



# Appeal Decision

Site visit made on 30 August 2023

**by K Jones BA (Hons) DipLA CMLI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 October 2023**

**Appeal Ref: APP/U1105/D/23/3324450**

**5 Meadow View, Longmeadow Road, Lymington, Devon EX8 5LH**

- 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 Anthony Whale against the decision of East Devon District Council.
- The application Ref 22/0767/FUL, dated 5 April 2022, was refused by notice dated 19 May 2023.
- The development proposed is the demolition of the front garden wall and construct of a paved hard standing driveway.

## Decision

1. The appeal is allowed and planning permission is granted for the demolition of the front garden wall and construct of a paved hard standing driveway at 5 Meadow View, Longmeadow Road, Lymington, Devon EX8 5LH in accordance with the terms of the application, Ref 22/0767/FUL, dated 5 April 2022, and the plans submitted with it, subject to the following condition:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: the Location Plan at a scale of 1:1250; the Block Plan at a scale of 1:200; and the plan illustrating the parking layout.

## Preliminary Matters

2. The application form confirms that the development has been completed, and I was able to see this during my site visit. I have dealt with the appeal on that basis.
3. The Council describe the appeal site as being within Proposed Extension Area B of the Lymington Conservation Area as set out in the Lymington Conservation Area Appraisal. However, the Council has confirmed that the proposed extension has not yet been formalised by designation. Without the completion of the designation process, the site is not considered to be within a Conservation Area for the purposes of the statutory duty in relation to Conservation Areas<sup>1</sup>, or for the purposes of Policy EN10 of the East Devon Local Plan (the Local Plan) which specifically relates to Conservation Areas. Given the considerable distance of the site from the designated Conservation Area, I also have not considered it necessary to assess the effects of the development on its significance.

<sup>1</sup> Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. In the Council's reasons for refusal on highways matters, reference has been made to Paragraph 32 of the National Planning Policy Framework (the Framework) which relates to the preparation of Local Plans. The Local Highway Authority refers to Page 32 of the Framework in their consultation response, which corresponds to Paragraphs 110-113 and relates to transport and highway safety considerations. I consider this to be a clear typographical error, and have referred to the correct section of the Framework where relevant to do so.

### **Main Issues**

5. The main issues are:

- the effect of the development on the character and appearance of the host property and its surroundings; and
- The effect of the development on highway safety on Longmeadow Road.

### **Reasons**

#### *Character and appearance*

6. No 5 Meadow View is a modest two-storey cottage and part of a short terrace of properties on Longmeadow Road. This area of Lympstone contains a variety of architectural forms, with varied details and materials, building lines and plot patterns indicative of the development of the settlement over time.
7. As one of the older groupings of buildings in the area, the terrace at Meadow View makes a positive contribution to the character of the locality, with traditionally proportioned rendered elevations under predominantly slate roofs. Whilst the set-back building line and the front gardens of the properties are an important part of this character, the front gardens have been altered to varying degrees, including through the addition of fencing, stone retaining walls, and parking areas.
8. Garden walls are a common feature of the terrace, but a high proportion of the properties do not have a wall to the front boundary, instead retaining original side brick walls, or with more recent side brick or stone wall additions. If an enclosed garden frontage was once a consistent feature of the grouping, the alterations that have taken place to neighbouring properties have altered this character to the degree that the division of the gardens, rather than their front enclosure, is now the important characteristic. Within the wider area, there is significantly more variation in plot pattern and enclosure, with retaining features, walls, fences and railings all present, along with many open frontages commonly providing off-street parking.
9. Submitted photographs taken prior to the demolition of the front wall show that the frontage of No 5 was consistent with brick front walls at Nos 1, 2, and 3 Meadow View. However, the other properties in the terrace, including those to either side of the appeal site have no front enclosure. Whilst the demolition of the front section of the wall has removed a small historic element of the street scene, it has not altered the overall perception of No 5 as a consistent element of the terrace, or affected its perceived age or traditional appearance. Furthermore, the retention of the brick walls to either side of the parking area has retained the characteristic division of the gardens, and the attractive visible presence of older brickwork in the street scene.

