



Appeal Decision

Site visit made on 20 January 2020

by Colin Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2020

Appeal Ref: APP/W1145/W/19/3238616

Site adj to No 5 Victoria Terrace, Market Place, Bideford EX39 2DP

- 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 Mrs S Edwards against the decision of Torridge District Council.
 - The application, Ref 1/0478/2019/FUL, dated 3 June 2019, was refused by notice dated 3 Oct 2019.
 - The development proposed is two storey dwelling
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - whether the proposal would preserve or enhance the character or appearance of the Bideford Conservation Area.
 - the effect of the proposal on the setting of the Grade II listed buildings comprising 1-5 Victoria Terrace.
 - whether the proposal would provide acceptable living conditions for future occupiers of the proposed dwelling, having particular regard to noise, outlook and the provision of outdoor amenity space.

Reasons

Character and appearance

3. The appeal site is situated in the Bideford Conservation Area, the significance of which is mainly derived from the architectural quality of the historic streets and buildings. This includes No's 1-5 Victoria Terrace, immediately to the east of the appeal site, which are Grade II listed buildings. Although the appeal site itself is not listed, it forms the rear garden of No 5 and therefore has a close physical relationship with the listed terrace.
4. Because the appeal site is enclosed by high retaining walls, it is not seen from many public vantage points. When looking in the direction of the site from the car park, there is an open outlook over the retaining wall towards the rear elevation of Victoria Terrace. However, the site itself is mainly hidden from view, even from more elevated parts of the car park. As such, the site is a relatively inconspicuous feature within the Conservation Area.

5. While the proposed dwelling would be overlooked from the upper car park, it would not appear especially prominent from here as it would represent a small feature in a relatively open view of the town. However, the dwelling would be more prominent from parts of the lower car park and steps where it would be viewed at closer quarters. From here, the front elevation and roof of the dwelling would be seen to exceed the height of the retaining wall.
6. One effect of the new dwelling would be to reduce the perception of openness beyond the retaining wall, partly obscuring views towards the rear elevation of Victoria Terrace. Because it would be designed to fit within the limited confines of the site, the dwelling would be relatively small and compact in comparison to other nearby buildings. While plot sizes in the area vary, the form and proportions of the proposed dwelling would be in sharp contrast to those in the listed terrace and surrounding streets. As such, the dwelling would appear somewhat out of keeping with its immediate surroundings.
7. Although there was once a building on the site, it appears from the photograph provided that the area has changed quite substantially in the intervening years. Within its current setting, the proposed dwelling would be read as a modern addition rather than a building that reflects the history of the area.
8. For the reasons given above, the proposed dwelling would diminish the setting of the listed terrace and would harm this part of the Conservation Area. However, the harm would be less than substantial and in such circumstances paragraph 196 of the Framework¹ advises that this harm should be weighed against any public benefits. With this in mind, I recognise that the dwelling would make a small contribution to local housing supply and would utilise previously developed land in an accessible, urban location. While these benefits should not be overlooked, they are insufficient to outweigh the harm to the heritage assets that have been identified. In reaching this decision, I am mindful that paragraph 193 of the Framework advises that 'great weight' should be given to the conservation of heritage assets.
9. I therefore conclude on the first main issue that the proposed development would not preserve or enhance the character or appearance of the Bideford Conservation Area. For similar reasons, I conclude on the second main issue that the development would harm the setting of the Grade II listed buildings comprising 1-5 Victoria Terrace. There would be conflict with Policies ST15 and DM07 of the Local Plan², which both aim to protect heritage assets.

Living conditions

10. The new dwelling would be in close proximity to the Joiners Arms public house and a large public car park. However, there is little before me to indicate that levels of noise and disturbance would be excessive, or over and above what might be expected in a town centre location such as this.
11. The ground floor of the dwelling would be in regular use as it would contain the living room, kitchen and dining room. While the plans indicate a number of ground floor windows, the dwelling would be enclosed by high walls on three sides, with the rear of Victoria Terrace on the other. Considering the height and proximity of these walls, the outlook from ground floor windows would be

¹ National Planning Policy Framework.

² North Devon And Torridge Local Plan 2011-2031.

very limited and natural light would be restricted. As such, the ground floor living space would be likely to feel rather gloomy and confined.

12. The outdoor amenity space would not benefit from a very open outlook either as it would be almost entirely enclosed by the west elevation of the proposed dwelling and the surrounding walls, which would loom high overhead. Consequently, it would not make a particularly pleasant area to use as outdoor amenity space, even if gardens of similar size have been approved elsewhere. Given that the main interior living space of the proposed dwelling would also have a very restricted outlook, it seems to me that the property would not provide an appropriately high standard of amenity for future occupiers.
13. I therefore conclude on this issue that the development would not provide acceptable living conditions for future occupiers. There would be conflict with the design policies of the Local Plan, including Policy DM01, which promotes good standards of residential amenity.

Conclusion

14. For the reasons given above, the appeal is dismissed.

Colin Cresswell

INSPECTOR