



Appeal Decisions

Site visit made on 15 February 2022

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2022

Appeal Ref: APP/U1105/W/21/3285963

Figgins, Church Road, Lympstone EX8 5JT

- 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 Andrew Wadhams against the decision of East Devon District Council.
 - The application Ref 21/1651/FUL, dated 11 June 2021, was refused by notice dated 23 August 2021.
 - The development proposed is described as *'we wish to facilitate an electrical vehicle charging point and associated off road parking for the property to meet the imminent needs of changing legislation for future car design'*.
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Appeal Ref: APP/U1105/Y/21/3286111

Figgins, Church Road, Lympstone EX8 5JT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Andrew Wadhams against the decision of East Devon District Council.
 - The application Ref 21/1652/LBC, dated 11 June 2021, was refused by notice dated 21 August 2021.
 - The works proposed are described as *'we wish to facilitate an electrical vehicle charging point and associated off road parking for the property to meet the imminent needs of changing legislation for future car design'*.
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Decisions

1. The appeals are dismissed.

Main Issue

2. The dwelling Figgins is listed at Grade II and within the Lympstone Conservation Area (the CA). In that context, the main issue to be considered is the effect of the proposal on the special architectural and historic interest of the listed building and, linked to that, whether it would preserve or enhance the character or appearance of the CA.

Reasons

3. Figgins is set back from and above Church Road by a front lawn retained by a roadside stone wall which delineates the front of the curtilage of the property. From my observations on site, I am confident that the boundary wall predates 1948 and so forms part and parcel of the listed building. Given its position, it also sits within the immediate forward setting of the dwellinghouse itself.
4. The wall is well-crafted and attractive in its own right, but the role it plays in the setting of the dwelling is also important. With its robust appearance and sharp lines and corner, the wall places the dwelling atop a podium when viewed

from Church Road, which underlines the high order of Figgins' architectural and historic special interest and frames its attractive façade. Moreover, the wall is one of several historic, enclosing boundary treatments lining Church Road which are an important contributor to the character and appearance of the CA.

5. The, albeit modest, loss of the wall's historic fabric, the excavation back into the site, and the loss of enclosure to the street, would diminish these attributes, and therefore undermine the significance of both the listed building and the CA as designated heritage assets. This harm would be exacerbated by the presence of a standing vehicle within the parking bay, which would partly interfere with views of Figgins from the carriageway. Given the relatively limited impact of the works/development, I would quantify the harm to both designated heritage assets affected as less than substantial.
6. Paragraph 199 of the National Planning Policy Framework (the Framework) explains that great weight should be given to the conservation of designated heritage assets. Paragraph 202 goes on to require decision makers to weigh any less than substantial harm to a designated heritage asset against the public benefits of the scheme, including securing its optimum viable use.
7. That balancing exercise must take place in the context of s.16(2), s.66(1), and s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which set a strong presumption against a grant of planning permission, or listed building consent, for development or works that would cause harm to the special interest of a listed building and fail to preserve or enhance the character or appearance of a conservation area.
8. The provision of a parking space may reduce traffic congestion in Lymptone, which I can see is an acute issue. The electric charging point would support our transition to a more energy efficient, low carbon society. However, the benefits of a single parking space are inherently small. It is not essential that Figgins' is served by a parking bay. Conversely, there is no guarantee that its occupants would not also own and park a further vehicle elsewhere in the village, nor that the charging point would be used, at least in the short term.
9. As such, the weight I attach to these benefits falls decisively short of justifying the harm that would be caused; harm that must be given considerable importance and weight in the balancing exercise. Moreover, that conclusion brings the proposal into conflict with Policies EN9 and EN10 of the East Devon Local Plan 2013-2031 (adopted 2016) that seek to protect the historic environment generally, listed buildings, and conservation areas respectively.
10. The appellant has referred to solar photovoltaic panels installed at Figgins and at unnamed National Trust properties, but they seem to have little in common in heritage terms with this proposal. Whilst I recognise the two examples of front parking within the CA at Sowden Lane, I am led to believe that these are long established spaces which were only fairly recently altered in aesthetic terms. The issues at the fore here, related to the pleasing composition of Figgins and its front wall, do not appear especially applicable to these sites.
11. For these given reasons, and taking all other matters raised into account, I conclude that the appeals should be dismissed.

Matthew Jones
INSPECTOR