



Appeal Decision

Site visit made on 21 March 2023

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 April 2023

Appeal Ref: APP/P1133/D/23/3315730

6 Poplar Terrace, North Street, Ipplepen, Devon, TQ12 5RW

- 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 Laura Sercombe against the decision of Teignbridge District Council.
 - The application Ref 22/01376/HOU, dated 11 July 2022, was refused by notice dated 11 November 2022.
 - The development proposed is the provision of new vehicle access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description in the banner heading above that was given on the Council's decision notice and which was repeated by the appellant on the appeal form. This is an accurate but more succinct version of the description of the proposed works that was given on the application form.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the Ipplepen Conservation Area, including the setting of a nearby listed building, and upon highway safety.

Reasons

Character and Appearance

4. The appeal property is a traditionally built, two-storey cottage at the end of an irregular terrace dating from the early 18th Century. It sits close to the village square and within the Ipplepen Conservation Area (CA), which I saw gains its character and charm from the traditional architecture of its time and the historical pattern of development. The Council's Conservation Area Character Appraisal (CACA) identifies characteristic features of buildings in Ipplepen and includes those either built tight to the roadside or within small front gardens enclosed by stone walls and sometimes railings. Although the appeal property is set behind a garden frontage, its front boundary is built tight to the roadside and, along with all other properties within the terrace, and the majority of others along this side and stretch of North Street, it is identified within the CACA as an outstanding building, being those considered to be the highlights of

the CA. Regardless of whether it is original or not, the limestone wall enclosing the front garden, which is largely contiguous for the terrace as a whole, combines with the cottage garden setting of No 6, together with the dwelling's historic form and appearance, to make a positive contribution to the character and appearance of the CA.

5. The proposal would see the majority length of the front boundary wall rebuilt on a shallow splay, with its central pedestrian access and stone piers replaced with rebuilt piers either side of a vehicular access enclosed with a recessed pair of metal gates. A raised lawn to one side of the existing path leading to the property's front door, and a raised planted bed on the other, would be replaced with a permeable surface of compacted gravel over the majority part of the front garden, bisected with a steppingstone footpath to define the pedestrian access and smaller pockets of raised planting either side of the entrance and adjoining the side boundary with No 5.
6. I recognise the proposal seeks to reuse the stone in the existing wall, but I do not share the appellant's view that the overall change in appearance would be minimal. The new alignment of the wall would break its traditional enclosure tight to the back edge of the road and its original form and function would be further impacted by the width of the vehicular access. Although the proposed gates would be traditional in style, there would be significant change to the existing arrangement which would detract from the historic pattern of development.
7. In addition, a significant part of the soft landscaped garden setting for the cottage would be lost in favour of a hard surface provided with the specific intention of creating a car parking space and turning area. Notwithstanding the planting areas that are proposed and the sympathetic use of surface materials, the setting of No 6 would be significantly changed, with provision for the motor vehicle dominating in a way that would detract from the dwelling's character and appearance. This would be exaggerated further at times when a vehicle was parked.
8. To the south side of the appeal site is Vine Cottage, a two-storey detached grade II listed house set forward of the building line of No 6 and with a shallow front garden and low stone wall with railings on top to the front. Adjacent to the side boundary with No 6 is a recessed garage with a drive and parking space to the front. The side boundary is formed with a tall stone wall that is scalloped to the front where it adjoins the roadside. Vine Cottage is a prominent and important feature in the street scene and, in the approach from the north, it is seen in the background of the existing garden setting of No 6. The negative impact that I have identified from the changes that are proposed to the front of No 6 would detract from the surroundings within which Vine Cottage is experienced. This would be harmful to its setting.
9. Overall, I find that the revised form and repositioning of the limestone wall to the front of No 6, together with the changes in appearance and purpose to the front garden area, would detract from the positive contribution made by the appeal property to the CA, neither preserving nor enhancing the character or appearance of the CA. I also find that it would fail to preserve the setting of Vine Cottage.
10. Having regard to paragraph 199 of the National Planning Policy Framework (the Framework), the harm arising from the proposal to the significance of the CA

and Vine Cottage as designated heritage assets would be less than substantial. However, this does not equate to a less than substantial objection and any harm to a designated heritage asset requires clear and convincing justification in line with paragraph 200 of the Framework. Furthermore, in line with the Framework's paragraph 202, such harm should be weighed against the public benefits of a proposal.

11. Given the statutory duties set out in Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building or its setting, and to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA, I attach significant weight to the harms that I have identified to the historic environment.
12. The appellant has pointed out that the existing front boundary wall is damaged from a vehicle emerging from the parking spaces in front of the shop premises opposite. I saw the damage for myself. However, a repair does not necessitate the wall being rebuilt in an alternative position. Neither am I persuaded by any substantive evidence that such collisions and damage from vehicles emerging opposite are commonplace and recurring. I therefore attach no weight of significance to any public benefit from the appeal proposal in this regard.
13. I appreciate the appellant's desire to create an access and opportunity to provide an electric vehicle charging point. To enable compliance here with the government's commitment to tackling climate change would bring some public benefit in terms of reduced emissions. However, the weight I attribute to this factor is insufficient to outweigh the harm to the character and appearance of the CA and the setting of a grade II listed building.

Highway Safety

14. As part of the appeal the appellant has submitted a plan of the proposed frontage with a turning space superimposed, showing an area large enough for a car to enter, turn and leave the site in forward gear. This has not been challenged by the Council and, from my own observations, the size of the frontage appeared to me to be large enough to accommodate this.
15. In these circumstances, a car re-entering the road in forward gear would have sight of vehicles exiting the car park opposite and those approaching along the highway. In the absence of any clear evidence from the Council to the contrary, I am satisfied that there would be no detriment to road safety.

Other Matters

16. The appellant has pointed to the access at 1 Poplar Terrace. I understand that this was granted planning permission in 1995. This pre-dates the adoption of the Teignbridge Local Plan 2013-2033 (TLP) in 2014 and the publication of the CACA post May 2001. My findings with regard to the appeal are considered against current policy and guidelines. In addition, the circumstances and context at No 1 are not directly comparable to the appeal site. A significant proportion of the front boundary to No 1 is retained immediately adjoining the roadside and the parking/hard surface provided does not dominate the setting of the dwelling. Neither does No 1 sit next door to a listed building. The arrangement at No 1 does not set a precedent for a development which would

harm the character and appearance of the CA, and the setting of a listed building.

17. My attention has been drawn to the shop opposite and its associated signage. I accept that some elements of these premises do not contribute positively to the character or appearance of the CA. However, paragraph 207 of the Framework recognises that not all elements of a conservation area will necessarily contribute to its significance as a heritage asset. For reasons already amplified above, that is not the case for the appeal property.

Conclusions

18. Notwithstanding my findings as they relate to highway safety, for the reasons given I find that the proposal would harm the character and appearance of the Ipplepen Conservation Area, and the setting of Vine Cottage, a grade II listed building. As such, although I do not find conflict with TLP Policies S1 and S9 as far as they relate to safety on the road, there would be conflict with TLP Policy EN5 which requires development proposals to protect and enhance the area's heritage. For the same reasons there would also be conflict with the Framework's objectives for conserving and enhancing the historic environment.
19. I note that there were no objections to the scheme, including from the Parish Council. Nevertheless, given that the level of harm that I have identified is not outweighed by public benefits, and having regard to the conflict with local and national policy, and all other matters raised, I conclude that the appeal should fail.

John D Allan

INSPECTOR