



Appeal Decision

Site visit made on 28 June 2022

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 August 2022

Appeal Ref: APP/P1133/W/22/3290987

13 Colway Lane, Chudleigh TQ13 0LA

- 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 Tracey Nixon against the decision of Teignbridge District Council.
 - The application Ref 21/02445/HOU, dated 26 October 2021, was refused by notice dated 21 December 2021.
 - The development proposed is described as 'parking to front'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description from the Council's decision notice as it more succinctly describes the appeal proposal which involves the removal of a section of the stone boundary wall to the front of the property to provide an area for the parking of two vehicles.
3. It would appear from the submitted information, that the appellant is not in control of all the land within the application site and as such, has not signed the correct certificate on the planning application form. However, from the information before me, it is clear that the landowner was aware that the planning application had been submitted. As I am dismissing the appeal, I have not found it necessary to go back to the appellant to request that the relevant notice is served and the correct certificate signed.

Main Issues

4. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the street scene;
 - Whether the proposal preserves the setting of designated heritage assets, namely the Chudleigh Conservation Area and the Grade II listed buildings known as 1-4 New Exeter Street; and
 - The effect of the proposed development on highway safety.

Reasons

Character and Appearance

5. Although the host dwelling is relatively modern, it has a good size front garden with a stone boundary wall to the road. This, together with the presence of lawns and established planting to the front gardens of the properties on Colway Lane creates an attractive street scene.
6. The stone wall sits at the back edge of the highway with indents along its length providing pedestrian access to each property. This is repeated on similar semi-detached and terraced properties on Colway Lane such that it is an attractive and notable feature in the street scene which has the effect of framing and enclosing the view along Colway Lane.
7. The appeal proposal seeks to retain that part of the stone wall which sits immediately at the back edge of the highway but proposes removal of the stone wall at the back of the indent. As such, from parts of Colway Lane, further away from the appeal site, the loss of the wall would not be prominent and the enclosed feel to the remainder of Colway Lane would not be lost.
8. However, in the immediate environs of the appeal site, the loss of the wall would open up the frontage of the host dwelling. It would result in the loss of an attractive feature in the street scene and reduce the sense of enclosure experienced at this point to an unacceptable degree. In addition, the provision of a hardstanding and the parking of vehicles in the front garden of the host dwelling would appear discordant and result in visual clutter that detracts from the attractive terrace and the pleasant open appearance the front gardens currently have in the street scene.
9. My attention has been drawn to the removal of a barn and wall on the opposite side of Colway Lane and the development of that site for housing. The barn and wall had already been removed and the housing development was underway at the time of my site visit. I have not been provided with details of the development but from what I saw, the houses are positioned close to the back edge of the road. As such, prominent vehicle parking that would clutter or dominate the street scene would not be provided on the frontages. This does not alter my findings in respect of the impact that the appeal proposal would have on the street scene.
10. As such the proposal would significantly harm the character and appearance of the street scene. Accordingly, it would be contrary to Policies S1, S2 and WE8 of the Teignbridge Local Plan 2013-2033 adopted May 2014 (LP) which seek to maintain and enhance the character and appearance of the street scene.

Heritage Assets

11. The appeal site does not lie within the Chudleigh Conservation Area (CA) but sits adjacent to it. Chudleigh is a historic settlement in a strong rural landscape setting. The undated Chudleigh Conservation Area Character Appraisal (CACA) explains that it developed as a market town due to its location on the route between Exeter and Plymouth and prospered in the woollen trade from the rearing of sheep on the land surrounding the town. The landscape setting is therefore important in understanding how and why Chudleigh developed in the way it did.

