
Appeal Decision

Site visit made on 22 November 2022

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2023

Appeal Ref: APP/U1105/W/22/3301525

Land adjacent to Leighton Cottage, Longmeadow Road, Lymestone, Devon EX8 5LW

- 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 Singleton and Manning against the decision of East Devon District Council.
 - The application Ref 21/3265/FUL, dated 7 December 2021, was refused by notice dated 18 May 2022.
 - The development proposed is a new two bedroomed semi-detached cottage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Vine Cottage is a grade II listed building. As required by the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have had special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
3. The description of development set out above is taken from the application form. However, it is clear from the plans and accompanying details, including the appellant's appeal evidence, that the development comprises a new dwelling attached to the terraced row of houses known as Olga Terrace. The Council dealt with the proposal on this basis and so shall I.

Main Issue

4. The main issue in this case is the effect of the proposal upon the safety of other highway users having particular regard to parking.

Reasons

5. The appeal site is an approximately triangular shaped plot of land positioned between the end of terrace property known as Leighton Cottage and the Saddlers Arms Public House. To the rear of the plot is a detached garage, and there is currently miscellaneous building materials

- storage occurring within the site. The frontage is open onto the highway, albeit enclosed with Heras fencing, and there is a timber fence separating the site from the rear garden of Leighton Cottage.
6. Before it was separated from Leighton Cottage, the appeal site provided off-street parking for this property. The proposed dwelling would extend the line of the terrace, with vehicular access and a driveway to the eastern side of the site. Two parking spaces are also proposed.
 7. The junction of Longmeadow Road with Exmouth Road is light-controlled, with the latter road being the busy main A-route to Exmouth. There are sporadic and short lengths of footways along parts of Longmeadow Road, which for much of its length is of a single carriageway width, being frequently tightly constrained by buildings, walls, and also in some places by parked cars. Near the appeal property there are double yellow lines to both sides of the road leading up to the junction. Due to the narrow nature of the road, negotiating the junction would cause conflict as waiting vehicles would obstruct the path of those trying to enter Longmeadow Road. In addition, this is a busy road, both for vehicular traffic, cyclists and pedestrians as it is one of the principal routes into the village.
 8. The proposal would re-instate what was the former vehicular access to the garden of Leighton Cottage, and it would be very close to the junction of Longmeadow Road with Exmouth Road. Whilst the highways authority raised no objection to the proposed dwelling, the busy nature of the junction is such that extreme care would need to be exercised by all users. There are a number of physical constraints at this junction, including the narrow, single lane nature of Longmeadow Road, the public house's boundary wall, road signage, and pedestrians walking in the carriageway. Given all this and the light-controlled nature of the junction, it would make it imperative that any vehicles parking within the appeal site could enter and leave in forward gear so as not to cause an additional hazard at what is a busy, complex junction.
 9. Policies TC7 and TC9 of the East Devon Local Plan (2016) (LP) and Policy 11 of the Lympstone Neighbourhood Plan (2015) (NP) require amongst other things that new developments should not be detrimental to the safe and satisfactory operation of the highway network. In addition these policies require that off road parking spaces should be provided to ensure that pressure on the limited existing on-street parking is not increased, with a requirement for two or more bedroomed houses having a minimum of two parking spaces.
 10. To either side of Longmeadow Road there are a number of terraced properties, with few having off-street parking. This high demand combined with limited on-street parking provision is such that there is strong competition for the spaces that exist, and as there is no longer off-street parking for Leighton Cottage, occupiers of this property would also have to park on the highway. Whilst the appellant refers to the site

having become overgrown and not used for parking for some time, NP Policy 11 recognises parking supply as a problem within the village. The requirement for two off-road spaces for new development would reflect and respond to local circumstances, including the need to maintain the safe and satisfactory operation of the highway network.

