



Appeal Decision

Site visit made on 8 May 2025

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

an Inspector appointed by the Secretary of State

Decision date: 27 May 2025

Appeal Ref: APP/Q1153/D/25/3361513

The Crest, Portgate, Lewdown, Devon, EX20 4PU.

- 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 Vernon against the decision of West Devon Borough Council.
 - The application Ref is 3387/24/HHO.
 - The development proposed is demolition of an existing conservatory and erection of a two-storey extension.
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Decision

1. The appeal is dismissed

Application for Costs

2. An application for costs was made by Mr and Mrs Vernon against West Devon Borough Council and this is the subject of a separate Decision.

Preliminary Matter

3. The position of the northern garden boundary of The Crest with neighbouring Allerford Cottage is apparently not correctly defined on the application plan but this discrepancy does not prevent the proper assessment of the following main planning issues.

Main Issues

4. The main issues are the effects of the proposed extension on the character and appearance of The Crest itself and on the residential amenity of the neighbouring property, No 1 Allerford Cottage.

Reasons

Character and Appearance

5. Policy DEV20 of the adopted Plymouth and South West Devon Joint Local Plan (JLP) generally requires good design, with materials and style having proper regard to existing development in wider area and factors including local distinctiveness, orientation, visual impact, views, scale and historic value.
6. Policy TTV29(5) of the JLP requires extensions to dwellings in the countryside to be appropriate in scale and design in the context of the setting of the host dwelling. The adopted JLP Supplementary Planning Document (SPD), at paragraphs 11.85-86, advises that, to be considered appropriate, such extensions should not exceed

50% of the existing internal floor space or that consideration should be given to the setting of the site the quality of the design and whether it demonstrates an uplift in the quality of the built form and does not diminish unduly the primacy of the host dwelling.

7. Policy DEV21 of the JLP concerns development, including extensions, affecting the historic environment and requires such development to sustain local character and distinctiveness by conserving or enhancing both designated and non-designated heritage assets (NDHAs) according to their national or local significance. Specifically, development that harms the significance of a locally important NDHA must be justified on a balanced judgement regarding the scale of harm and the significance of the asset.
8. These policies and guidance are essentially consistent with the National Planning Policy Framework (NPPF).
9. As to whether The Crest is to be considered as a NDHA for the purposes of this appeal and the application of Policy DEV21, the JLP SPD, at paragraph 6.77, sets criteria related to historic records and maps and the extent and quality of remaining original fabric, for the building to be assessed under Historic England (HE) Conservation Principles. In turn, HE Advice Note 7 provides for a NDHA to be identified via decision-making on individual proposals, undertaken with reference to available evidence, in a way consistent with the HE guidance on local listing of NDHAs.
10. JLP SPD paragraph 6.78 makes clear that there is no assumption that a NDHA should be retained or development restricted but that a planning balance should be assessed on consideration of features deemed to be of local significance.
11. The Appellants submit a heritage statement which concludes that the north-facing extension would pragmatically achieve modest enlargement of the currently substandard dwelling, with little or no impact on the existing principle southern façade or surviving internal historic features, whilst the ability of an observer to appreciate the remaining historic character and identity of the asset would be maintained. The submitted assessment further concludes that The Crest has insufficient historic significance or value to be regarded as a NDHA in the consideration of the present proposal but that the dwelling merely has a lower level of value to be taken into account.
12. The Council rejects these conclusions, noting that The Crest is unarguably a stone-built, former chapel constructed in 1875 and recorded as having been used as such until the 1950s; also, that it has an unusually steep roof pitch associated with local chapel design of the period and an extent of original fabric identifiable as surviving intact.
13. From inspection and on balance, I prefer the conclusion of the Council that The Crest is to be considered as a NDHA for the purpose of this appeal, albeit of relatively modest heritage value.
14. The Crest has been subject to a range of modifications and extensions, including a single-storey conservatory across a large part of its northern elevation. This would be replaced in the appeal proposal by a two-storey extension over a greater proportion of the width of the building.

15. I consider that this extension would appear as a disproportionate addition, exceeding the SPD guideline 50% increase in internal floor space. More importantly, to achieve the proposed plan width, the roof of the extension would have a markedly shallower pitch than the existing main roof but the height of its ridge would still come close to that of the principal roof. Furthermore, a bay window to the side facing the road would be out of keeping with the overall style of the dwelling.
16. Altogether, I find that the proposed two-storey extension would create a series of incongruous additions with no uplift in the quality of the built form, diminishing the primacy of the host dwelling and damaging the character and appearance of the building as whole. Irrespective whether The Crest is considered as a NDHA, this harm would place the proposed extension into unacceptable conflict with JLP Policies DEV20 and TTV29(5) with respect to its design and scale.
17. Given the, albeit modest, heritage value of the property, considered as a NDHA, it follows that there would also be conflict with JLP Policy DEV21, with respect to protecting the historic environment.

Residential Amenity

18. According to the application plan, the site boundary is roughly midway between the rear of The Crest and the side of 1 Allerford Cottage, which stand about 33m apart whereas, according to the representations of the neighbouring resident from my own inspection, the physical boundary of the appeal property is clearly defined by a fence much closer to Allerford Cottage, some 3m from its southern elevation. Either way, the buildings are well separated compared with the usually accepted guideline minimum distance of 20m between facing windows to preserve privacy.
19. In this particular case, there is a greater potential for overlooking from the proposed first-floor window at The Crest affecting the privacy of the northern side and rear garden of Allerford Cottage than would be the case if the intervening ground were flat.
20. In my judgement, the significantly higher elevation of The Crest would result in an increased degree of actual and material perceived loss of privacy at 1 Allerford Cottage, due to the introduction of the two-storey extension proposed, despite the intervening distance and boundary fence.
21. This factor results in a degree of conflict with Policy DEV1 of the JLP to protect health and amenity, and this adds some weight to the case against the development proposed.

Conclusions

22. I consider that the harm the proposed extension would cause to the character and appearance of The Crest contrary to Policies DEV20 and TTV29(5) alone to warrant rejecting the proposed development, whilst the degrees of conflict with Policy DEV21 concerning respect to the historic environment and with Policy DEV1 regarding residential amenity both add to the case against the proposal.
23. I have considered every other matter raised in the written representations, including the further objection by the Council that the proposal fails to include on-site carbon footprint improvements in line with JLP Policy DEV32 but, in view of my findings on

the main issues, I make no further determination in that regard, and no other factor affects my decision.

24. For the reasons explained, I conclude that this appeal should be dismissed.

B J Sims

INSPECTOR