



Appeal Decision

Site visit made on 10 March 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2020.

Appeal Ref: APP/F9498/W/19/3241834
5a Queen Street, Lynton, Devon EX35 6AA

- 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 J Richards against the decision of Exmoor National Park Authority.
 - The application Ref 62/41/19/024, dated 24 May 2019, was refused by notice dated 28 August 2019.
 - The development proposed is a first floor terrace-seating area.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the character and appearance of the Lynton Conservation Area, and the effect on the living conditions of neighbouring residents with particular regard to privacy.

Reasons

Character and appearance

3. From my observations, the part of the Lynton Conservation Area surrounding the appeal site has a high density character with buildings crowded along the principle streets. The buildings around the site have various projections from their rear elevations that are generally finished in stone or render with pitched roofs.
4. Whilst these rear sections are sited away from the main street-facing elevations, they are clearly visible from the adjoining car park and contribute to the historic appearance of the area which is largely devoid of modern additions and materials. There is no particular evidence to suggest that the significance of the area is not fundamentally linked to its historic development, demonstrated by the building styles, building forms and the character of the streets.
5. The proposal would remove a section of the typical roof form that makes a positive contribution to the character and appearance of the conservation area, thereby resulting in some harm to the designated heritage asset. Whilst the use of UPVC windows would match those of the existing property, the proposal would also introduce glass balustrading which is not typical of the surrounding historic environment. Rather than blending with the surrounding buildings, this

would appear as an incongruous structure, resulting in further harm to the character and appearance of the conservation area and, thereby, its significance. This harm also means that the proposal fails to conserve the cultural heritage of the National Park.

6. Given the scale of the proposal, the harm to the significance of the designated heritage asset would be less than substantial which, in accordance with Paragraph 196 of the National Planning Policy Framework (the Framework), should be weighed against the public benefits of the proposal. In accordance with Framework Paragraph 193 the harm must receive great weight in that balance.
7. I understand that No.5a does not currently benefit from any external space and so the proposal would provide some benefit to its occupiers in that regard. However, the effects would be largely private to the occupiers of the property, with very limited public benefit. Therefore, I find that public benefits would not outweigh the harm to the heritage asset.
8. The above conclusion would result in a conflict with Policies GP1, CE-S4, CE-D3 and CE-26 of the Exmoor National Park Local Plan 2011-2031 (LP), and Policies P1 and ENV1 of the Lyn Plan 2013-2028 that collectively seek to deliver high quality designs that conserve or enhance the cultural heritage of the National Park, and the special interest, integrity, significance, character and appearance of the conservation area.

Living conditions

9. The properties either side of the site have first floor windows facing towards the proposed terrace. The Authority's assertion that these serve private rooms is not disputed. Standing on the terrace, it would be possible to see directly into these adjoining rooms at close range. Although there is an existing window in the building that would be removed, views from an external area would be clearer.
10. Moreover, there are no existing windows on the side facing the accommodation above the adjoining public house. Nor are there any windows on the gable end, which would be opened up to allow views towards properties on the opposite side of a narrow passage alongside the building. There is no substantive evidence that the glass screening would adequately prevent views out from the terrace so as to preserve the privacy of neighbouring residents.
11. I, therefore, find that harm would arise to the living conditions of neighbouring residents. Such would result in a conflict with LP Policies GP1 and CE-S6 that require development to not detrimentally affect the amenities of surrounding properties, including through overlooking.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

M Bale

INSPECTOR