
Appeal Decision

Site visit made on 12 November 2025

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

Appeal Ref: APP/K1128/D/25/3366758

22 Church Street, Salcombe, Devon TQ8 8DH

- 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 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Fulford Smith against the decision of South Hams District Council.
 - The application Ref is 0294/25/VAR.
 - The application sought planning permission for demolition of existing garage, replacement single storey rear extension, new rear facing dormer window and internal alterations without complying with a condition attached to planning permission Ref 3237/23/HHO, dated 21 November 2023.
 - The condition in dispute is No 2 which states that: The development hereby approved shall in all respects accord strictly with drawing numbers:
 - Proposed plans – 2762/01
 - Proposed elevations and section – 2762/02
 - Site block plan – 2762.03
 - Site Location Plan – 2762.SLP
 - The reason given for the condition is: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Works to the development have commenced on site. At the time of the site visit the single storey rear extension has been constructed with a pitched roof and appeared consistent with approval Ref 3237/23/HHO.

Main Issue

3. The appellant seeks to make a change to the approved plans to facilitate the use of the roof of the extension as an extended roof terrace.
4. The main issue is the effect of the revised design on the living conditions of neighbouring occupiers with particular regards to privacy and noise and disturbance.

Reasons

5. The approved scheme included a pitched roof to the proposed extension in common with the neighbouring properties either side. A small flat roof element was included which allowed for some outdoor space at this level.

6. The appeal property is part of a terrace, as the houses are narrow and closely spaced, there is a close relationship. The properties have small gardens and there is a degree of existing overlooking from upper floor windows.
7. The existing situation and the approved plans limit the space available in relation to the use of the terrace but also restricts the overlooking of the ends of the gardens of neighbouring properties.
8. While the privacy of some of the rear gardens is reduced due to the lane behind them, this does not apply to the adjoining property at 23 Church Street, which benefits from a building at the rear of its garden, providing a greater degree of privacy.
9. The proposed extended roof terrace would enable direct, elevated views into neighbouring gardens on both sides, which is not possible with the approved smaller terrace.
10. Although there are some views from within the property the proposed terrace would allow for closer range views and due to the elevated position users of the terrace would be highly visible from the neighbouring gardens.
11. I accept that there are other examples of overlooking within the locality, however, I have considered the proposals in the context of this site and its neighbours. The arrangement of the garden and outbuilding at the neighbouring property are not directly comparable due to the size and arrangement of the terrace adjacent to the boundary and the existing planting.
12. The increased size of the terrace could potentially be used by more people than the approved terrace, which would possibly lead to increased noise at this level. However, I do not find that it would be significantly more harmful in this context than noise created within the existing garden or on the approved terrace.
13. Overall, I find that the proposed alterations to the plans would lead to a reduction in privacy for the neighbouring properties and would therefore conflict with Policy DEV1 of the Plymouth and South West Devon Joint Local Plan 2014-2034.

Other Matters

14. With regards to screening, I have not been presented with any details of what could be provided, and it has not been demonstrated how this would limit the overlooking in this context.
15. I note that there have been no objections to the proposal, even with this being the case I have found conflict with the development plan in respect of privacy.
16. In respect of the visual impact of the proposal, the approved scheme has a pitch roof similar to the neighbouring properties. The Council did not raise any concerns with the amended design, and I accept their position. Even if the revised approach had less of a visual impact, the approved design is acceptable and therefore, I give this limited weight.
17. Communication during the application process is not a matter for consideration in terms of the determination of this appeal.

Conclusion

18. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

H Faulkner

INSPECTOR