooking into the room and over the rear garden and raised terrace from the proposed first floor windows. This would be the case despite No.7 being orientated on an East/West alignment. As a result, the proposal would harm the living conditions of the occupiers of No.7 by reason of loss of privacy.
7. Although my attention has been drawn to a large number of other properties in the area that I am advised overlook neighbouring properties, as two proposals and sites are rarely identical, this does not justify the harm resulting from this proposal. Moreover, I must consider the proposal on its merits.
8. Given that any new boundary planting would take time to establish, as planting should be used to enhance the setting of a proposal rather than to provide screening and given that it cannot be ensured that any such planting would be retained in perpetuity, planting would not adequately mitigate the harm created.
9. With regard to any effect on the adjoining occupiers at St. Petroc, Swakeleys and No.7 related to outlook, the bulk of the dwelling close to the boundaries of these dwellings would be increased and would be noticeable from their associated outdoor space in particular.
10. However, the proposed dwelling would retain a similar footprint and position to the existing dwelling, with only a small addition created by the infilling of the existing north-western corner. There would be single-storey side projections neighbouring St. Petroc and Swakeleys and the proposal would not extend beyond the existing rear building line. Furthermore, by reason of the proposed two-storey element of the dwelling being set in from its boundaries, with the neighbouring properties to the side benefiting from side extensions in very close proximity to the side boundaries with the appeal property, the increased height and position of the proposals would not harm the living conditions of neighbouring occupiers with regard to outlook.
11. In summary in relation to this matter, while the proposal would not harm the living conditions of neighbouring occupiers at St. Petroc, Swakeleys and No. 7 Lentney Close with particular regard to outlook, it would harm the living conditions of the neighbouring occupiers at No.7 Lentney Close with particular regard to privacy. As such, the proposal conflicts with LP Policy DEV1 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (LP) and the guidance in the SPD. Amongst other things, these seek to ensure that new development provides for satisfactory privacy for both new and existing residents with unacceptable impacts judged against the level of amenity generally in the locality.

Character and appearance

12. The existing dwelling comprises a detached bungalow within a fairly large plot that benefits from extensive views from a raised position. In light of similar arrangements, the front elevations to properties along Renney Road generally comprise a significant amount of glazing and differing designs. The existing bungalow benefits from two large glazed lounge windows, large glazed bedroom window and a glazed porch to its front elevation. The existing bungalow is of no particular architectural merit with plain elevations.
13. The appeal site adjoins two bungalows with glazed frontages but there are more modern and larger dwellings further along Renney Road, a number of which benefit from accommodation over two floors as either separate first floors or as rooms in the roofs.

Particularly notable in the street scene are the modern detached two-storey flat-roofed dwelling forming Drifters, a modern roof conversion with associated balcony comprising The Anchorage, and the modern dwelling over two floors with a shallow pitched roof forming Darley. Renney Road further to the south-west is also characterised by dwellings of differing designs including dwellings over two floors. The area is therefore characterised by dwellings of differing designs and heights, over single or two floors benefitting from partially glazed frontages.

