



Appeal Decision

Site visit made on 17 August 2021

by John Wilde CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 30 September 2021

Appeal Ref: APP/U1105/W/21/3275216

Green Acres, Lyme Road, Axminster EX13 5BH

- 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 Peter Crosby against the decision of East Devon District Council.
 - The application Ref 20/1895/FUL, dated 4 May 2020, was refused by notice dated 26 March 2021.
 - The development proposed is the erection of timber garage and covered barns.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of timber garage and covered barns at Green Acres, Lyme Road, Axminster EX13 5BH in accordance with the terms of the application, Ref 20/1895/FUL, dated 4 May 2020, subject to the conditions contained within the attached schedule.

Main Issues

2. The main issues are the effect of the proposed development on:-
 - a) The character and appearance of the area
 - b) Highway safety

Reasons

Character and appearance

3. The proposed development is a covered open fronted barn with a garage/workshop either end. The building would be located behind the rear area of the Limes running parallel with the boundary with the car park belonging to the Magnolia House Care Home, but at a lower level than these neighbouring properties.
4. Whilst relatively large, the proposed building would be seen from public viewpoints to the south and west against a backdrop of existing built form. It would be seen just above the level of the existing wooden fence from the car park of the care home and from the rear area of The Limes, although the portion of the rear area that would be affected has a stone wall that would mask a good majority of the north elevation of the proposed building.
5. By virtue of its positioning, in the corner of the appeal site, and of its low level relative to surrounding properties, I consider that the proposed development would not have a detrimental affect on the character and appearance of the

area. I also note that the Council have suggested the implementation of a landscaping scheme which will further lessen any visual impact.

Highway safety

6. The existing access associated with the appeal site Acres has limited visibility, particularly to the south-east, due to the presence of an existing property and on road parking. However, the proposal is not for a change of use and the access is already in place. I have been given no significant evidence to show that the erection of the proposed building would in any way result in further trip generation, and therefore can only conclude that there would be no detrimental effect on highway safety.

Other matters

7. As stated previously, the top section of the proposed building would be seen from the car park of the care home and from the rear area of the Limes. However, the recreation area of the care home is on the other side of the car park and the rear area of The Limes already has a relatively high stone wall along the section where the proposed building would be. It follows that the proposed building would not significantly affect the outlook from these properties.
8. My attention has been drawn to the ownership of the appeal site which is shown on the appeal form as belonging only to Mr Crosby, whereas the Register of Title DN133101 (dated 9 May 2017) indicates that it belongs to Mr and Mrs Crosby. I have however been supplied with a Separation Agreement dated 28 May 2018 which confirms that Mr Crosby is now the sole owner of Green Acres, free from any claims of Mrs Crosby.
9. I am also aware of previous interactions between the appellant and a neighbouring property owner resulting in legal proceedings, as well as concerns by neighbours of the appellant's apparent disregard for regulations. However, this previous history is not relevant to my current deliberations, which can only focus on the issues described above. Similarly, concerns by neighbours of the Council's actions relating to the appeal site and previous planning permissions are not a matter before me in this appeal.

Conditions

10. I have imposed conditions as suggested by the Council. To prevent nuisance from flooding I have imposed a condition requiring the implementation of a drainage scheme, and to lessen the visual impact I have imposed a condition requiring a landscaping scheme. To prevent future residential or commercial use of the building, which could be harmful to the living conditions of neighbouring occupiers, I have imposed a condition preventing such use. For certainty I have imposed a condition detailing the relevant submitted plans.

Conclusion

11. In light of my above reasoning and having regard to all other matters raised, I conclude that the appeal should be allowed.

John Wilde

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 02 Block plan, 101r rev A0 Proposed combined plans, 102 rev A0.01 Proposed elevation.
- 3) Prior to the first use of the building provision shall be made for the collection of surface water from the building with drainage to a soakaway on site so that none enters the public highway.
- 4) The building hereby permitted shall be used only in conjunction with, and ancillary to, the use of Green Acres as a single dwelling house and the building shall not be used as a separate dwelling or for any commercial, industrial or business purpose.
- 5) Prior to the first use of the building hereby approved, a landscaping scheme to screen the building from view from the south shall have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be carried out in the first planting season after approval of the details unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.