



Appeal Decision

Site visit made on 1 September 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2020.

Appeal Ref: APP/U1105/W/20/3248708

Site off Cheese Lane, Cheese Lane, Sidmouth, Devon EX10 8QY

- 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 Miss Pia-Maria Boast against the decision of East Devon District Council.
 - The application Ref 19/0365/FUL, dated 5 March 2019, was refused by notice dated 11 October 2019.
 - The development proposed is a new dwelling house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the significance of the Bickwell Valley Conservation Area.

Reasons

3. The Bickwell Valley Conservation Area is an area of, largely, early 20th century suburban housing. The Conservation Area Appraisal (CAA) sets out how, with the exception of two short 19th century terraces at Cotmanton Road, the entire area is characterised by large detached houses in a well-wooded setting. This gives the whole area a spacious sylvan appearance, firmly grounded in its valley setting.
4. The terraces referred to are at the end of Cheese Lane, almost adjoining the appeal site. Cheese lane is narrow and sunken, and whilst verdant in appearance this, together with the terraced form of the dwellings around the Cotmanton Road junction gives it a different character and appearance to the majority of the conservation area. The appeal site is part of an area of garden land raised up from the highway above a bank and retaining walls.
5. The CAA sets out features of special importance. These include the retention of the quality of the area's origins as a wealthy and spacious suburb, maintenance of the character of a wide cross-section of early 20th century large houses, large landscaped gardens and many mature specimen trees. The CAA also notes the importance of the significant area of open space at Cotmanton Field, but does not reference the land around the appeal site.
6. Nevertheless, the terraced dwellings and garden land around the appeal site are included in the conservation area. I understand that the gardens have been

subject to development and change over the years. Indeed, there are a number of structures within this garden land, but most are low-key outbuildings of an informal nature. Some of the gardens have been fenced so the area is not particularly open, but there is still a general absence of built development here.

7. Whilst different from the majority of the conservation area, the sunken lane at the area's boundary is distinct. I understand that the appellant may find the bank unattractive and challenging to maintain. However, beyond the terraces, the sense of enclosure provided by the topography around the site, together with vegetation further along the lane and visual detachment from built form on the site side of the lane are important features of the area's character and appearance.
8. A previous proposal for a dwelling at this site was refused permission and an appeal dismissed in 2014¹. I am told by the appellant that it was for a much bolder proposal that was clearly out of scale for the site. The proposal before me responds to the reasoning set out in the earlier appeal decision. It is for a relatively small dwelling, using materials derived from the local area, set back from the road frontage with its living accommodation raised up. These individual design features are representative of the surrounding development on the opposite side of Cheese Lane, outside the conservation area, and the proposed use of a distinctly different design is, in itself, valid given the lack of prevailing architectural style across the area.
9. I understand that the appellant was engaged in discussion with Council officers and understood there to be general support for the proposal. I also note that the previous Inspector in 2014 did not indicate that the site could not be developed in some form. However, this proposal, with its formalised vehicular and pedestrian access would detract from the verdant appearance of the immediate area.
10. Although the adjoining retaining wall would be continued along part of the frontage, the access works would effectively widen the lane giving a sense of width, as noted in the appellant's design and access statement. There would be an uncharacteristic undercroft garage built into the rising bank. I appreciate the way that this would respond to site's constraints, levels, and nearby dwellings, but it would not respect the character and appearance of the surroundings, resulting in an incongruous addition to the conservation area. The relatively small-scale proposed planting would not be sufficient to mitigate this harm.
11. Given the features of interest of the Conservation Area, only low-level less than substantial harm would arise to the significance of the heritage asset, largely confined to the harm to the character and appearance of the immediate environs of the site. However, the public benefits associated with providing a single additional dwelling would also be small and so of limited weight.
12. Paragraph 193 of the National Planning Policy Framework indicates that great weight should be given to the heritage asset's conservation. The harm that I have identified, therefore, outweighs any public benefit. This brings the proposal into conflict with Strategy 6 and Policies D1 and EN10 of the East Devon Local Plan 2013-2031 as well as Policies 7 and 9 of the Sid Valley

¹ Ref. APP/U1105/A/14/2218923

Neighbourhood Plan 2018-2032 which collectively seek to ensure that development is compatible with and complements its site and surroundings, preserves or enhances the character and appearance of conservation areas.

13. I, therefore, find that the appeal should be dismissed.

M Bale

INSPECTOR