
Appeal Decision

Site visit made on 13 December 2024

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2025

Appeal Ref: APP/U1105/W/24/3347829

Bung Ho, Southdown Road, Beer, Devon EX12 3AE

- 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 and Mrs A Brewer against the decision of East Devon District Council.
 - The application Ref 23/1064/FUL, dated 15 May 2023, was refused by notice dated 12 January 2024.
 - The development proposed is two storey, 5-bed detached dwelling, with associated parking and amenity space and demolition of existing dwelling and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published during the consideration of this appeal on 12 December 2024. The references in my decision to the paragraphs in the Framework relate to this new document.

Main issue

3. The main issue in this appeal is the effect of the proposed development upon the character and appearance of the area and the scenic beauty of the East Devon National Landscape.

Reasons

4. The appeal site comprises a relatively large plot, which occupies an elevated position above the settlement of Beer. The site is occupied by a single storey, detached bungalow. Due to the topography of the land, views of the appeal site from Southdown Road are limited and localised. The main views of the appeal site are therefore from Beer, with these being medium to long distance views, where the appeal site is seen in the context of surrounding residential development, as it rises steeply up the hillside. Given its position towards the top of the hillside, the appeal site lies within a prominent location.
5. Surrounding dwellings comprise a variety of types and styles, with a mix of single storey and two storey properties. Along Southdown Road, dwellings are set within relatively large plots and, as the road slopes down in a southerly direction, the buildings respond to the change in level, so that in longer distance views, the buildings reflect the changing topography.

6. The wider settlement of Beer is focused around a steeply sided valley, with the main centre of the settlement being focused at the bottom, around the beach. From this location, surrounding development is clearly visible as it rises up the hillside, with dwellings and roads set into the steeply rising terrain.
7. In comparison to the existing dwelling on the appeal site, the proposed development would be of a considerably greater footprint. However, given the size of the appeal site, and those around it, this increase would not be out of keeping with the overall character of the area.
8. The proposed development would also be considerably taller, and this, when combined with the increased footprint, would result in the proposed development being of considerably greater mass, bulk, size and scale. As a result, the proposed development would be considerably more prominent in views from Beer than the existing dwelling.
9. When seen in these views, whilst the proposed development would be viewed in the context of the existing settlement, given its elevated and prominent position, due to the overall scale and mass of the proposed development, along with the considerable expanse of roof that would result from the proposed design, it would appear as a dominant feature. Furthermore, whilst the overall ridge height of the proposed development would be slightly below that of Southdown, due to the difference in levels and the fact that the appeal site is set at a lower level, this, along with the expanse of roof proposed, would further accentuate the highly visible roofscape. As such, the proposed development would appear as a large, dominant and incongruous form of development.
10. The appellant has referred to a recent grant of planning permission for the refurbishment of the existing dwelling incorporating a new first floor and roof, together with various amendments and extensions at ground floor. In the appellant's view, the form and massing of the approved scheme is very similar to the appeal proposal. I have however not been supplied with the details of this scheme, and in any event, I am required to consider the appeal scheme on its merits.
11. The proposed development would replace the existing dwelling on the site, which the appellant submits has a number of issues and requires considerable maintenance and investment to resolve. The proposed development would address these, however, due to the size and appearance of the replacement dwelling, I do not find that this need to be sufficient to outweigh the harm I have found in relation to the overall impact of the proposed development.
12. I therefore conclude that the proposed development would harm the character and appearance of the area, and therefore effect the qualities of the East Devon National Landscape and, in this regard, would be contrary to Strategy 46 and Policy D1 of the East Devon Local Plan 2013-2033, Policies NE1 and HBE2 of the Beer Neighbourhood Plan (2019) and the National Planning Policy Framework. Amongst other things, these policies seek to ensure that new development, is of a high-quality design and locally distinctive, ensures that Beer's landscape and setting is not compromised and that valued features are protected and that proposals minimise any adverse visual impact on locally valued character.

Other Matters

13. The site is located within close proximity of the Beer Quarry and Caves Special Area of Conservation. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. Thus, given my overall conclusion on the main issues it is not necessary for me to consider this matter in any further detail.
14. I have been referred to other developments locally, including ones which the appellant considers to be more prominent and to be of less quality in terms of their overall design. I am not familiar with all of the circumstances of these other developments, and, in any event, I am required to determine the appeal on its own merits.

Conclusion

15. I therefore conclude that for the above reasons the appeal should be dismissed.

Adrian Hunter

INSPECTOR