



Appeal Decision

Site visit made on 22 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/22/3299269

Woodside, 6 Millford Road, Sidmouth EX10 8DR

- 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 Mrs B Wright against the decision of East Devon District Council.
 - The application Ref: 21/2946/FUL, dated 15 November 2021, was refused by notice dated 3 March 2022.
 - The development proposed is removal of the front garden flint rubble post and garden gate and associated landscaping.
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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, terrace and Sid Vale Conservation Area.

Reasons

3. Woodside is a 19th century mid terrace dwelling. It is in a pleasant location near a ford over the River Sid. It was included in the Sid Vale Conservation Area as part of a modification in 1977. Sidmouth is a seaside town located in a narrow valley which has four conservation areas, each with its own character. The significance of the conservation area is the survival of its nineteenth century villas and terraces with some having spacious landscaped surroundings.
4. The Council's character appraisal identifies the terrace as part of an important group of terraced buildings of similar date, character and frontage detail. The frontage of the terrace overlooks the course of the River Sid with gaps in the trees and riverside vegetation allowing glimpses of buildings beyond. The terrace includes a stone/flint boundary wall to each property with similar attractive columnar gate pillars built in traditional flint cobbles and with single timber pedestrian gates. The buildings have all retained their front gardens, adding to the visual quality of the terrace. The uniformity in the architecture of the terrace and the enclosing flint rubble boundary walls and pillars add to the special interest of the conservation area. Flint boundary walls are recognised as important in the appraisal.
5. The proposal would include the removal of the front garden wall and a gate post and the erection of ornate double gates, with granite setts at the access and gravel surfacing of much of the front garden to provide parking space.

There are residents' permit parking spaces on the opposite side of Millford Road near the river. The appellant advises that the Council no longer allows parking permits to be purchased for visitors. The appellant does not drive but seeks to provide parking space and an electric vehicle charging point for her children who both have electric vehicles.

6. The highway authority has not objected to the proposal, although any vehicle using the proposed driveway would not have space to turn around to allow access and egress in forward gear.
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 appellant advises that Woodside is the visually dominant building in the terrace and that the proposal could be seen as an improvement and in keeping with the slightly elevated features of the house. However, I consider that the proposal would harm the character and appearance of the building, terrace and conservation area by removing the original gate pillar and section of boundary wall and would amount to harm to the significance of the designated heritage asset. However, I consider that the proposal would have a less than substantial harmful effect on the significance of the conservation area because of the limited scale of development.
9. Where a development proposal will lead to less than substantial harm to the significance of 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 be for the appellant and their family. There would be a very small contribution towards de-carbonising road transport. Overall, the public benefits would be far outweighed by the harm to the character and appearance of the frontage to the building, to the terrace and the significance and special character of the conservation area as a whole.
10. I find that the proposal would conflict with policy D1 of the East Devon Local Plan and policy 7 of the made Sid Valley Neighbourhood Plan which seek to ensure that development complements and enhances local distinctiveness. It would also conflict with Local Plan policy EN9 which concerns harm to designated heritage assets, and Local Plan policy EN10 which indicates that development will only be permitted in conservation areas where it would preserve or enhance the character and appearance of that area. 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

11. The appellant has referred to other developments in the conservation area which have involved removal of flint walls. Despite this, I consider that their existence is insufficient reason to justify allowing the appeal proposal before me. That is because none of these examples involve a building in a terrace within an important group of buildings with the regularity in the design of the front boundary walls that I have identified.

12. The appellant is willing to retain 50% of the front garden to be maintained as soft landscaping. However, this would result in further limitation of the space available for parking and would not serve to overcome the harm to the character and appearance of the building, terrace and conservation area which I have identified.

Conclusion

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

Martin H Seddon

INSPECTOR