

Appeal Decision

Site visit made on 20 July 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2020

Appeal Ref: APP/P1133/D/20/3254553

78 Ringmore Road, Shaldon TQ14 0AB

- 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 R Craig against the decision of Teignbridge District Council.
 - The application Ref 20/00223/FUL, dated 4 February 2020, was refused by notice dated 30 March 2020.
 - The development proposed is formation of vehicular access.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. I noted from my site visit that the development applied for has been completed and the evidence indicates that it has been complete since 2017.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of Shaldon Conservation Area.

Reasons

4. The appeal dwelling is a mid-terrace cottage set back from Shaldon Road with a narrow but deep frontage area. The property falls within Shaldon Conservation Area (CA).
5. The Shaldon Conservation Area Character Appraisal (SCACA) and separate Shaldon Conservation Area Management Plan (MP) include reference to the special qualities of the CA as the preponderance of front garden areas which give the streets a domestic, 'villagey' appearance quite unlike that of a town. The MP seeks to resist the loss of curtilage features such as walls, railings and gate piers due to the harm to the setting of buildings and the street as a whole.
6. This part of the CA derives its significance from short terraces of historic cottages set back behind enclosed front gardens which, in many cases, are set to soft landscaping. The boundary walls are themselves in many cases an attractive feature of the scene, many are formed of natural stone, and they provide a strong delineation between private and public space. This character was also described by my colleague in an appeal decision relating to No 14 Ringmore Road¹. Notwithstanding that the enclosed effect is slightly less pronounced in the vicinity of the appeal site, the widespread absence of vehicle

¹ APP/P1133/D/17/3173637

hardstandings and variety of frontage enclosures is still a positive attribute of the street.

7. The appeal proposal has resulted in the removal of a section of rubble stone wall. Though the adjoining dwelling has retained the other part of the wall and its gate pier, the frontage of the appeal site is open to allow for a car to park on the Oak sleepers which have been laid amongst some ornamental gravel.
8. Whilst the site has been tastefully landscaped, the absence of the wall, which formed a visually distinctive element of the area, is notable. This is particularly so when considered in combination with the adjacent property which also has a large expanse of absent front boundary. The erosion of such a defining and attractive feature of the CA could not be said to preserve or enhance its character or appearance, thus harming its significance.
9. The proposal therefore conflicts with Policy EN5 of the Teignbridge Local Plan 2013 – 2033 (adopted 2014), which amongst other things, seeks to protect and enhance the area's heritage, taking account of the significance, character, setting and local distinctiveness of any affected heritage asset. It also fails to adhere to relevant guidance within the SCACA and MP.
10. For similar reasons, the proposal also conflicts with the National Planning Policy Framework (the Framework). Using the terms of the Framework, the degree of harm is at the lower end of 'less than substantial' (paragraph 196).

Other Matters

11. The appellant cites that an unconditional permission was previously given for the proposal. I have no cogent evidence that the works undertaken have implemented that permission or whether it was lawful to do so given the lapse of time. In any event, my role is to determine the appeal before me.
12. The appellant also raises that the permission sought is to provide a crossing over a classified highway. As planning permission is needed, I am required under S72 of the Listed Building and Conservation Areas Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The suggestion that the wall was less than 1 metre in height and less significant as a consequence is not apparent from the evidence, particularly as it has already been removed.

Planning Balance and Conclusion

13. The proposal would maintain an off-road parking space in an area where parking is in limited supply. This is a benefit which attracts a limited degree of weight.
14. However, the limited benefits of the scheme do not outweigh the identified conflict with the Development Plan or the 'less than substantial harm' to the significance of Shaldon CA.
15. For the reasons set out above, the appeal is dismissed.

Hollie Nicholls

INSPECTOR