



Appeal Decision

Site visit made on 27 September 2022

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2022

Appeal Ref: APP/U1105/D/22/3302507

9 Old Home Farm, Rousdon Estate, Lyme Regis, East Devon, DT7 3YL

- 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 Walters against the decision of East Devon District Council.
 - The application Ref 22/0489/FUL, dated 1 March 2022, was refused by notice dated 22 April 2022.
 - The development proposed is construction of second parking space, demolition of part of front garden wall and lower kerb on private road.
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Decision

1. The appeal is allowed and planning permission is granted for construction of second parking space, demolition of part of front garden wall and lower kerb on private road at 9 Old Home Farm, Rousdon Estate, Lyme Regis, East Devon, DT7 3YL in accordance with the terms of the application, Ref 22/0489/FUL, dated 1 March 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: TQRQM22068114212706, TQRQM22068115152670, 90HF/fig 3, 90HF/fig 4, fig 6, fig 7, fig 8.

Preliminary Matter

2. In the interests of clarity, in the banner heading above I have referred to the description of the proposal used by the Council in their decision notice as this gives a clear description of the type of development proposed.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Combpyne Rousdon Conservation Area (CA) and the setting of listed buildings within it.

Reasons

4. The CA encompasses the grounds and buildings associated with the Grade II* listed Rousdon Manor House and includes the original stables, lodges, Old Home Farm, the old kennels, and various other buildings. The appeal site is a 2 storey house within a small private housing estate built north of Old Home Farm

between 1998 and 2012, according to the Council. The proposal is to remove a section of the boundary wall in front of the house to provide a second off street parking space at the property.

5. I have paid special attention to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the need to have special regard to the desirability of preserving listed buildings and any features of special architectural or historic interest they possess, and Section 72 (1) which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
6. The approach to the housing estate is via a tree lined avenue off the main Rousdon estate road. The Manor House is not visible from the approach road or the housing estate. Old Home Farm is a grade II listed building at the end of the housing estate road furthest from the appeal site and is not visible from it. The Forge and The Joiners are also listed and although they are closer to the appeal site there are houses in between such that the appeal site does not affect or contribute to their settings.
7. House designs, layouts and boundary treatments have, in some cases, incorporated features from the original buildings within the CA which contribute to its character and appearance, such as arched openings providing access to the rear of buildings, sections of hanging tiled roof and courtyard layouts. The appeal site and neighbouring houses have low front boundary walls finished in rough flint and edged at breaks in the wall with red brick. This reflects the materials used in the high courtyard walls for the nearby non listed kennels and the rough flint finish on the walls of some listed buildings within the estate, such as the Mansion House. However, whilst the design and palette of materials used in the modern buildings and their boundary walls are sympathetic to those features of importance within the CA, the contribution they make to its significance are limited and minor.
8. The proposed removal of a section of the front boundary wall, and the loss of part of the roadside verge in front of the appeal site, to make way for an off road parking space and crossover, would have a negligible impact on the character and appearance of the CA. Most other houses along the road have smaller front gardens or abut the road edge therefore limiting opportunities for off road parking which might result in the removal of significant sections of front boundary walls. In any case, it would be a matter for the Council to consider whether there would be any cumulative harm if such proposals came forward. Overall, I am satisfied that the proposed development would preserve the character and appearance of the CA and would accord with Policies D1, EN9, and EN10 of the East Devon Local Plan 2013 - 2031 (2016) and the National Planning Policy Framework which only permit development where it would preserve or enhance the character and appearance of a conservation area.

Conditions

9. The 3 year period in which the planning permission may be implemented is a statutory requirement. A condition should also be imposed to list the plans in the interest of certainty. A condition requiring materials to match those of the existing building is not necessary as the development involves the removal of a section of wall rather than the construction of a new one.

Conclusion

10. For the reasons given above I conclude that the appeal should be allowed.

P D Sedgwick

INSPECTOR