



Appeal Decision

Site visit made on 24 September 2024

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 October 2024

Appeal Ref: APP/U1105/W/24/3345160

Southlands Gardens, King Street, Honiton, Devon EX14 1FE

- 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 Derek Blackmore of D J Blackmore Ltd against the decision of East Devon District Council.
 - The application Ref is 24/0325/FUL.
 - The development proposed is demolition of storage building and erection of a one bedroom bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the site address and the description of the proposal as set out in the Council's Decision Notice, which are more accurate than those used in the application form. I am satisfied that no party would be prejudiced as a result.

Main Issues

3. The main issues are:
 - whether the proposal would provide adequate access for its future occupiers and those of 1 Southlands Gardens,
 - the effect of the proposal on the living conditions of the occupiers of 5 Bonds Cottages in respect of light,
 - the effect of the proposal on the character and appearance of the Honiton Conservation Area (CA) within which the site lies,
 - whether the proposal would provide adequate living conditions for its future occupiers in respect of light, outlook and privacy, and
 - the effect of the proposal on the risks and impacts of flooding.

Reasons

Accessibility

4. The site consists of a long, narrow plot of land in the centre of Honiton, located between the High Street and King Street, and accessed from the latter. The proposal seeks to erect a single storey, one-bedroom dwelling within this site. It would have a stepped footprint, reflecting the tapered shape of the plot.

5. The site forms the access to a bungalow closer to the High Street, number 1 Southlands Gardens, via an existing pathway. Access to this property would be maintained. However, the proposal would fill a large part of the plot, resulting in a narrow space between it and numbers 4 and 5 Bonds Cottages (Nos 4 and 5), especially at two pinch points. The rising ground level, proposed low overhanging eaves and the need for guttering, would further constrain the width and usability of the passageway.
6. I have taken into account the space above the concrete benching over the foundations of Nos 4 and 5, though a cage around a flue protrudes into this area. Nevertheless, based on the plans before me, I am concerned that the long, narrow width of the passageway would make it awkward for the occupiers of 1 Southlands Gardens and the proposed dwelling to use. This would be especially the case for those with a bicycle, or of limited mobility. A dedicated wheelchair turning area by the front door has been suggested by the appellant. However, even if achievable, it would not overcome the constrained nature of the rest of the passageway.
7. Consequently, the proposal would not provide an appealing means of access to these properties. It would also feel dark and potentially unsafe at night, with few ground floor windows on the elevations either side to provide light from within the properties. I have few details of additional external lighting, such as the position of lampposts, and so their position may further limit the width and usability of the passageway.
8. Conditions could require revised positions and heights of boundary treatments, but the access constraints stem largely from the siting and form of the proposed dwelling itself. As an application for full planning permission, their alteration would be beyond the scope of a condition. Planning permission was granted for a dwelling on the site in 2007¹, following an earlier dismissed appeal, but it was not built out and I have no evidence to suggest that it is extant. I therefore give this little weight.
9. Examples of other properties with narrow accesses, many of them historic, have been provided to me. However, I do not have full details of whether they all involve passageways similar to the proposal. Details of recent approvals nearby have also been submitted, albeit primarily to provide examples of potential conditions. The need for consistency in decision-making is important. Nonetheless, ultimately, I am required to apply the policies of the Development Plan to the proposal before me.
10. For the reasons given, the proposal would not provide adequate access for its future occupiers or those of 1 Southlands Gardens. It would therefore conflict with Policy D1 of the East Devon Local Plan (EDLP), adopted January 2016. This requires attractive layouts with safe and convenient access, including for disabled users. I give this conflict significant negative weight in the planning balance. However, as the proposal involves only a private access, I find no conflict with EDLP landscape Policy D2, which relates to public access, street scenes and integration.

¹ LPA reference 07/1785

Living Conditions at 5 Bonds Cottages

11. Number 5 Bonds Cottages (No. 5) has a ground floor window in its elevation facing the appeal site. The proposal would result in development being built closer to and in front of this window, with only a narrow gap between them. As such, the proposal may require the occupiers of No. 5 to use artificial light more often in that room. EDLP Policy D1 requires that proposals should incorporate good levels of light to buildings, minimising the need for powered lighting. It follows that the proposal would conflict with this Policy.
12. However, the window is obscure glazed and appears not to serve a principal living space. Consequently, I am not convinced that the proposal would materially harm the living conditions of the occupiers of No. 5 in respect of light. I therefore give only limited negative weight to the conflict with EDLP Policy D1 in this respect.

