



Appeal Decision

Site visit made on 27 March 2024

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th April 2024

Appeal Ref: APP/U1105/D/24/3336866

7 Greenway, Seaton EX12 2SE

- 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 M Tubbs against the decision of East Devon District Council.
 - The application Ref: 23/2237/FUL, dated 17 October 2023, was refused by notice dated 27 November 2023.
 - The development proposed is described as the construction of garden room.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of garden room at 7 Greenway, Seaton EX12 2SE in accordance with the terms of the application Ref: 23/2237/FUL, dated 20 October 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2020.5. dated October 2023; and 2020.6. dated October 2023.
 - 3) The garden room hereby permitted shall not be used at any time other than for purposes incidental to the residential use of the dwelling known as 7 Greenway, Seaton.

Main Issue

2. The main issue is the effects of the appeal proposal on the character and appearance of the appeal property and the surrounding area.

Reasons

3. No.7 is located on the corner of the cul-de-sac of Greenway with the adjacent busy Seaton Down Road. Properties on Greenway predominately consist of two storey semi-detached dwellings which appear to date from the mid C20. There is some consistency to these properties, albeit there are differentiations in plot layout, outbuildings and extensions. No. 7 itself has a large two-storey extension to its north-eastern side which I understand was approved in 2020¹, it also has a larger front garden to other properties along Greenway due to its angular positioning with Seaton Down Road. The garden is enclosed by a

¹ 19/2842/FUL - Construction of two storey extension over existing garage and fence to the front and side

timber fence to Seaton Down Road which I understand was also subject to the 2020 planning decision referred to above. Therefore, whilst I accept that are elements of consistency along the street scene, I do not consider that No.7 is particularly reflective of this, for the reasons I have outlined above.

4. The appeal proposal relates to a garden room building which would be positioned to the front of No.7 towards the eastern corner point of the garden adjacent to the fence enclosure with the adjacent highway. The building would be positioned before the front building line of the host property, and would orientate towards the front garden area, it would also be positioned behind a fenced enclosure to No.7's driveway.
5. As I observed during my site visit, whilst I agree with the Council that elements of the garden room would be visible from Greenway and from parts of Seaton Down Road above the boundary fence, it would be viewed in the context of the host property, its two-storey scale, adjacent boundary enclosures and the surrounding built form.
6. As a result, I consider that the garden room building due to its single storey form and modular massing, its functional appearance and use of materials, would appear as a modest subservient addition that would appropriately blend into its surroundings. It would not appear unusual or out of place.
7. Consequently, I find that the proposal would accord with Policy D1 and Strategies 6 and 48 of the East Devon Local Plan 2013 2031, which amongst other matters, seek development to respect the key characteristics and special qualities of the area in which the development is proposed. The proposal would also accord with paragraph 135 of the National Planning Policy Framework 2023, insofar as it requires development to be sympathetic to local character, including the surrounding built environment.

Conditions

8. The standard time limit is required together with a condition listing the plans in the interests of certainty. I have also included a condition that requires the garden building to be used only for incidental purposes associated with No. 7.

Conclusions

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

J Evans

INSPECTOR