12. The CA has a close-knit, enclosed feel as a result of the buildings and stone boundary walls which sit at the back edge of the highway, framing the streets. Many of these walls are tall and imposing such as the one on New Exeter Street near its junction with Colway Lane. In contrast to the walls and intimate sense of enclosure found within the CA, the wall the subject of the appeal is lower and forms the boundary between Colway Lane and the garden of the host dwelling, which is positioned well back from the road. The CACA identifies a number of important walls both inside and adjacent to the CA although the one the subject of this appeal is not identified as such.
13. Notwithstanding this, the wall still provides a sense of enclosure to Colway Lane and is constructed of stone which adds to its local distinctiveness and provides continuity with the character of the CA. Its height and positioning more closely reflects the site's location towards the edge of the settlement and the transition from historic town to the countryside. With regards to this appeal, I find that the wall contributes to the significance of the CA.
14. Whilst the appeal proposal would have an adverse impact on the street scene, this would be a localised impact. The removal of a relatively small section of wall which, due to its siting at the back of an indent, would be largely unseen from views up and down Colway Lane. The provision of a hardstanding and parking would not affect the way in which the CA is experienced nor diminish its rural setting to any harmful extent. As such, the effect on the setting of the CA as a whole would be neutral.
15. The appeal site lies close to the Grade II listed buildings at 1-4 New Exeter Street. Number One is a nineteenth century rendered property under a slate roof. It is positioned immediately at the back edge of the pavement with a central front door and a symmetrical front elevation. It forms an attractive group with the buildings next door. Numbers 2-4 now comprise two cottages under a thatch roof, set back from number one and the highway.
16. The CACA identifies numbers 2-4 as being amongst only a small number of buildings with a thatch roof in the historic core of Chudleigh. A fire in 1807 saw much of the town destroyed and following that, legislation required that buildings subsequently erected were to be covered in non-combustible roof materials. As such, the group of buildings have historic and architectural value and derive their significance from this.
17. Colway Lane rises north westwards from New Exeter Street. As such, the group of listed buildings are visible from the more elevated appeal site. It is particularly the roofs that can be seen from here, given that the wall at the junction of Colway Lane and New Exeter Street obscures much of the front elevations.
18. The proposal to remove a small section of wall and park vehicles in the front garden would not meaningfully interfere with the way in which the listed buildings are experienced or appreciated from Colway Lane. Equally, the nature and location of the appeal proposal means that it would not be visible from New Exeter Road. Even with the addition of parked vehicles on the frontage of the appeal site, the roofs of the listed buildings would be clearly visible from this part of Colway Lane and as such, their significance would not be diminished.

19. Section 66(1) of The Act requires that I have special regard to the desirability of preserving the listed buildings, their setting or features of special architectural or historic interest which they possess. For the above reasons, I conclude that the effect on the listed buildings and their setting would be a neutral one. As such, the proposal would accord with Policy EN5 of the LP which seeks to protect and enhance the areas heritage.

Highway Safety

20. The Devon County Council 'Highways Development Management Advice for the Determination of Planning Applications' dated August 2008 and the 'Highways in Residential and Commercial Estates – Design Guide' dated January 1996 advise that in respect of private drives serving single dwellings, visibility from a point 2.4m back should not be restricted by anything over 0.6m high. Whilst I have no information on the status of these documents, the advice provided would seem to me to be to be a reasonable approach to securing satisfactory visibility from a seated position within a car.
21. The Council advise that the walls retained at either side of the access would be a minimum of 0.8 metres high, rising to 1.4m high and this has not been disputed by the appellant. This is substantially above the 0.6m that I consider would reasonably give sufficient visibility up and down Colway Lane. Whilst vehicles parked on the site would be moving slowly, vehicles turning from New Exeter Street would be accelerating due to the gradient of Colway Lane and as such, I find that there is a need for adequate visibility in the interest of highway safety to prevent the risk of collisions occurring.
22. The proposal does not include an on-site turning facility. This would mean that vehicles would be either reversing out on to Colway Lane or reversing from Colway Lane into the parking area to enable the vehicle to leave in forward gear. Either way, visibility on exiting would be impeded in both directions along Colway Lane to the extent that the driver would not be able to see approaching vehicles and this would be harmful to highway safety.
23. Accordingly, the appeal proposal would be contrary to Policies S1 and S2 of the LP insofar as they require developments to perform well in terms of road and public safety.

Other Matters

24. The proposal would remove two cars from parking on Colway Lane. However this would be a very modest reduction in the demand for on-street parking which would not outweigh the harm identified above.
25. A similar proposal has already been carried out at number nine Colway Lane. The appellant suggests this has been done without the benefit of planning permission and I have no evidence before me which suggests the contrary. As such, I find that this does not set a precedent which should be followed in the consideration of this appeal. In any event this is an isolated example and lends support to the concerns identified above.
26. In addition, whilst the provision of a parking area to the front of the host dwelling could enable the charging of electric vehicles, this does not afford sufficient weight to the proposal to overcome the harm I have identified.

27. The Council are satisfied that the parking area would be constructed so as to be permeable and reduce surface water run-off and I see no reason to disagree. I also find that any problems that the emergency services currently have accessing Colway Lane would not be alleviated by the appeal proposal and I afford it limited weight.
28. The appeal site is within the South Hams Special Area of Conservation (SAC) Sustenance Zone for greater horseshoe bats. However, as the appeal has failed, there is no need to address this point further.

Conclusion

29. The proposal would not harm the setting of designated heritage assets, but it would result in significant harm to the character and appearance of the street scene and prejudice highway safety. There are no material considerations outweigh this finding.
30. Accordingly, for the reasons given above I conclude that the appeal should be dismissed.

Alison Fish

INSPECTOR