11. Given the proximity of the access to the junction future occupiers reversing out of the property would create a significant risk to other users of the highway. Two parking spaces are proposed, along with space to turn within the site so as to enable drivers to enter and leave in forward gear. However, the rear garden is tightly constrained by the walls and fences of neighbouring properties. These constraints, when combined with the sharply tapered shape of the plot, and that even at its widest points the plot would be narrow, would make it extremely difficult for two vehicles to manoeuvre so as to be able to move into and out of the access in forward gear.
12. Whilst acknowledging future occupiers would utilise an existing access, the size of the garden without the new dwelling would have provided an opportunity to enter and leave in forward gear. The presence of the new house along with the constrained and cramped nature of the site would severely curtail available parking and turning space. The appellant has provided no vehicle tracking movements to demonstrate that any movements into and out of the site could be in forward gear. Having regard to the circumstances of this case, including the proximity of vehicle movements to a busy, constricted light controlled junction, the proposal would need to provide adequate parking provision so as not to compromise the safe and satisfactory functioning of the highway. This would include the safety of other users and also that of future occupiers of the dwelling.
13. There are a variety of services and facilities in Lymptstone that would provide for day-to-day needs, and there is also a train station. Future occupiers would have alternatives to undertaking trips by private car. However, much of Longmeadow Road is without public footways, and walking into the village would require care and attention at all times, and particularly so at night. Cycle parking could be conditioned to occur on site, albeit this in itself would further compromise the space available for onsite parking and turning. The provision of a section of footway would be a benefit of the scheme, but as it would be for a very short length and would not connect with any other footways along Longmeadow Road the benefit deriving from it would be limited. Furthermore, there is a public road sign close to the northernmost tip of the site and it would obstruct any linkages from the proposed footway onto the public house land.
14. For these reasons, the proposal would have an unacceptable impact upon the safety of users of the local highway network, and this would be contrary to the above referenced LP and NP policies, and also to objectives of the National Planning Policy Framework (the Framework).

The latter seeks that development should not have an unacceptable impact on highway safety, and that development is safe and secure, minimising the scope for conflict between pedestrians, cyclists and vehicles.

Other Matters

15. There are a variety of historic buildings near to the appeal site, and opposite is the listed Vine Cottage. This detached, thatched cottage is set back from Longmeadow Road behind a front garden. It occupies a prominent position to one side of the road junction, and its traditional vernacular style, materials and its detached form, set within a garden that fronts the road, makes it an eye-catching building within the area. The proposed dwelling would extend an existing historic terrace, and it would be of a similar style and appearance to the other houses in the row. The proposed access and garden would retain much of the openness opposite Vine Cottage, thereby maintaining the prominence of this detached listed building in an area where many of the nearby historic houses are in long terraced rows. As such the proposal would have a neutral impact upon the setting of this listed building.
16. The site is within 10 km of the Exe Estuary and Pebblebed Heaths internationally important habitat sites, with the former being a Special Protection Area (SPA) and Ramsar, and the heaths being an SPA and a Special Area of Conservation. A net increase in the number of dwellings would be unacceptable without appropriate mitigation of the impact of future occupiers upon these important sites. The Conservation of Habitats and Species Regulations (2017) require the decision maker to undertake an Appropriate Assessment where there are likely to be significant effects from the proposal, either alone or in combination with other schemes. This responsibility falls to me in the context of this appeal.
17. A financial contribution for mitigation measures has been secured through a S111 undertaking, and if I had come to a different conclusion on the appeal, it would have been necessary for me to undertake an Appropriate Assessment and further consideration of the likely effectiveness of mitigation measures. In doing so I would have had regard to the provisions of the undertaking and whether there would be significant effects arising from the proposal, either alone or in combination with other schemes, as I would have to be certain that the integrity of the protected sites would not be adversely affected. However, as I am dismissing the appeal for other reasons, this assessment has not been necessary.
18. Local residents have raised a variety of issues, including loss of privacy, drainage and flooding matters, and construction impact. Some of these concerns are not directly connected with the planning considerations of the proposal before me, and of those that are, following my findings on the main issue, I have no need to consider them further.

Conclusion

19. For the above reasons the adverse impacts arising from the proposal would significantly and demonstrably outweigh the benefits. Even the benefit of providing an additional dwelling would not be sufficient to outweigh the unacceptable impact the proposal would have upon the safety of other highway users. The conditions suggested during the Council's consideration of the application would not overcome these substantial harms. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR