
Appeal Decision

Site visit made on 4 January 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2022

Appeal Ref: APP/U1105/W/21/3279851

13 Park Way, Exmouth, Devon, EX8 3QG

- 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 James Jones and Ms Daniela Mayerova against the decision of East Devon District Council.
 - The application Ref 21/0182/FUL, dated 21 January 2021, was refused by notice dated 16 June 2021.
 - The development proposed is a proposed detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area and the living conditions of neighbours to the site.

Reasons

Character and Appearance

3. The proposal is for a detached house adjacent to No 13 Park Way. This follows a previous consent for a dwelling, though there are reasons given by the appellant why this was never implemented. It is understood this consent has expired. In any case, the proposal is for a different design, siting and scale of dwelling proposed. I give the fact there was a previous consent little weight when considering the character and appearance impacts of the dwelling as now proposed.
4. The proposed dwelling would front a small cul-de-sac of several dwellings being either semi-detached or in a short terrace. The existing dwellings are all typical two storey houses, which are also similar to many of the houses on the adjacent Green Close.
5. The proposed dwelling would be detached, though whilst this is not typical of the area it would not in itself be harmful to the street scene character. Although a large dwelling proposed, there would still remain off-street parking and a sizable rear garden. As such, I would not consider the proposal as being a form of over-development or cramped within the plot.
6. The proposed dwelling would differ from the other dwellings in Park Way and many in the wider area (such as along Green Close) in terms of its design and siting. The design incorporates a front elevation roof which slopes down to the

eaves above ground floor level, which would be a particularly prominent feature at odds with the prevailing form of dwellings in Park Way.

7. I acknowledge the confines of the site and the effect of incorporating off-street parking, including the siting of the main bulk of the proposed dwelling which would be set back a substantial distance into the site. Again, this set back position is out of keeping with the almost uniform siting of the dwellings within their plots in Park Way and also those nearby on Green Close. It is a combination of the design and set-back position that would mean that the proposed dwelling would appear out of character with the neighbouring dwellings in this cul-de-sac, which currently appears to have a clear degree of uniformity. A dwelling on this plot does not have to fully replicate the existing neighbouring houses, but essentially the development would not relate sufficiently well to its context as proposed.
8. As such, the proposed dwelling would be an incongruous addition to the street and would have a harmful impact on the character of the area, thereby conflicting with Policy D1 (design and Local Distinctiveness) of the East Devon Local Plan and Policy EB2 of the Exmouth Neighbourhood Plan. These policies require that development should be mindful of surrounding building styles, respect the key characteristics and special qualities of the area, ensuring a high level of design which relates well to its context, amongst other things.
9. With regards to policy EB2, the policy itself does not state that it only relates to 'Residential Areas of Special Character'. In any case, the proposal is contrary to policy D1 in my judgement. I also acknowledge that the Council has not raised any conflict with Policy EN1 of the Exmouth Neighbourhood Plan on this matter with their reason for refusal, with there being no objection to the principle of a dwelling on this plot.

Living Conditions

10. The proposed dwelling would be set back from the front of the adjacent No 13 Park Way, although the side elevation would be built near the boundary. This would mean that there would be a side elevation wall of the proposed house running along much of the side boundary of No 13. Whilst the proposed house may not be particularly prominent from within No 13, when viewed from the rear garden of this property and from some of the rear windows it is likely to result in a significant level of overbearing impact for occupiers of this neighbouring house, due to the height and close proximity of this side wall near the garden boundary. Any added privacy as a result of the proposed dwelling for the occupants of No 13 would be outweighed by the overbearing and intrusive siting of the house.
11. I am aware that this is currently the appellant's house and that they are clearly not objecting to the proposal. However, this is an arrangement that would remain for many years to come if the proposed house was built in this location, with it probable that there would be different occupiers in the future at some time. The position of the proposed dwelling would reduce the quality of the remaining rear garden area of No 13 significantly and therefore diminish the living conditions of anyone living in No 13 in the future from what would otherwise be the case. The provision of a parking space for No 13 does not outweigh this harm identified.

12. As such, on this matter, the proposal would conflict with Policy D1 (design and Local Distinctiveness) of the East Devon Local Plan. This policy requires that development should not adversely affect the amenity of occupiers of adjoining residential properties.
13. However, from the evidence before me I do not conclude that the proposal on this matter is in conflict with Policy EB2 of the Exmouth Neighbourhood Plan

Planning Balance

14. The proposal would introduce a new dwelling into Exmouth, which would increase its housing supply in this accessible location. The proposals incorporate renewable energy features with materials to match neighbouring houses. The proposal could also be considered an efficient use of land.
15. It is understood that there were some discussions with the Council before submitting of the planning application regarding the design, but ultimately the Council did refuse the planning application. I have focussed on the plans and details before me and considered the proposal on its own merits.
16. However, the proposal would be harmful to both the character of the area and the living conditions of those at No 13 Park Way. This harm would significantly and demonstrably outweigh the benefits for the development.
17. I note the issue of the likely impact to the Ex Estuary and Pebblebed Heaths internationally designated sites which would require mitigation. I note that the appellant has paid towards this mitigation. However, as I am dismissing the appeal I have not pursued this matter further.

Conclusion

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

Mr S Rennie

INSPECTOR