10. I therefore conclude that the development has preserved the character and appearance of the host property and its surroundings, and as such, complies with Policy D1 of the Local Plan. This policy seeks, amongst other criteria, that developments do not adversely affect the distinctive historic or architectural character of the area, nor the urban form including significant street patterns and groups of buildings. The development is also in conformity with Policy CA24 of the Lympstone Neighbourhood Plan which seeks more broadly to maintain the high quality historic and built environment of the community. It also accords with the aims of the Framework which at paragraph 130 seeks to ensure that developments are sympathetic to local character and history.

#### *Highway safety*

11. Longmeadow Road is a residential street and one of the primary routes into the village centre, with a modest frequency of vehicle and pedestrian movements. This area of the village is part of the older, tightly-spaced settlement, where the road and property layouts fall significantly short of modern parking standards and highway safety design. There is no pedestrian footway along this section of the road, and double-yellow lines restrict on-street parking to stretches of informal parking on one side of the road. During my site visit I saw that these parked cars effectively create stretches of one-way road, slowing traffic considerably to allow passing, and causing pedestrians to walk within the carriageway.
12. The development creates an additional off-street parking area and frontage access onto the road. Parking provision in the area varies considerably between properties, and as noted above, off-street parking areas have been formed to the front of many houses where space and ground levels allow, including the properties to either side of the appeal site.
13. Both parties have referred to the Department for Transport's Manual for Streets, and I have had regard to the guidance it contains. No specific requirements for visibility have been set out by the Council, however the narrow access directly fronting onto the carriageway results in limited visibility for, and of, vehicles manoeuvring to, and from, the site. In addition, the new access and parking area does not allow sufficient space for off-carriageway turning, resulting in vehicles needing to reverse from, or onto, the carriageway. Both issues represent a deficiency against published guidance and best practice standards. However, both issues are also prevalent locally, including at the properties to either side of the appeal site.
14. The Council have not put forward any evidence of specific highway safety issues in this area such as accident data, and no speed surveys have been carried out. Whilst I acknowledge that my site visit represented only a snapshot of traffic conditions at the site, my observations were that the combination of parked cars narrowing the carriageway and the presence of pedestrians using the road noticeably compels motorists entering the area to drive slowly and with caution. In addition, with many parked cars visible both on and off the carriageway, all users of the road are likely to be alert to the possibility of vehicle movements. Consequently, I consider that the existing arrangement of access and parking provision in nearby properties has not resulted in an unsafe highway environment.

15. In this context and based on the evidence before me, I therefore conclude that the development does not introduce additional risk of danger to users of Longmeadow Road. This complies with Local Plan Policy TC7 which seeks, amongst other criteria, development that maintains the safe and satisfactory operation of the local highway network. It also accords with the aims of paragraphs 110-113 of the Framework, which seek to avoid unacceptable impacts on highway safety, and ensure safe and suitable access for all users of the highway.

### **Other Matters**

16. The Council have concluded that given the scale of the driveway, the installed drainage at the site is appropriate, and I have no reason to disagree. Further concerns have been raised by third parties over matters including the ownership and structural integrity of the remaining walls. There is, however, no evidence that these issues could not be properly dealt with under legislation dealing with private legal rights. For this reason, I have afforded limited weight to these concerns in my determination of this appeal.

### **Conditions**

17. I have reviewed the Council's suggested condition, having regard to the advice provided in the Planning Practice Guidance<sup>2</sup>. In the interests of certainty, I have attached a condition requiring that the development is carried out in accordance with the approved plans.

### **Conclusion**

18. For the reasons given above I find that the development complies with the development plan when read as a whole, and there are no material considerations that carry sufficient weight to indicate a decision otherwise than in accordance with it. Accordingly, I conclude that the appeal should be allowed.

*K Jones*

INSPECTOR

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<sup>2</sup> PPG reference ID: 21a-003- 20190723; revision date: 23 07 2019