



Appeal Decision

Site visit made on 13 August 2024

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28TH August 2024

Appeal Ref: APP/P1133/D/24/3346581

14 The Saltings, Shaldon, TQ14 0BT

- 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 Knight against the decision of Teignbridge District Council.
 - The application Ref is 24/00206/HOU.
 - The development proposed is described as a fence (retrospective).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of Shaldon Conservation Area (SCA).

Reasons

3. Shaldon is a moderately sized traditional seaside resort which comprises a diverse range of buildings that have developed out from the Teign Estuary. The SCA is a large and irregular shaped conservation area which runs along the southern shore of the Teign Estuary. Much of the settlement was developed in the 18th and 19th centuries and the majority of the buildings are either rendered or constructed from brick, although limestone is also evident.
4. Many of the gardens facing the lanes are enclosed by low rendered or brick walls, metal railings or fences. This together with the narrow lanes, sloping topography and rows of buildings set close to the highway or behind small enclosed gardens creates a strong sense of enclosure within parts of the SCA. This is relieved by pockets of open space, views towards the estuary and the soft planting within the front and rear gardens of the dwellings. These features all contribute to the character, appearance and significance of the SCA.
5. The appeal site is located at the western end of the SCA and comprises one of three modern detached houses with small gardens. These dwellings are accessed off The Saltings, where the rear gardens to the appeal property and No.16 The Saltings (No.16), back onto Topcliff Road. Together with No.18 The Saltings (No.18), their rear gardens occupy an elevated position above Topcliff Road. To address this they have rendered retaining walls of varying heights along their rear boundaries and along the side boundary of No.18. Nos.16 and 18 have low fences above the rear boundary walls. There is also a timber fence at the side of No.18, which is set back from the retaining wall behind an

- area of lawn. The rear gardens of the three dwellings are separated from each other by tall fences.
6. Topcliff Road is a narrow lane whose western section rises to the east. Other than the above properties the road is flanked on the north side by occasional crossovers, together with low walls, fences, grassed banks and hedges which enclose soft landscaped gardens. This provides a visually soft and village quality to the setting of the dwellings and the street scene. This is consistent with the soft landscaped appearance of part the narrow soft landscaped strip opposite No.16 & No.18 and the dwellings opposite which front onto Ringmore Road.
 7. On the southern side of Topcliff Road the properties are more intensely developed and project close to the highway. Also, part of the narrow landscaped strip opposite the appeal property is currently used for domestic storage, parking and the siting of several domestic outbuildings. However, between the dwellings are occasional views towards the estuary and its verdant setting and the narrow grassed strip affords views of the adjacent cottages and gardens in Ringmore Road.
 8. Collectively paragraphs 203, 205, 206 and 208 of the National Planning Policy Framework 2023 (the Framework), state that in determining applications local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a development on the significance of a designated heritage asset great weight should be given to its conservation. This is irrespective of whether any potential harm amounts to substantial or less than substantial harm to its significance. Any harm to a heritage asset or from development within its setting, requires clear and convincing justification. Where a proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
 9. Together and amongst other things policies S1, S2, WE8 and EN5 of the Teignbridge Local Plan 2013 – 2033 (LP), seek to maintain or enhance the character, appearance or historic interest of street scenes and settlements. Account should be taken of the significance, character, setting and local distinctiveness of any affected heritage asset. Development should respond to the characteristics of the site and its wider context and take account of the impact of a development on the health, safety and amenity of its occupiers. Appropriate local materials should be used and development should not have an overbearing impact on the street scene.
 10. Collectively paragraphs 47, 130, 135 and 139 of the Framework state that planning law requires that planning applications are determined in accordance with the development plan, unless material considerations indicate otherwise. Good design is a key aspect of sustainable development. Development should be sympathetic to local character, including the surrounding built development and development that is not well designed should be refused.
 11. The proposed fence has already been erected. It immediately abuts the SCA and is taller than the fences at No.16 and No.18, making it more prominent. Due to its combined location and height it interrupts views into and out of the SCA, including views of Elm Bank. Together with the domestic outbuildings and paraphernalia on the opposite side of Topcliff Road the proposed fence

- results in an enclosed and unattractive entrance to the SCA. I am less concerned about wider views into and out of the SCA, as in such views the fence is partially hidden by buildings and softened by planting.
12. The proposed fence also forms a continuation of the fences to the rear of No.16 and No.18, where it exacerbates their utilitarian and visually hard appearance. Both on its own and together with the existing fences the proposal is at odds with the visually soft village quality of this part of the SCA. From the photographs submitted by the appellant it is apparent that the former Leyland Cypress hedge contributed to this more informal and verdant setting.
 13. For these reasons the proposed fence causes material harm to the street scene and the immediate setting of the SCA. Whilst this harm is modest and thus not substantial, as required by paragraph 203 of the Framework, it needs to be weighed against the public benefits of the proposal.
 14. The proposed fence provides additional privacy for the occupiers of the appeal dwelling and the occupiers of the dwellings on the opposite side of Topcliff Road and Ringmore Road. Also, the proposed fence also helps provide security and prevents pets and children from straying or falling onto the highway. I give each of these factors a moderate amount of weight. However, the separation distances and juxtaposition between the appeal dwelling and adjacent dwellings are not uncommon and it has not been demonstrated that this is the only realistic option to make the rear garden safe and the property secure.
 15. Both individually and collectively the above benefits are clearly outweighed by the less than substantial harm the proposed fence causes to the SCA, the conservation of which I attribute significant importance and great weight. This harm is not something that could be satisfactorily mitigated by the imposition of conditions.
 16. The appellant has stated that a fence of one metre in height could be erected above the boundary wall, under current permitted development rights set out in Part 2 Class A.1 of the Town and Country Planning (General Permitted Development) (England) Order (As Amended), (GPDO). As stated in Class A of the GPDO, where a fence or wall fronts onto a highway used by vehicular traffic, other than around schools, no wall or fence should exceed 1 metre in height above ground level.
 17. Irrespective of this, the council has stated in their delegated report that in principle the council has no objection to the erection of a fence, subject to its height where it adjoins the SCA. Clearly the height of any fence would need to take into account the effect it would have on the character, appearance and significance of the SCA.
 18. I conclude that the proposal materially detracts from the character and appearance of the SCA. The less than substantial harm that it causes to the significance of the SCA is not outweighed by any identified public benefits. Accordingly, the proposal conflicts with LP Policies S1, S2, WE8 and paragraphs 130, 135, 139, 203, 205, 206 and 208 of the Framework.

Elizabeth Lawrence

INSPECTOR