



---

## Appeal Decision

Site visit made on 6 August 2025 by N Manley BA (Hons) MSc

### Decision by S Edwards BA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2025

---

### Appeal Ref: APP/K1128/D/25/3368022

### Poets Cottage, Road from Rattery Cross to Culver Park, Rattery, Devon TQ10 9LN

- 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 Ian Ross against the decision of South Hams District Council.
  - The application Ref is 3573/24/HHO.
  - The development proposed is described as a “new roof and storage area with a safety rail.”
- 

### Decision

1. The appeal is allowed and planning permission is granted for new roof and storage area with a safety rail at Poets Cottage, Road from Rattery Cross to Culver Park, Rattery, Devon TQ10 9LN, in accordance with the terms of the application, Ref 3573/24/HHO, subject to the following condition.
  - 1) The development hereby permitted shall be carried out in accordance with the approved plans: Elevation Plan received by the Council on the 7 November 2024; North and East Facing Elevations received by the Council on 19 December 2024; Proposed Roof received on 19 December 2024; Roof Plan 1-100 received on 19 December 2024; Site Levels 1-500 received on 19 December 2024; Site Location 1-1250 received on 19 December 2024; Site Plan 1-500 received on 19 December 2024 and Roof closeup and Roof Height-1 received by the Council on 15 January 2025.

### 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. The proposal is part-retrospective, as the development for which planning permission is sought has already been partly carried out and corresponds with the submitted plans. The appellant has explained that the area will be used for storage and as a living wildlife roof, accessed only occasionally for maintenance. I have therefore considered the proposal on the basis of the submitted plans.

### Main Issues

4. The main issues are the effect of the proposal on:
  - The character and appearance of the surrounding area with particular regard to nearby railway embankment and row of terraced cottages; and

- The living conditions of the occupiers of Fern Cottage, with particular regard to privacy.

## **Reasons for the Recommendation**

### *Character and Appearance*

5. The appeal site comprises a prefabricated, flat-roofed single garage located next to a fairly busy road. On my site visit, I observed that a modest timber balustrade had been constructed around the roof, with some vegetation growing through the gaps in the balustrade. Various planting baskets had been attached to the balustrade, within which plants and flowers have been planted. Around the site, other vegetation and mature trees are immediately visible.
6. The garage occupies a relatively isolated position. To the west lies an area used for car parking and storage, where I noted a wooden shed and trellis. To the east is a terrace of cottages, with Poet's Cottage occupying the middle of the row. The terrace is separated from the garage by a wide driveway which provides rear access to the cottages. The garage's eastern boundary is defined by a timber fence and trellis. Nearby stands a stone-built railway embankment. This embankment rises prominently behind the cottages.
7. The Plymouth and South West Devon Joint Local Plan 2013–2034 Supplementary Planning Document (Adopted 2020) (SPD) sets out the criteria for assessing a non-designated heritage asset (NDHA). Displayed on a flow chart, the SPD states that if the object is a physical structure, such as a building, standing remains, wall, or other man-made boundary feature, and is recorded on the first edition Ordnance Survey map of the 1880's or the 1906 edition, and if the extent or quality of the surviving fabric justifies further investigation or assessment, it should be assessed as a NDHA.
8. Using this methodology, the Council have identified both the terrace of cottages and the railway embankment as NDHAs. Based on the evidence before me and my observations on site, I see no reason to disagree with this assessment and find that their significance is likely to be primarily of historic interest, by virtue of their functional role, in association with the railway.
9. It is the Council's position that the proposal detracts from the setting and legibility of the NDHAs. However, the height of the balustrade, relative to the overall height of the garage is minor. Additionally, the introduction of the timber materials from which it is built, given the nearby wooden shed and other fencing, does not appear out of place. The location of the proposed stairs, positioned between the garage and the adjacent fencing would largely obscure them from public view, ensuring they would not be prominent from the highway nor detract from the character and appearance of the surrounding area.
10. Moreover, the garage's detached and standalone siting means it is physically and visually distinct from both the row of terraced cottages and the nearby railway embankment. Consequently, in public views, the proposal is and would be seen as a very minor addition, ensuring the garage remains as a modest, subservient and ancillary building when viewed against the nearby row of terraced cottages and their surroundings. As a prefabricated structure, the garage does not make a positive contribution to the setting of the NDHAs and this would not change as a

result of the proposal once completed. Therefore, the significance of the NDHAs would be preserved.

11. For the reasons above, I conclude that the proposed development, having regard to its design, scale and relationship with the nearby properties would not cause harm to the character and appearance of the surrounding area or the nearby row of terraced cottages and railway embankment. The proposal therefore accords with the aims of Policies DEV20 and DEV21 of the Plymouth and South West Devon Joint Local Plan (Adopted 2019) (PSWJLP). Amongst other things, these policies seek development which has regard to the pattern of local development and wider development context and requires development proposals to conserve the significance and setting of non-designated heritage assets. In accordance with paragraph 216 of the National Planning Policy Framework (the Framework), I have taken into account the effect of the proposal on the significance of the NDHAs, and consider that no harm would arise.

#### *Living Conditions - Privacy*

12. Fern Cottage is located at the western end of the row of terraced cottages, at some distance from the appeal garage, being separated by a driveway. The property has two windows which face west, directly towards the appeal site, one being a ground floor window and a smaller first floor window.
13. I have been advised that the first-floor window of Fern Cottage serves a non-habitable room. I also understand that the deeds for the adjoining cottages in the terrace grant access rights to their owners and visitors. These rights allow passage through the front gardens of Fern and Poet's Cottages, as well as along the rear gardens and pathways. As a result, movement already occurs directly past the aforementioned ground-floor window of Fern Cottage, as neighbouring occupiers are allowed to use this route.
14. While the development introduces a raised platform that did not previously exist, its intended use would result only in occasional access for maintenance and a very limited degree of overlooking. Together with the separation provided by the driveway, I therefore find that the proposal would not result in any greater loss of privacy than which currently occurs.
15. I also find no reason to conclude it leads to increased noise and disturbance for the occupants of Fern Cottage considering the location next to a busy highway and what could reasonably be expected from neighbours in a terraced row of cottages.
16. Given the above, I find the proposed development would have no significant adverse effect on the living conditions of the occupiers of Fern Cottage, with particular regard to privacy. The appeal scheme therefore accords with Policy DEV1 of the PSWJLP which notably requires development proposals to ensure satisfactory privacy for both new and existing residents.

#### **Conditions**

17. I have considered the conditions suggested by the Council. It is necessary, in the interests of precision, to define the plans with which the scheme should accord to. Given the nature of the development, it is not necessary to add a condition requiring the use of matching materials. A condition to restrict the use of the roof area as a balcony, terrace or similar amenity space is not necessary either, as such

a use would not be permitted development. Such a development would therefore require separate planning permission.

### **Conclusion and Recommendation**

18. There are no material considerations which indicate that the appeal should be determined, other than in accordance with the development plan. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

*N Manley*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

19. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is allowed.

*S Edwards*

INSPECTOR