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| **Appeal Decision** |
| Site visit made on 19 September 2017 |
| **by K Taylor BSc (Hons) PGDip MRTPI** |
| **an Inspector appointed by the Secretary of State for Communities and Local Government** |
| **Decision date: 2nd November 2017** |

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| **Appeal Ref: APP/K1128/W/17/3176134**  **Waves Edge, Road to Highfield, Challaborough TQ7 4JB** |
| * The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission. |
| * The appeal is made by Mr & Mrs Long against the decision of South Hams District   Council. |
| * The application Ref 1621/16/FUL, dated 25 May 2016, was refused by notice dated 13 April 2017. * The development proposed is erect replacement dwelling. |

# Decision

1. The appeal is dismissed.

# Application for costs

1. An application for costs was made by Mr and Mrs Long against South Hams District Council. This application is the subject of a separate Decision.

# Main Issue

1. The main issue is the effect of the proposal on the character and appearance of the area and whether it would conserve and enhance the natural beauty of the South Devon Area of Outstanding Natural Beauty (the AONB).

# Reasons

*Character and appearance*

1. The appeal site is located within the settlement of Challaborough and within the AONB. It is located next to a small bay and partly within a dip in the land. The land rises up to either side of the bay and the South West Coastal Path runs along the coast and through the settlement. There are a cluster of dwellings located in the south eastern part of the settlement. Several of these are accessed from a narrow no-through road with houses to either side of it on land that rises in a south-easterly direction.
2. There is a fairly tight cluster of properties on the lower land and looser knit development with the progression up the slope particularly to the seaward side of the lane. These properties, especially the last three dwellings, sit in wide plots. The appeal property is the middle of this set of houses. Shearwater is located to one side on lower land and Idle Rocks to the other side on higher ground. All three of have noticeably shallow roof pitches with a consequent low overall height. The ridge height of each steps up with the rising land so these dwellings sit well within the street and have a coherent progression in height.
3. The appeal site and the adjoining dwellings are seen from the Coastal Path, not just from where it passes by the site, but also from the higher land on each headland. The appeal property is seen in more than just fleeting views from the path when heading in both directions. The low overall ridges and coherent progression in height with the rising land are significant characteristics of these three dwellings and as a result they appear appropriately nestled into the landscape. The natural beauty of the landscape is derived from a careful balance between built development and undeveloped coastal countryside and the resulting views that enable the natural beauty to be experienced.
4. The development would result in the existing dwelling being replaced by a single storey house that would have a broadly similar siting but with an increase in its width. The eaves height would be consistent with the existing building but there would be an increase in the height of the main ridgeline by 1.4m. The main roof would be wider than the existing and have a steeper pitch. The maximum ridge height would be lower than Idle Rocks, but by less than 0.5m. This would interrupt the steady progression in ridge heights of these three neighbouring properties. The steeper pitch of the roof would be apparent and add a bulk at roof level that is not present on its immediate neighbours. When taken together with the increased ridge height this would result in an uncharacteristic roof form that would appear incongruous in its immediate setting.
5. Although the Coastal Path is at a lower level than the appeal dwelling and its neighbours, these properties are readily visible from the path as it passes by the site. The uncharacteristic height and roof form would be apparent from here and in the views from the headlands as well as when approaching the site from either direction. From these vantage points, the appeal dwelling would be seen against the backdrop of the houses that sit behind it on the opposite side of the no-through road. Those sit on higher land and are seen as distinct and set apart from the properties on the seaward side of the lane. They also have ridge heights that progressively rise up. This backdrop would not therefore mitigate the harm that would arise from the development.
6. There is significant variety in the design of dwellings located in the south eastern part of Challaborough. Some properties have been extended and altered overtime, including Shearwater which covers much of the width of its plot. The Council has allowed alterations to the roofs of two properties Follyfoot and Challadene, the latter of which included a rise in ridge height of 1.4m. The general variety in design would not minimise the harm from the appeal development as this is derived from the effect of the height and roof form in the context of its immediate neighbours. Follyfoot and Challadene are located at the bottom of the slope where the roof forms and ridge heights are seen in the context of a tighter form of development which is less linear in nature. Alterations to the roofs in this location would be less sensitive to change and would not have the same effect on the character of the area. That being so, it does not follow that an increase in height at the appeal site by the same margin must also be acceptable.
7. The dwelling would be set into the plot, at a lower level than the road, and it would not be significantly closer to the Coastal Path. Overall the plot would still retain an open aspect with a good amount of garden area. The increased width of the building, itself, would not be out of keeping with the neighbouring properties. The existing building has some merit that arises from its modest

size and appearance and its orientation to take advantage of views over the bay, but, given the variety in the design of dwellings, its replacement with a dwelling of a different design would not necessarily result in harm. The palate of materials proposed would also be in keeping with those found in the locality. None of these factors, however, minimise the harm that would arise from the height of the dwelling and its roof form.

1. I conclude that the development would result in harm to the character and appearance of the area and consequently it would fail to conserve and enhance the natural beauty of the AONB. The National Planning Policy Framework (the Framework) is clear that AONBs have the highest status of protection in relation to landscape and scenic beauty and that great weight should be given to conserving these attributes. The harm is therefore a matter that weighs very significantly against the development.
2. For the above reasons, the development would not accord with Policies CS7 and CS9 of the South Hams Core Strategy, and Policies DP1 and DP2 of the South Hams Development Policies Development Plan Document. Collectively these policies give great weight to the conservation and enhancement of AONBs and seek to ensure development respects local distinctiveness, the character of the site and its surroundings, and that it conserves or enhances the character of the landscape. Although I only give them limited weight, Policies DEV24 and DEV27 of the emerging Plymouth & South West Devon Joint Local Plan (the eJLP) have similar aims to the above policies and those in the Framework. For the same reasons there would be conflict with these emerging policies.

*Other matters*

1. The application was recommended for approval by the Council’s planning officer and there were no objections from the Landscape and AONB team to the final scheme. I also note the appellant sought to work positively with the Council, engaging in pre-application consultation and revising the proposal on two separate occasions. I have taken these matters into account; however I must reach my own conclusion on the effect of the development on the character and appearance of the area and the landscape and scenic beauty of the AONB.
2. No concerns were raised by the Council in respect of the effect of the development on the living conditions of the occupiers of neighbouring dwellings or the future occupiers of the appeal development. Nor were there concerns in respect of parking provision and highway safety matters. Having regard to the proposed layout of the site, the separation from neighbouring properties, the retention of a large area of garden, the space proposed for parking, as well as the use of the existing access I also consider the development would be acceptable in these respects. These are all neutral factors and therefore they neither weigh in favour nor against the development.
3. The Framework seeks to encourage innovation and the development would allow for the provision of a modern family home. However, given the emphasis on reinforcing local distinctiveness and conserving the landscape and scenic beauty of AONBs, when the development is considered as a whole, it would not accord with the Framework.
4. The Framework also notes that there are three dimensions to sustainable development. The development would bring about some economic and social

benefits including through the construction of a new dwelling, the reuse of an existing site and the provision of upgraded accommodation. However, due to the harm to the character and appearance of the area and the consequent failure to conserve the landscape and scenic beauty of the AONB, the environmental dimension would not be met. Therefore, when considered in the round, the development would not amount to sustainable development.

1. The Council has cited conflict with Policies TTV32 and DEV1of the eJLP. However in its statement the Council only refers to the supporting text for Policy TTV32 and no conflict with the policy, itself, is identified. Although I have found harm due to the proposed roof form and height I do not consider that this would amount to the dwelling being significantly larger than the existing house, nor would the increased width be significant. There is no conflict with the other aspects of this emerging policy. Policy DEV1 seeks to safeguard the health and the amenity of local communities, but the Council has not identified how the development would fail to do so. Although the meaning of health and amenity could be very wide, the policy, when read in its entirety, has a fairly narrow meaning and I cannot see any conflict with it. The lack of conflict with these emerging policies does not however minimise the harm I have identified.
2. Reference has been made to a Neighbourhood Plan. I have not been provided with any significant details of the progress in its preparation. The evidence suggests it is at a very early stage and as such I would not be able to give any significant weight to it. I also note some correspondence has referred to the development as being two storeys in height. I have based my decision on the most recent plans which is for a single storey dwelling.
3. There would be benefits arising from a steeper roof pitch in terms of preventing water ingress and allowing for greater storage and an improved ability to maintain services in the roof space. However I am not convinced that this would be the only solution to ensure the roof is watertight or to allow for adequate storage and the convenient maintenance of services. I therefore give these benefits limited weight.

# Conclusion

1. The adverse effects of the development are sufficient to mean that it would fail to conserve the landscape and scenic beauty of the AONB and that it would conflict with the development plan when taken as a whole. No matters have been found to outweigh this conflict. For the reasons given above I conclude that the appeal should be dismissed.

*K Taylor*

INSPECTOR