



Appeal Decision

Site visit made on 18 April 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2023

Appeal Ref: APP/U1105/D/22/3309277

16 Windsor Square, Exmouth, Devon EX8 1JX

- 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 Michael Anaman against the decision of East Devon District Council.
 - The application Ref 22/0721/FUL, dated 30 March 2022, was refused by notice dated 15 August 2022.
 - The development proposed is the removal of garden wall to rear garden, creation of off street parking with electric charging points, replacement of the outbuilding, the restoration of steps to the rear door and associated landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve the setting of 16 Windsor Square (No 16) and whether the character and appearance of the Exmouth Conservation Area (ECA) would be preserved or enhanced.

Reasons

3. As the appeal site comprises a Grade II listed building and is located within the ECA, I am required by Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of:
 - preserving a listed building or its setting or any features of special architectural or historic interest which it possesses; and
 - preserving or enhancing the character or appearance of that area.
4. The appeal property is a three-storey semi-detached dwelling located within a row of pairs of houses on Windsor Square (even numbers 8-16), which are designated heritage assets, significant due to their group value. Additionally, from the evidence before me, including the listing description and my observations during my site visit, the significance/special interest of the appeal property is largely derived from the quality of its architectural detailing and use of materials. This includes the steeply pitched slate roofs, coped gable ends, stucco facades and fenestration detailing present. The high stone boundary walls to three sides of the rear garden also make a positive contribution to the setting of the listed building.

5. The significance of the ECA is derived from the historic pattern of streets and the variety of building forms reflective of their period of construction. In the immediate surroundings, the large, rendered villas of Windsor Square and North Street contrast with the smaller red brick terraced properties which line the back of the pavement along Albion Street. Whilst more recent development is present within the ECA, particularly in the block on the opposite side of Windsor Square to the appeal site, the historic street pattern remains. The formal relationship of the appeal property to Windsor Square, with the lane to the rear, makes a positive contribution to the significance of the ECA.
6. The proposed development includes the removal of part of the rear boundary stone wall to create gated access from the unsurfaced lane into the parking spaces proposed in the garden area. Although parts of the wall would be retained and restored, including where unsympathetic cement mortar repairs have been undertaken, and its scale maintained by the proposed high gate, a significant section of the stone wall would be lost. Even if the removed stone were to be incorporated within other areas of the proposed development, this would not outweigh the harm caused by the loss of part of a feature which makes a positive contribution to the heritage assets in the area. Therefore, it would not preserve the setting of the listed building or the character or appearance of the ECA.
7. During my site visit, I observed the rear stone wall to other properties on Windsor Square, including those listed due to their group value, and the ECA, had been altered or replaced by boundary walls constructed from different materials, outbuildings and parking areas. Notwithstanding the lack of detail before me regarding the planning regime in place at the time of these alterations, such examples do not justify permitting unacceptable development.
8. The existing dilapidated outbuilding would also be removed, and a new outbuilding located at the rear, adjacent to the side boundary with 18 Windsor Square. Although larger and taller than the existing outbuilding and higher than the stone wall, the proposed structure would incorporate a steeply sloped roof, rendered exterior and fenestration details reflective of the architectural features of the appeal property. Reference has been made to the potential for the outbuilding to be used as a separate annexe however, given its size, I am not persuaded that this would be the case, had I been minded to allow the appeal.
9. Overall, the proposed development would not preserve the setting of the listed building or the character or appearance of the ECA. In the terms of the National Planning Policy Framework (the Framework), the proposed development would result in less than substantial harm to the significance of the designated heritage assets. As advised by paragraph 202 of the Framework, less than substantial harm should be weighed against the public benefits of the development.
10. The provision of two off-street car parking spaces would mean the appellants would no longer need to park on the roads in the surrounding area, including in front of the listed buildings and within other parts of the ECA. However, the amount of car parking spaces available on Windsor Square and in the streets immediately surrounding the appeal site would not be reduced, should I be minded to allow the appeal. Furthermore, as I have no evidence before me to

indicate that the footfall to the businesses in the town will be reduced because of my decision, this matter does not weigh in favour of the appeal scheme.

11. Some wider public benefits would result from the use of electric car charging points in respect of reduced carbon emissions. However, as the proposed points would not be available for public use, they would be of private benefit, in terms of reduced fuel costs, to the appellant, irrespective of the number of publicly accessible charging points in the Exmouth area. Overall, therefore, any public benefits derived from the provision of the two off-street car parking spaces would be limited given the scale of the proposed development.
12. The repointing of the rear wall using lime mortar would provide a visual improvement and have a positive impact on the setting of the listed building and ECA. Similarly, the removal of the dilapidated outbuilding and the restoration of the stone steps and iron hand railings leading down from the rear door of No 16 to the garden would make a positive impact on the heritage assets, particularly given the unsympathetic repairs previously undertaken. Despite the ability of these elements to be implemented independently from the removal of part of the rear wall to facilitate access to the car parking spaces, I attach significant weight to these public benefits. Nevertheless, overall the public benefits would not outweigh the great weight to be given to the harm to the heritage assets and the proposed development would conflict with the Framework.
13. I conclude that the proposed development would not preserve the setting of the listed building or the character or appearance of the ECA. It would conflict with Strategies 3, 5, 6, 48 and 49 and policies D1, EN9 and EN10 of the East Devon Local Plan 2013-2031. These policies, amongst other provisions, seek to ensure that new development conserves the built environment by reflecting the local distinctiveness and key characteristics of the area through compatible character and design. It would also conflict with policies EN1, EB1 and EB2 of the Exmouth Neighbourhood Plan 2018-2031 which require new development to conserve historic assets and be mindful of the surrounding context.

Other Matters

14. My attention has been drawn to the potential for the front garden of the property to be used for car parking, in a similar arrangement to other properties in Windsor Square. However, as I have little substantive evidence before to indicate the permissibility of such development, it carries limited weight as a fallback scenario.
15. Although the Council's Conservation Officer did not object to the proposed development, concerns relating to the amount of wall to be removed were raised. Furthermore, the Council is not bound to accept the recommendations of officers. Notwithstanding this, the Council has produced clear and specific reasons for refusing the proposed development. The lack of objections from other consultees or neighbours is a neutral factor which does not weigh in favour of the grant of planning permission.
16. I acknowledge the frustration of the appellant regarding the determination of the planning application. However, any concerns regarding the timing or communication with the Council fall outside the remit of this decision. Additionally, my decision is based on the evidence before me, irrespective of

the architectural qualifications of the main parties, consultees or other interested parties.

Conclusion

17. The proposed development conflicts with the development plan when considered as a whole, and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, I conclude the appeal should be dismissed.

Juliet Rogers

INSPECTOR