Character and Appearance

13. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The CA includes the largely unspoilt High Street, together with terraces and small open spaces within the remains of medieval burgage plots. Historically, buildings have been tightly developed within these plots.
14. The adjacent King's Terrace is a distinctive row of modest houses, noted in the Honiton Interim Conservation Area Review (undated) as an important building group. Relevant to this appeal, the significance of the CA is the historic pattern of development and the attractive appearance of its buildings and surroundings.
15. The proposal would be close to the existing walls and buildings either side, resulting in a cramped appearance. However, it would have a low single storey height. Given the surrounding and historic tight pattern of development, its massing and relationship to Nos 4 and 5 would not appear particularly out of place or overbearing. The proposal would therefore not harm the historic pattern of development. That said, given the variations of development locally, the narrow width of the proposed space to Nos 4 and 5 is not in my view essential to ensure that the character and appearance of the area is maintained.
16. The proposal includes the installation of a run of ten solar panels on the roof. They would be at eye-level and so visible from the dwellings and private gardens at King's Terrace, which the panels would face onto. Even so, the panels would be seen in the context of the proposed dark and sloping roof. In this context, their visual effects would be limited.
17. Given the backland location of the site, there would be few if any glimpses of the panels from publicly obtainable views. As such, they would not harm the attractive appearance of its buildings and surroundings. The appeal site was once untidy and neglected, but no longer particularly has this appearance. This does not therefore affect my deliberations.
18. For the above reasons, the proposal would have a neutral effect on the character and appearance of the CA as a whole, thereby preserving it. As a result, it would comply with EDLP Policy EN10. This requires that the character

and appearance of the CA is preserved or enhanced. It would similarly meet with the aim of the National Planning Policy Framework (the Framework) for development to reflect local character and history. This issue therefore weighs neither positively nor negatively in the planning balance.

Living Conditions of Future Occupiers

19. I have already found that the proposal would be close to the taller Bonds Cottages. However, in respect of the outlook available to future occupiers of the proposal, only four rooflights and a bathroom window are proposed to face towards Nos 4 and 5. The proposal would also be served by additional side-facing windows over private amenity areas at both ends, providing alternative means of outlook for its occupiers.
20. Given this alternative outlook, the proposed rooflights and bathroom window could be obscure glazed and fixed shut by means of a condition, preventing direct views through these windows. As such, the relationship between them and the first-floor windows at Nos 4 and 5 would not harm the privacy of future occupiers of the proposal. Little evidence is before me to dispute the appellant's calculations that occupiers of the proposed dwelling would have acceptable levels of day and sunlight.
21. Consequently, for the reasons given above, the proposal would provide adequate living conditions for its future occupiers in respect of light, outlook and privacy. On this basis, it would comply with EDLP Policy D1, which requires no adverse effects on the amenity of occupiers of proposed residential properties, albeit in respect of open space, storage space and other uses. This does not therefore alter the planning balance.

Flooding

22. EDLP Policy EN22 identifies that new non-permeable surfaces, such as roofs and paving, can result in additional surface water runoff. It requires that the surface water implications of proposals, for example to neighbouring properties, are fully considered before planning permission is granted.
23. The proposal includes paving and lawn. The application form states that surface water would be disposed of by means of a main sewer. However, disposal by sewer is one of the least preferred methods in the drainage hierarchy, with water re-use or discharge into the ground being preferable. Surface water could be disposed of by water butts and permeable paving within the site, details of which could be required by condition.
24. No percolation tests or similar evidence, for example of soakaways, is before me. That said, I have no substantive reason to believe that the suggested measures would not be achievable. A pre-commencement (Grampian) planning condition could be used to prevent development until acceptable surface water drainage details have been provided. On this basis, the proposal would not result in unacceptable risks and impacts from flooding. It would therefore comply with EDLP Policy EN22 and so would be neutral in the planning balance.

Other Matters

25. The proposal would make a positive contribution to the supply of housing. It would be built to high environmental standards and could include ecological enhancements. Construction of the proposal would assist the local building

industry, and its future occupiers would also make social and economic contributions. However, as just one unit, these benefits would be small and so attract limited positive weight.

26. The proposal would be within the Built-Up Area boundary of Honiton and well-placed for its services and facilities. The EDLP encourages the efficient use of such land, as does the emerging Consultation Local Plan. As a single dwelling, I give these benefits limited positive weight in the planning balance. Policies of the former Devon Structure Plan, referred to by the appellant, are no longer in force and so carry no weight.

Planning Balance and Conclusion

27. For the reasons given above, I have found conflict with the Development Plan taken as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR