



Appeal Decisions

Site visit made on 29 May 2024

by C Cresswell BSc (Hons) MA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2024

Appeal A- Ref: APP/U1105/W/23/3334501

Flat 2, 7 Louisa Terrace, Exmouth, EX8 2AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs D Moll against the decision of East Devon District Council.
 - The application Ref is 23/1246/FUL.
 - The development proposed is window/doors, revised terrace & guarding.
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Appeal B- Ref: APP/U1105/W/24/3336452

Flat 2, 7 Louisa Terrace, Exmouth, EX8 2AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr D Moll against the decision of East Devon District Council.
 - The application Ref is 23/2155/FUL.
 - The development proposed is window/door.
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Decisions

1. **Appeal A** is dismissed.
2. **Appeal B** is allowed and planning permission is granted for a development described as "window/door" at Flat 2, 7 Louisa Terrace, Exmouth, EX8 2AQ in accordance with the terms of the application, 23/2155/FUL, subject to the conditions which are set out in the Schedule at the end of this Decision.

Procedural Matter

3. I refer to the different cases as Appeal A and Appeal B. I have dealt with each appeal on its individual merits, but to avoid duplication both proposals are considered together in this decision. Although there are two appeals, I have used singular terms in places for ease of reading.

Background

4. No 7 Louisa Terrace is an apartment building which is situated in the Exmouth Conservation Area. It is proposed to replace an existing window in Flat 2 with a door. Two alternative proposals have been refused by the Council. The main difference between the two schemes is the glazing design of the proposed door. In Appeal A, the door would have a plain glass design, while in Appeal B there would be glazing bars which would mimic the style of the existing window. Further changes to the terracing are proposed in Appeal A.

Main Issue

5. The main issue is whether the proposal would preserve or enhance the character or appearance of the Exmouth Conservation Area.

Reasons

6. The significance of the Exmouth Conservation Area is mainly derived from the architectural quality of the historic streets and buildings and their close connection with the coast. Louisa Terrace is one such historic street and is characterised by a row of large buildings on one side of the road, with gardens and undeveloped land on the other side. As such, the street scene here is very open, with the frontages of buildings being prominent and exposed to view. Although the buildings are of mixed designs, they share similarities in terms of their general height, orientation and set back from the street. This provides the street with a sense of visual consistency.
7. No 7 Louisa Terrace makes a direct contribution to the qualities of the Conservation Area as it typifies the large, older-style buildings that personify the street. While the building has generally balanced proportions, it appears to have been subject to various alterations in the past, including a sizeable extension on one side. There are also some inconsistencies in the pattern of fenestration. Yet even though the building cannot be described as symmetrical, it maintains a strong sense of uniformity. This includes the size and style of windows and extensive use of panelled glazing.
8. As Flat 2 is on the ground floor, it is at eye level from the pavement and easily visible to passing pedestrians. In my view, replacing the existing window with a plain glass door (as proposed in Appeal A) would be quite noticeable. While the building's side extension has a plain glass door at ground level, most windows and doors in the central part of the building feature panelled glass. It therefore seems to me that replacing a panelled glass window with a plain glass door would disrupt the relatively balanced appearance of the building. Even though this is a comparatively small change, it would still erode the character of the Conservation Area in this location, offering no public benefits.
9. In Appeal B, the proposed door would feature glazing bars that match the style used in most of the building's facade. However, enlarging the existing window to accommodate the door would still alter the fenestration at the front of the building. It would create a disparity with the ground floor flat on the other side of the main entrance, which would retain its existing window.
10. That said, the window would not need to be enlarged a great deal to accommodate the door. In practice, it would involve the removal of a small section of wall beneath the existing window. Taking into account the set back from the street and the intervening hedge and balustrade, these changes would be relatively inconspicuous when seen from pavement level. I appreciate that the door would be more noticeable when it is open, but this would only be a temporary state. Furthermore, the plans do not show notable changes to the size or characteristics of the existing terrace. Hence, in my view, the proposal would not lead to a sense of imbalance. Appeal B would preserve the overall appearance of the building and wider Conservation Area. There would be no impact on the setting of nearby listed buildings.
11. I am told by an interested party that the freehold company retains ownership of the section of wall to be removed. However, this is a private legal matter. My decision is based on the planning merits of the case.

Conclusions

Appeal A

12. The development proposed in Appeal A would harm the character and appearance of the Conservation Area. There would be conflict with Policies D1 and EN10 of the Local Plan¹. Taken together, these policies aim to protect heritage assets. Appeal A is therefore dismissed.

Appeal B

13. The development proposed in Appeal B would preserve the character and appearance of the Conservation Area. There would be no conflict with Policies D1 and EN10. Appeal B is therefore allowed. In the interests of clarity, standard conditions requiring the development to be carried out in accordance with the plans and within a time limit have been imposed. To protect the character and appearance of the area, there is also a condition requiring further details of the proposed door.

C Cresswell

INSPECTOR

Schedule of Conditions (APPEAL B)

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Drawing No 23/03/01E.
- 3) Prior to the development hereby permitted, details of the profile of the door and of the window glazing bars at a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be maintained in accordance with the approved details.

¹ East Devon Local Plan 2013 to 2031