14. In light of the differing design and height of dwellings along Renney Road, and given the introduction of more modern development, albeit under different development plan policies, the appeal property sits within an area that has evolved through development and modernisation. As a result of the varied design of dwellings to Renney Road, including the provision of upper floors within roofs and the provision of full upper floors, the increased height, scale, massing and design of the proposal would not appear unduly incongruous or overbearing. This is particularly the case given the proposed low-pitched roof and use of appropriate materials to match the other properties in the area. Furthermore, given that the existing bungalow is of no particular architectural merit, in a street scene of varied designs and heights of properties, I find no harm from the increased size and bulk of building either on the dwelling itself, or on the wider area.
15. I have had regard to the SPD stating that an extension may be considered 'appropriate' if it does not seek to increase the internal floorspace of the original dwelling by more than 50% and that if it does, consideration will be given to the context of the site and quality of the design. I have also had regard to the SPD stating at paragraphs 13.6 and 13.7 that extensions and alterations should relate well to the main dwelling, follow the same architectural style and that extensions that project forward of the existing house will generally be resisted. In these regards, the proposal would increase the floorspace by more than 50%, but it would uplift the quality of the built form and does not have a negative impact on external amenity space. While the proposal would diminish the primacy of the host dwelling and extend forward in a different architectural style, this would not be harmful to the area given the varied design of properties and introduction of more modern development within the street scene. Furthermore, the forward extension when viewed in association with the proposal as a whole would not appear overbearing or incongruous given its integral design.
16. The appeal site is located within the South Devon National Landscape (NL) close to part of the Undeveloped Coast and Heritage Coast (UC). The South Devon Area of Outstanding Natural Beauty Management Plan 2019-2024 seeks to ensure the conservation and enhancement of the NL according to its statutory purpose in line with the themes as detailed in the plan. The themes include the need to ensure consideration is given to the impact upon the tranquillity and dark skies in all development and to ensure that development complements the character of the area. The main objectives for the UC include the need to avoid detrimental effects on the tranquillity and appearance of the area, and to protect, maintain and enhance the unique landscape and seascape character and special qualities of the area. These aims and objectives are consistent with paragraphs 189 and 191 of the National Planning Policy Framework (the Framework) that require great weight be given to conserving and enhancing landscape and scenic beauty in National Landscapes and for planning decisions to be consistent with the special character of the area and the importance of its conservation.
17. This part of the NL close to the UC is characterised by open and exposed land close to the coast interspersed with pockets of development. Within this landscape, the appeal property and the other nearby dwellings forming Heybrook Bay form a planned pattern of differing designs and materials that sit within the wider landscape. As a result, and by reason of the number of dwellings forming Heybrook Bay, existing development already causes some light pollution and impacts upon the surrounding landscape and sky.

18. Concerns have been raised regarding the extent of proposed glazing and resultant light spill, particularly from the north-western facing front elevation. Although I acknowledge that the proposal would introduce more glazing at ground floor level in combination with upper floor glazing, the dwelling would be viewed in the context of the existing properties on Renney Road that already comprise significant levels of glazing, upper floor accommodation and balconies. Furthermore, low transmissive glazing is proposed to the front elevation. As such, the level of glazing, and introduction of an upper floor, would not cause a material effect on the artificial light experienced in this area or further impact upon the tranquillity of any dark sky.
19. Therefore, having regard to the surrounding development, despite its increased height, scale and massing, and given that its design reflects the mix of dwellings to Renney Road, it would result in a development which is visually acceptable and would complement the character of the area. Furthermore, by reason of the replacement of the existing dwelling with a dwelling of more modern appearance and less plain elevations, it would provide a limited enhancement to the immediate area. I have come to this conclusion having regard to the detailed policy criteria for development within the NL and the UC.
20. Accordingly, I conclude that the proposal would not harm the character and appearance of the host dwelling and wider area and would conserve and enhance the landscape and scenic beauty of the South Devon National Landscape and character and appearance of the Undeveloped Coast with particular regard to light emissions. It follows that the proposal complies with LP Policies DEV2.4, DEV20, DEV23, DEV24, DEV25 and TTV29.5 and the guidance in the SPD. Amongst other things, these seek to limit the impact of light pollution on intrinsically dark landscapes, meet good standards of design contributing positively to both townscape and landscape, avoid significant and adverse landscape or visual impacts, not have a detrimental effect on the tranquillity of the Undeveloped Coast, give the highest degree of protection to the protected landscapes of the NL, and be appropriate in scale and design in the context of the host dwelling.

Other Considerations

21. I have had regard to the proposal meeting the aspirations of two young local residents in creating their forever home. However, this does not outweigh the identified harm to living conditions and I have no reason to conclude that similar benefits could not be provided through extensions or alterations to the dwelling that would not cause such harm. As a result, I give this limited weight in my consideration.
22. Any increase to the property value of surrounding properties relates to purely private interests and as such is not a material planning consideration.

Conclusion

23. Although I have found no harm with regard to the effect on the character and appearance of the host dwelling, wider area or to the National Landscape, I have found that the proposal would harm the living conditions of the occupiers of No.7 Lentney Close. In my view, this is the prevailing consideration, and the proposal should be regarded as being in conflict with the development plan, when read as a whole.
24. Material considerations do not indicate that the proposal should be determined other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude the appeal should be dismissed.

C Rose

INSPECTOR