



Appeal Decision

Site visit made on 22 November 2023

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 January 2024

Appeal Ref: APP/U1105/W/22/3305821

3 Trefusis Place, Exmouth EX8 2AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs Charles Isaac against East Devon District Council.
 - The application Ref: 22/0120/FUL, is dated 20 January 2022.
 - The development proposed is described as 'Loft conversion to a habitable use, changes to external elevation finishes with alteration to fenestration, replacement of existing conservatory with a garden room and alterations to Garden Annex with front extension and relocation of front door'.
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Decision

1. The appeal is dismissed and planning permission is refused.

Applications for costs

2. An application for costs was made by Mr and Mrs Charles Isaac against East Devon District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. On 19 December 2023 the Government published a revised National Planning Policy Framework (the Framework). There have been no fundamental changes relevant to the main issues in this appeal. Therefore, I will not prejudice any party by taking the Framework into account in reaching my decision.

Background and Main Issues

4. Following the submission of the appeal against non-determination, the Council has not clarified the position it would have taken on the application if it had had the opportunity to make a decision. The appeal property is located within the Exmouth Conservation Area¹. The Council has supplied a copy of the Conservation consultee comments and development plan policies relating to urban design, character, appearance and heritage. Moreover, an interested party has submitted comments in respect of, amongst other things, the effect of the proposal on the living conditions of neighbouring occupiers by virtue of overlooking.
5. Thus, taking these matters together with my observations on site, I consider the main issues in this appeal are whether the proposal would preserve or enhance the character or appearance of the Conservation Area and, the effect of the appeal proposal on the living conditions of neighbouring occupiers by virtue of overlooking.

¹ Taken from the Heritage Statement prepared by Armour Heritage Limited dated May 2022

Reasons

Conservation Area

6. Exmouth Conservation Area (CA) comprises a range of building styles and ages including substantial terraced and detached villas in prominent locations exuding the grandeur of a seaside resort. Located to the rear are narrow streets with smaller and less ornate buildings, historically used for the stabling of horses. The appeal property is one such property, comprising a former coach house to one of the villas on Trefusis Terrace during the nineteenth and early twentieth century². Remodelled in the 1970's it retains little in the way of visual evidence of its former use as a coach house, with UPVC replacement windows and doors and a flat roof two storey extension to the rear. That said, the original brick built gate piers remain in situ and corbels around the eaves of the property are still visible. It therefore makes a positive contribution to the significance of the CA through its architectural and historic interest being of modest and simple form, reflecting its subservience to the properties on Trefusis Terrace.
7. The appeal proposal includes a single storey extension to the garden annexe and a replacement extension for the existing conservatory on the rear of the dwelling. The modest scale and height of these and their siting at the rear of the property would not affect the significance of the building or its contribution to the CA.
8. The appeal property has a pitched roof lined with corbels. This is a prominent feature of the property when approaching from Carlton Hill. There is also an existing two storey flat roof addition at the rear of the property. Whilst this is not a traditional roof form in the CA, it is relatively unobtrusive. The appeal proposal includes alterations to the pitched roof at the rear of the property to create additional living accommodation with the addition of a balcony. This would result in the loss of the simple pitch roof and increase the overall ridgeline of the property. Even though the height increase would be fairly modest, the additional bulk would give the property a three-storey appearance when approaching from Carlton Hill and add to the massing of the roof. The alteration to the roof would be clearly visible, prominent in the locality and diminish the appeal building's subservient relationship with Trefusis Terrace.
9. The proposal also includes the recladding of the front elevation of the property with a man-made shiplap cladding. I saw that this had been used on another property in Trefusis Place but its use was not commonplace or widespread. In addition, the plans do not indicate to me that the corbels on the appeal property would be retained or visible following those works and accordingly this would result in the loss of a feature of architectural and historic interest.
10. Taken together, the appeal proposal would result in moderate harm to both the character and appearance of the host building and the wider CA. As such, the proposal would fail to preserve the character or appearance of the CA.
11. The moderate level of harm that would occur would be 'less than substantial' within the meaning of the Framework. As required by Paragraph 208 of the Framework, harm needs to be weighed against the public benefits of the

² Heritage Statement by Armour Heritage Limited

proposal. In this case, the additional accommodation would be a benefit for the appellant but would not provide a wider public benefit.

12. Notwithstanding this, having paid special attention to the desirability of preserving or enhancing the character or appearance of the CA³ and giving great weight to the conservation of the designated heritage asset as required by Paragraph 205 of the Framework, I consider that the less than substantial harm I have identified would not be outweighed by any public benefits. Accordingly, the appeal proposal would conflict with Policies D1 and EN10 of the LP and Policies EB1 and EB2 of the Exmouth Neighbourhood Plan 2018-2031 (NP) which, amongst other things, seek high quality design which respects the local context and preserves or enhances the appearance and character of the CA. There would also be conflict with Paragraph 206 of the Framework as the harm to the designated heritage asset would not have clear and convincing justification.

Living Conditions

13. There is an existing level of intervisibility between the appeal property and the rear of the properties on Trefusis Terrace from existing windows and the addition of a further bedroom at second floor level would not increase this to any significant degree.
14. However, the provision of the balcony would result in an area on which the occupiers of the appeal property could spend a considerable amount of time either standing, sitting out or entertaining on and this would result in a greater degree of sustained overlooking than would occur from a window. The proposed balcony would be at second floor level and would result in overlooking and a significant loss of privacy to the occupiers of neighbouring properties. The proposal includes the provision of a 1.8m high obscure glazed screen on one end of the balcony. However, it would not prevent overlooking and the sense of being overlooked from the remainder of the balcony.
15. The proposal is therefore contrary to Policy D1 of the LP which amongst other things seeks to ensure that the amenity of occupiers of adjoining residential properties are not adversely affected.

Other Matters

16. An interested party has raised concerns about noise, light spill and whether a business may be taking place at the property. However, given my findings above it has not been necessary for me to address this matter further as the appeal has failed on the main issue.

Conclusion

17. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has failed and planning permission is refused.

Alison Fish

INSPECTOR

³ Section 72 (1) of the Listed Buildings and Conservation Areas Act 1990