



Appeal Decisions

Site visit made on 3 February 2025

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2025

Appeal A Ref: APP/Y1110/W/24/3351437

5 Lower Shapter Street, Topsham, Exeter, Devon, EX3 0AT.

- 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 Chris Moody against the decision of Exeter City Council (the LPA).
 - The application reference is 24/0569/FUL.
 - The development proposed is the demolition of existing low front boundary wall, convert the front area to cobbling for off street parking and the installation of an electric car charging point.
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Appeal B Ref: APP/Y1110/Y/24/3351436

5 Lower Shapter Street, Topsham, Exeter, Devon, EX3 0AT.

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Chris Moody against the decision of Exeter City Council (the LPA).
 - The application reference is 24/0570/LBC.
 - The works proposed are the demolition of existing low front boundary wall, convert the front area to cobbling for off street parking and the installation of an electric car charging point.
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Decisions

1. The appeals are dismissed.

Preliminary Matters

2. The above noted descriptions of the proposal are taken from the LPA's decision notices. These are a more concise version of those specified in the application.
3. 5 Lower Shapter Street is a grade II listed building¹ within the Topsham Conservation Area² (TCA).
4. As part of the appeal, the appellant has submitted an amended plan. This proposes a brick-built planter to the western side of the site and a triple telescopic gate arrangement. Whilst the appeal process should not be used to evolve proposals, the LPA has had the opportunity of commenting upon this amended plan and the amendments are not so great as to fundamentally change the proposal or be likely to prejudice the interests of any other party. I shall take the amended plan into account in determining these appeals.

Main Issue (Both Appeals)

5. The main issue is whether the proposal would harm the significance of designated heritage assets³ and if so, whether this would be outweighed by any public benefits.

¹ The provisions of sections 16 and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged.

² The provisions of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged.

³ 5 Lower Shapter Street and the TCA.

Reasons

6. 5 Lower Shapter Street is an 18th century, two storey house that is set back a short distance from the edge of the road. It forms a group of listed buildings within the street. Its heritage interest (significance) is primarily derived from its special architectural qualities. These include its double fronted façade, tripartite sash windows, slate roof, as well as forming part of the record of the development and growth of the historic port town of Topsham. The pebbledash on the front of the building and the brick used in the low roadside wall are modern additions that do not contribute to the significance of this designated heritage asset. However, the wall affords a pleasing sense of enclosure to the small space in front of the house and adds to the special historic qualities of this listed building.
7. The TCA is an extensive area that encompasses much of the town of Topsham, as well as some neighbouring agricultural land. The significance of this designated heritage asset is also primarily derived from its special architectural and historic qualities. These include the growth and development of the settlement since the medieval period, as well as the contribution made by the many listed buildings. The narrow streets⁴ and lanes than can be found throughout parts of the TCA, with cobbled/pebbled paths and enclosed spaces in front of some of houses, reflects the small-scale layout of the town and affords the area much charm and character.
8. Many properties within the TCA, including most houses in Lower Shapter Street, do not have off-street parking. Together with parking restrictions, this may be problematic for some residents. However, the garden spaces in front of the buildings and the absence of parked vehicles in these spaces adds to the charm and character of the area. In many instances, the removal of front boundary walls from some properties and the use of garden spaces for car parking⁵ has eroded the character and appearance of TCA and resulted in an adverse effect upon the settings of listed buildings. Whilst the on-street parking that occurs within parts of the TCA is not an attractive feature, it is often less damaging to the historic environment/significance of the TCA than the removal of boundary walls.
9. The proposal includes the demolition of the existing low brick wall in front of 5 Shapter Street to provide car parking for one vehicle. The area in front of the house would be cobbled with in laid stone setts⁶ and an electric vehicle charging point⁷ would be provided. A planter⁸ would be installed to the western side of the parking space and a three-section sliding gate configuration would be provided parallel to Lower Shapter Street.
10. The proposed loss of the modern brick would not have any adverse effect upon the significance of either the listed house or the TCA. I also agree with the appellant's architect that the use of railings around the space in front of the building would be more historically accurate than the existing modern brickwork.

⁴ Including Lower Shapter Street.

⁵ During my visit, I noted the off-street parking in Higher Shapter Street that had been drawn to my attention by the appellant, as well as some other off-street parking spaces elsewhere in the TCA.

⁶ This would include a small reduction in ground level to help protect the building from water ingress and damp issues.

⁷ Powered by solar PV to be installed on the roof of the building. I understand that this forms part of the separate permission / consent to modify and extend the house, including the removal of the pebbledash (refs. 24/0080/FUL and 24/0081/LBC).

⁸ The appellant has suggested an antique zinc style planter or a stuccoed brick planter or railings.

11. However, even with a sliding gate configuration⁹, the proposal would result in a harmful loss of enclosure and garden space in front of 5 Shapter Street and would erode the setting of this important building. Enabling a motor vehicle to park immediately in front of one of the ground floor sash windows would also detract from an appreciation of the building's special architectural interest. The presence of a parked car immediately in front of a building that is recognised, nationally, as being of special interest, would be visually unappealing and diminish the contribution it makes to the charm/historic character of the street. The proposal would fail to preserve or enhance the character or appearance of the TCA.
12. In the context of the National Planning Policy Framework, the proposal would result in less than substantial harm to the significance of 5 Lower Shapter Street and the TCA. If there is a sliding scale within this category of harm, the proposal would be towards the lower end. Nevertheless, great weight should be given to a designated heritage asset's conservation. The less than substantial harm that I have identified weighs heavily against granting permission/consent.
13. The above noted harm must be weighed with any public benefits of the proposal. In this regard, a single off-street parking space would have a negligible impact upon reducing the demand for on-street parking within Topsham¹⁰. Separate legislation also exists to address any obstruction to the highway caused by drivers of motor vehicles. Whilst an electric vehicle would provide lower emissions than a fossil-fuel powered car, it is very far from certain that all future occupiers would own such a vehicle. Furthermore, providing a car parking space is not the only means of reducing the ground level in front of the house so as to avoid damp issues. I afford limited weight to the claimed public benefits of the proposal.
14. Given all of the above and having regard to all other matters raised, I conclude that the proposal would harm the significance of 5 Lower Shapter Street and the TCA and this would not be outweighed by the public benefits. These appeals should not therefore succeed.

Neil Pope
Inspector

⁹ In all likelihood, this would be retracted for significant periods of time and the LPA would almost certainly not have the resources to monitor this and ensure that the gate was closed when not in use.

¹⁰ Given the range of services and facilities available within the town, including public transport links to Exeter, it is by no means certain that all future occupiers of the house would have need for a car.