



Appeal Decision

Site visit made on 26 September 2023

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 16.10.2023

Appeal Ref: APP/P1133/D/23/3325290

14 & 15 The Homeyard, Shaldon, Teignmouth, Devon TQ14 0EQ

- 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 Jane Leitch & Mrs Julie Parkin against the decision of Teignbridge District Council.
 - The application Ref: 23/00317/HOU, dated 14 February 2023, was refused by notice dated 27 April 2023.
 - The development proposed is described as replace the lower terrace with a vehicular parking area serving the two properties.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the description of the development from the decision notice as I consider this better reflects the proposal before me.
3. The application form and the appeal form refer to the appeal address as Nos. 14 & 15 The Homeyard, whereas the decision notice refers to Nos. 14 & 15 The Homeyards. I have used the address as shown on the application form and the appeal form to describe the appeal site.

Main Issue

4. The main issue in this case is the effects of the development on the character and appearance of the area; including the Shaldon Conservation Area (the CA).

Reasons

5. Nos. 14 & 15 The Homeyard form part of a small linear terrace of C20 two storey dwellings, which with their associated front gardens are situated on elevated ground to a narrow highway to the north.
6. The properties of Nos. 14 and 15 themselves, fall outside of the CA, however the front boundary capturing Nos. 12 to 16 falls within the southern edge of the CA boundary.
7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the CA. These statutory requirements are reinforced through Policy EN5 of the Teignbridge Local Plan 2013-2033 (the LP).

8. Paragraph 189 of the National Planning Policy Framework 2023 (the Framework) outlines that heritage assets range from sites and buildings of local historic value to those of the highest significance. It goes on to explain that these assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
9. I am also aware of the Shaldon Conservation Area Character Appraisal (the CAA) and the Shaldon Conservation Area Management Plan (the CAMP). These documents do not form part of the development plan, but were subject to public consultation and I considered them to be useful and material documents in the appraisal of the appeal proposals.
10. The CAMP, amongst other matters, explains that a major threat towards achieving conservation aims is: *The loss of curtilage features such as walls, railings and gate piers which form an integral part of a building's character and setting. The impact is doubly harmful (to both the building's setting and the street picture as a whole) when the garden area exposed is subsequently resurfaced to create a hardstanding for parked vehicles, thus destroying the sense of enclosure that formerly prevailed.*
11. The appeal proposals seek to excavate the garden back from the highway to provide for a levelled hard surfaced area for off road parking areas to serve each property.
12. During my site visit I noted that the original boundary wall to the highway had in part collapsed, which I understand was as a result of heavy rainfall in 2022. However, the overall enclosing nature and associated distinctive characteristics remain intact. This represents an attractive feature that contributes positively to the character and appearance of the area and that of the CA. These positive characteristics would be removed as a result of the appeal proposals.
13. In reaching my decision, I acknowledge there are front parking areas to other properties forming part of the wider area, these are visually and in character terms separated from the appeal site by intervening built form, and nonetheless, these parking areas are outside of the CA. The properties with parking areas further up the hill to the east of the appeal site are also outside of the CA. I also have no information as to when these parking areas were created and the justifications for such in any case. As a consequence, these existing parking areas have little bearing on my consideration of the proposals.
14. I have also taken account that parking in the area is difficult, as the availability of spaces is limited. However, the resultant benefits of providing additional off-road parking spaces would not outweigh the harm I have identified above.
15. As a result, the appeal proposals would fail to preserve or enhance the character and appearance of the CA, thereby conflicting with policy EN5 of the LP, paragraph 189 of the Framework and the guidance in the CAA and the CAMP.

Conclusions

For all the above reasons, having regard to all matters raised, I conclude that the appeal should be dismissed.

J Evans INSPECTOR