



Appeal Decision

Site visit made on 17 January 2023

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2023

Appeal Ref: APP/U1105/W/22/3304675

77 Seaton Down Road, Seaton, Devon EX12 2HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Mears against the decision of East Devon District Council.
 - The application Ref 22/0352/OUT, dated 15 February 2022, was refused by notice dated 12 April 2022.
 - The development proposed is to demolish existing car port, erect new small single storey dwelling and add parking bay.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline form with all matters reserved for later approval. I have therefore also dealt with the appeal on this basis. Although I note the Council's comments in relation to plans submitted within the appeal documentation, I have had regard to the location plan (drawing ED296-locb), and the indicative proposed site plan (drawing ED310-02a) upon which the Council made their decision.
3. The description of development shown above is taken from the application form which accurately describes the proposal. However as 'Outline application' and 'on Seaton Down Road' are not acts of development, I have removed these elements.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the proposal would provide satisfactory living conditions for the future occupiers of the proposed development, and the occupiers of 77 Seaton Down Road, with regard to outlook and external space.

Reasons

Character and appearance

5. The site is located within a suburban residential area featuring some variety in terms of scale and design of buildings including two storey and single storey

dwellings. Seaton Down Road and Marlpit Lane converge to a junction to the west of the appeal site resulting in the pattern of development tapering to a single line of dwellings that have both a boundary to the north with Seaton Down Road, and to the south with Marlpit Lane.

6. 77 Seaton Road is a single storey dwelling, being the first of the single line of four dwellings tapering towards the junction to the west. As the distance between Seaton Down Road and Marlpit Lane widens, neighbouring properties to the east are within double plots, one fronting Seaton Down Road, one fronting Marlpit Lane. Due to the widening gap, these properties, despite some being two storeys, do not appear cramped within their plots, maintaining the sense of space between the properties such that the pattern of development contributes positively to the character and appearance of the area.
7. The indicative plan illustrates how a new dwelling could be located to the rear of the host dwelling, in the approximate location of an existing carport. The existing access onto Marlpit Lane would be retained for the benefit of the proposed development, and 2 new parking bays created to the Seaton Down Road frontage for the benefit of the existing host dwelling.
8. Notwithstanding that all matters are reserved, the proposal would inevitably result in the introduction of further built development close to Marlpit Lane. While the neighbouring properties to the east are within a double plot, this is largely accommodated due to the northern most properties being sited in closer proximity to Seaton Down Road, and the natural widening of the plots thereby maintaining the character of the area.
9. I find that a building on the appeal site, even if this were a modest dwelling of small scale, would harmfully impinge on the overall character of the area by introducing additional built form in closer proximity to surrounding development. The resulting small size of the plot does not follow the character of development in the immediate surrounding area and would result in an overly cramped appearance.
10. The appellant has drawn my attention to examples of other planning permissions that have been granted which the appellant states are on tight sites, and further states is not unusual in this area of Seaton. I observed at my site visit that the other examples cited by the appellant differs from the current proposal in several ways, being on different sites, with differing surrounding patterns of development and/or spatial relationships with neighbouring buildings. This limits the equivalence of the other cases to the current proposal. Moreover, I do not have full details of the other cases before me and the current appeal proposal has its own circumstances, therefore I shall determine it on its own merits.
11. Consequently, in conclusion on the main issue, I find that the proposed development would cause unacceptable harm to the character and appearance of the area. It would result in a cramped development within a restricted plot. Accordingly, the proposed development would be contrary to Strategy 6 and Policy D1 of the East Devon Local Plan 2013 – 2031 (LP) which, amongst other things, seeks development that relates well to its context and is compatible with the character of the site and its surroundings.

Living conditions

12. Due to the constrained site, and the need for the retention of garden space to the rear of the host dwelling, the proposed development would provide only a very modest outside garden space.
13. However, the host dwelling would retain a generous front garden alongside the outdoor space to the rear. Although the garden space associated with the proposed development would be limited and partly utilised for vehicular parking, the remaining space would be of a sufficient area to allow enjoyment by future occupants and space for a seating out area, appropriate to the size of the proposed dwelling. Furthermore, although the neighbouring property to the east is in relatively close proximity to the boundary and is two storeys, the outdoor space would not be overshadowed for large parts of the day and would retain an acceptable outlook.
14. Therefore, I find the proposed outdoor space is appropriate and would provide satisfactory living conditions for the future occupiers of the proposed development, as well as those of 77 Seaton Down Road. It would not conflict with LP Policy D1 in this respect, or the provisions of the National Planning Policy Framework which seek development to provide a high standard of amenity for existing and future users.

Other Matters

15. I acknowledge that the proposed development is in a location within easy walking distance of the services and facilities within Seaton, and wider public transport links, as well as providing off-road parking to future occupiers and those of the host dwelling.
16. Notwithstanding, I find that while of benefit to the proposal, such matters either individually or in combination do not outweigh the identified harm and the associated development plan conflict described above, to which I attach significant weight.

Conclusion

17. While I have found that there would be no harm to the living conditions of neighbouring or future occupiers, such a lack of harm would be neutral in the planning balance. As the proposal would fail to preserve the character and appearance of the area, there would be conflict with LP Strategy 6 and Policy D1, and the development plan, read as a whole.
18. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with the development plan. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR