
Appeal Decision

Site visit made on 12 April 2017

by Mike Fox BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13th April 2017.

Appeal Ref: APP/U1105/D/17/3170492

Waggoners Court, Court Barton Hill, Beer, Seaton, Devon, EX12 3JT

- 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 Robin Davies against the decision of East Devon District Council.
 - The application Ref 16/2310/FUL, dated 12 September 2016, was refused by notice dated 15 December 2016.
 - The development proposed is construction of 2 no. dormers to east facing elevation and canopy over entrance.
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Decision

1. The appeal is **dismissed** insofar as it relates to **construction of 2 no. dormers to east facing elevation** at Waggoners Court, Court Barton Hill, Beer, Seaton, Devon, EX12 3JT.
2. The appeal is **allowed** insofar as it relates to the **canopy over entrance** at Waggoners Court, Court Barton Hill, Beer, Seaton, Devon, EX12 3JT in accordance with the application Ref 16/2310/FUL, dated 12 September 2016, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: T1 *Title Sheet*; S1 *Site OS Block Plan*; S2 *Site and Roof Plan*; S3 *Ground Floor Plan*; S5 *Front and Side Elevation*; S6 *Side and Rear Elevation – all As Existing*; P1 *Site OS Block Plan*; P2 *Site and Roof Plan*; P3 *Ground Floor Plan*; P5 *Front and Side Elevation*; P6 *Side and Rear Elevation – all As Proposed*; and P7 *Street View Facing South West As Existing and As Proposed*.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Beer Conservation Area.

Reasons

4. Waggoners Court is part of a group of former farm buildings to the west of Court Barton Hill. The proposed entrance canopy is not an issue between the

- parties, and there are other examples nearby which do not harm the character and appearance of the area. I therefore conclude that the canopy would not conflict with Section 12 of *the Framework*¹ or with Local Plan² policy D1, which requires high quality design in Conservation Areas.
5. I now turn to the proposed dormers on the eastern elevation of the dwelling. They would face the road, in a prominent location. The Appellant has submitted photographs and locations of several existing dormers within the Conservation Area. He also states that the area surrounding the appeal property contains a mix of building types, external materials and styles, at some distance from the heart of the Conservation Area, which is where most of the buildings with the greatest historic value are located.
 6. Whilst the property is located at some distance from the main concentration of historic buildings in the Conservation Area, it nevertheless has a simple but distinctive and traditional form, in common with the neighbouring properties, none of which exhibited dormers facing the public domain. Section 12 of *the Framework* requires any new development to merit sympathetic treatment of its historic context, and Local Plan policy D1 states, in its introductory text, that it is "*essential that traditional vernacular is retained*".
 7. The proposed dormer windows would introduce an alien domestic feature which would contrast with the simple roof forms common to the converted farm buildings in the immediate surroundings, none of which had dormers that I could observe at my site visit, and which are a key to the distinctiveness of this part of the Conservation Area. Furthermore, the visual harm would be highlighted by the prominent location of the appeal property on Court Barton Hill, the B3174, which is one of the main gateways into Beer. This is an important location which gives visitors their first impressions of the village as they approach the settlement from the surrounding countryside.
 8. The Appellant's arguments in relation to the poor quality of the existing habitable floor space in relation to outlook and daylight do not outweigh the reasons that have led me to dismiss the appeal.
 9. I therefore conclude that the proposed dormer windows would harm the character and appearance of the Beer Conservation Area. This would be contrary to the statutory requirement³ for development to either preserve or enhance the character or appearance of Conservation Areas. For the same reason it would be contrary to *the Framework* and the development plan.
 10. I have imposed the conditions as suggested by the Council. In addition to the standard time condition and conditions referring to the approved plans, condition (2) is to safeguard the character and appearance of the area.
 11. For the reasons given above and having regard to all other matters, I conclude that the appeal should be dismissed insofar as it relates to the proposed dormers and allowed insofar as it relates to the proposed entrance canopy.

Mike Fox

INSPECTOR

¹ DCLG: National Planning Policy Framework (the Framework); April 2012.

² East Devon Local Plan 2013 to 2031; adopted 28 January 2016.

³ The Planning (Listed Buildings and Conservation Areas) Act 1990, Section 72 (1).