The Planning Inspectorate

Appeal Decision

Site Visit made on 12 May 2021

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2021

Appeal Ref: APP/U1105/W/21/3267933
18 Fore Street, Seaton EX12 2LA

- 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 Angela Cole against the decision of East Devon District Council.
- The application Ref 20/1481/FUL, dated 29 June 2020, was refused by notice dated 7 September 2020.
- The development proposed is to demolish the later read additions and erect a three storey building to form 3 x 1-bedroom apartments; carry out internal alterations to existing property to create additional 1-bedroom dwelling.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal, including any impact it would have on the adjacent protected tree, would preserve or enhance the character or appearance of the Seaton Conservation Area.

Reasons

3. The site lies within the Seaton Conservation Area (the CA), which includes the historic town centre and part of the seafront. I have not been provided with the Conservation Area Character Appraisal, but the evidence, including my visit, indicates that the CA derives its special interest from the historic pattern of streets, and the surviving vernacular buildings. Also of significance is the interrelationship of these streets and buildings with the seafront, and with the public open spaces within the CA.

4. The appeal site comprises a three-storey building that fronts Fore Street, with commercial uses on the ground floor. It is a traditional building, with bay windows at first floor level and a steeply sloping slate roof. In common with the other historic buildings, on both sides of the street, it is close to the narrow road that leads to the seafront. It therefore contributes positively to its intimate character, which includes framed views down the street to the sea beyond.

5. The building is at the end of the terrace, and abuts an area of public open space to the north, known as Windsor Gardens. This area of grass and trees is surrounded by historic buildings, and provides a pleasant sheltered public space. The gable end, and the upper parts of the rear elevation of the appeal building, contribute to the sense of enclosure of the open space. There are some less attractive low-level extensions at the rear, including a flat roof that

covers most of the ground floor, but they are largely concealed behind the boundary wall and fence. They do not, therefore, significantly detract from the positive contribution that the building, as a whole, makes to the character of the open space, which is a key feature of the CA.

6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.

7. The proposed three storey extension would occupy almost the entire footprint of the site, so would be a prominent feature in the CA when viewed from the open space. It would cover virtually all of the existing rear elevation of the building, concealing its traditional proportions and architectural features. The wide span would result in a roof pitch that would be noticeably shallower than that of the existing and surrounding historic buildings. As a result, the mass and form of the extension would not complement the existing building, and would be discordant with the character of traditional buildings in the CA.

8. Sections of composite cladding are proposed on the walls, in an attempt to visually relieve the mass of the building. However, this material would be alien to the vernacular materials in the locality, which are primarily stone, render and slate. Consequently, rather than helping to assimilate the development into the CA, it would only serve to draw attention to its uncharacteristic scale and form. Although the appellant contends that other properties in Fore Street have been granted planning permission for similarly designed rear extensions, I have not been provided with any details, and saw nothing comparable in the vicinity of the site.

9. The incompatibility of the building would be exacerbated by the chamfered corner, which would result in a visually awkward roof configuration. I am mindful that this feature has been incorporated to allow for the retention of the tree in Windsor Gardens, however, it results in a contrived design that would be out of keeping with the traditional character of the other buildings that enclose the open space. The appellant has drawn attention to other buildings in the CA that have chamfered corners, but I saw that these examples were deliberate design features of corner buildings. None of them resulted in a similarly disruptive roof form.

10. The roof of the extension would be further complicated by the large dormer window, occupying much of the slope between the eaves lines of the gable and chamfered roof. This dormer would not be of the modest scale, and elegant proportions of the other roof extensions found on the traditional buildings in this part of the CA. Consequently, it would be a dominant and incongruous feature in the roofscape surrounding the open space.

11. The development would be likely to affect the Bay Laurel tree that is growing in Windsor Gardens, very close to the north-western corner of the site. The appellant's Arboricultural Report categorises this tree as "C – Low Value". The Report further notes that the tree is currently overhanging the flat roof on the appeal site, and the stem is beginning to grow against the boundary wall, with a potential for damage to this wall as the tree matures. No evidence has been submitted to contradict these conclusions, although I saw that the tree has recently been heavily pruned, so that it no longer overhangs the appeal site. The tree has limited amenity value, and, with the agreement of the landowner, there would be scope within the open space to plant a more suitable

replacement tree, that could soon provide a similar level of amenity. The potential loss of the tree need not, therefore, result in harm to the CA.

12. However, the mass, form, design, and materials of the building would result in it being an incongruous and dominant feature, occupying a prominent site on the corner of a historic street and adjacent to a public open space. It would, therefore, be harmful to the character and appearance of the CA. The harm would be localised, and therefore the impact on the significance of the heritage asset, as a whole, would be less than substantial within the meaning of Paragraph 193 of the National Planning Policy Framework (the Framework).

13. Paragraph 196 of the Framework says that less than substantial harm should be weighed against any public benefits associated with the development. The proposal would provide four additional flats, which would contribute to the Framework's objective of significantly boosting the supply of homes. It would also make effective use of land, as encouraged by Section 11 of the Framework. Furthermore, the site is in the town centre, so occupants would have good access to services and facilities. The flats are described as being entry level, or suitable for downsizing. However, they would not be affordable housing as described in the glossary to the Framework, which reduces the weight I give to this benefit. Nevertheless, the provision of four additional homes, using sustainable construction methods, in a town centre location attracts moderate weight.

14. There would also be economic benefits, through the creation of employment during construction, and through the ongoing spend of future residents in the local shops and businesses. The relatively small scale of the development means that these benefits only carry limited weight.

15. Paragraphs 193 and 194 of the Framework advise that any harm to a designated heritage asset requires clear and convincing justification, and that great weight should be given to the asset's conservation. The public benefits of the appeal scheme are moderate and, consequently, would not outweigh the harm that I have identified to the CA. I therefore conclude that the proposal would be contrary to Policies D1 and EN10 of the East Devon Local Plan 2013 to 2031 (adopted 2016). These policies seek to ensure that development is of a high quality, locally distinctive design, and is only permitted in the CA where it would preserve or enhance the appearance and character of the area. The proposal would also be contrary to the Framework's aim to conserve and enhance the historic environment.

Conclusion

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

Nick Davies

INSPECTOR