



Appeal Decision

Site visit made on 20 June 2022

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2022

Appeal Ref: APP/U1105/D/22/3298947

Garden House, Bonfire Lane, Woodbury, Devon EX5 1HT

- 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 & Mrs J Donald against the decision of East Devon District Council.
 - The application Ref: 22/0273/FUL, dated 8 February 2022, was refused by notice dated 31 March 2022.
 - The development proposed is raised roof to provide room in roof accommodation over existing garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the character and appearance of the building and Woodbury Conservation Area.

Reasons

3. Garden House is a detached dwelling set back from the frontage with Bonfire Lane, with a detached garage in its front garden area. The garage has separate usage as a home office and garage/storage, with parking space for two cars on the short driveway.
4. The neighbouring building of Haydon Cottage is a thatched grade II listed building. The Council considers that the proposal would cause no harm to the setting of the listed building or amenity of adjacent neighbours. I see no reason to disagree in view of the screening effect of boundary vegetation at Haydon Cottage and Stone House.
5. The front elevation of the existing garage and parking area at the appeal site may be viewed down the driveway from Bonfire Lane. The end elevation of the garage is largely obscured from Bonfire Lane by a Cherry tree, timber structure, close boarded timber fence and other vegetation. I saw at my site visit that the timber structure was part of a tree house built within the Cherry tree.
6. The Woodbury Conservation Area is centred upon the historic core of the village. Its special interest and significance include its informality and spaciousness in layout, in its variety of building forms and ages, with period

detailing, and from the range of traditional building materials including Budleigh cobbled boundary walls.

7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that in determining planning applications in conservation areas special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
8. The current garage at the appeal site is relatively unobtrusive and in scale with the principle elevation of the Garden House which is seen to its rear when viewed from Bonfire Lane. The proposal would increase the ridge height of the garage by around 1.5 metres. It would increase the bulk and massing of the building, emphasised by the proposed timber cladding and fenestration at the increased upper level. In this respect I find that the proposal would appear prominent and overly intrusive when viewed along the driveway from Bonfire Lane. It would therefore conflict with East Devon Local Plan policy D1-Design and Local Distinctiveness. This policy seeks ensure that the scale, massing and density, height, fenestration and materials of building proposals relate well to their context.
9. It would also conflict with Local Plan policy EN10-Conservation Areas which seeks to ensure that proposals preserve or enhance the character and appearance of conservation areas. In view of the proposed height, bulk and massing of the building in a confined area fronting the Garden House I find that the proposal would fail to preserve or enhance the character and appearance of the Woodbury Conservation Area and would amount to harm to the significance of the designated heritage asset. However, the harm arising would be less than substantial because of the limited amount of development proposed.
10. Paragraph 202 of the National Planning Policy Framework indicates that where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The benefits from the proposal would primarily constitute private benefits for the appellants, rather than public benefits and would not outweigh the harm from the proposal to the character and appearance of the building or the conservation area.
11. To conclude, the proposed development would harm the character and appearance of the building and the conservation area. It would conflict with Local Plan policies D1 and EN10, the relevant criteria of which are set out above. It would further conflict with the expectation set out in paragraph 199 of the National Planning Policy Framework that great weight should be given to the conservation of designated heritage assets, including conservation areas.

Other Matters

12. The appellants advise that the Council did not request any information or a professional assessment of the Cherry tree and suggested that a suitable condition be imposed. The tree is located within the conservation area and because the proposal could affect its canopy during construction and in future years, I consider that it would be inappropriate to require a tree survey and assessment as a condition.

Conclusion

13. I have taken all other matters raised into account. For the reasons given above, I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR