



Appeal Decisions

Site visit made on 3 June 2025

by **R Kent BA (Hons) MTP DipM MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 July 2025

Appeal A Ref: APP/U1105/W/25/3363777

10 Marine Parade, Budleigh Salterton, Devon EX9 6NS

- 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 Hugh McCormick against the decision of East Devon District Council.
 - The application Ref is 24/1823/FUL.
The development proposed is a self-build dwelling.
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Appeal B Ref: APP/U1105/W/25/3363776

10 Marine Parade, Budleigh Salterton, Devon, EX9 6NS

- 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 Dr Hugh McCormick against the decision of East Devon District Council.
 - The application Ref is 24/2680/FUL.
 - The development proposed is single storey rear extensions and 2nd floor rear extension.
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Appeal A: Decision

1. The appeal is dismissed.

Appeal B: Decision

2. The appeal is dismissed.

Preliminary Matters

3. Whilst the two appeals are for the same site, I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together except where otherwise indicated. There are also two other appeals for the site which are the subject of separate decisions. These are for the 'replacement of the existing single family dwelling and creation of 4 no. apartments'¹ and, secondly, against a grant of planning permission subject to conditions².

Appeal A

4. The evidence submitted with Appeal A suggests that retaining walls would be created between the existing and proposed dwelling. Although my attention has been drawn to the Council's separate granting of planning permission for terraced landscaping of the rear garden³ of No 10, retaining walls do not form part of the description of development on either the planning application form or on the Council's decision notice for Appeal A. Nor have detailed plans of such works

¹ APP/U1105/W/25/3363078

² APP/U1105/W/25/3363293

³ LPA ref 24/2661/FUL

been provided with the appeal proposals. I have therefore proceeded on the basis that retaining walls, other than that shown on the Elevations plan 0467_B_PL_3.0 revision C, do not form part of the appeal proposals and have determined Appeal A accordingly.

5. The National Planning Policy Framework (the Framework) was revised in February 2025. The reasons for refusal in Appeal A refer to paragraphs 205, 206 and 208 of the 2023 Framework the wording of which is now found in paragraphs 212, 213 and 215 of the 2025 Framework. I have determined the appeal accordingly.

Appeal B

6. The proposed elevations plan 0467_MAR_PL_3.1 revision B which forms part of Appeal B depicts four rooflights in the roof of the south elevation of No 10. The Council's Householder Applications Report concludes that they would be permitted development and does not consider them further. Although the rooflights are still referenced in the description of development on the Council's decision notice, it is not within my remit in the context of this appeal to determine whether they are permitted development under the Town and Country Planning (General Permitted Development) Order 2015 (as amended). However, they are not included in the description of development on the planning application form and I have therefore determined Appeal B on the basis that they do not form part of the proposals.

Main Issues

7. The main issues in appeal A are:
 - Whether the proposal would preserve or enhance the character or appearance of the Budleigh Salterton Conservation Area (CA);
 - The effect of the proposed parking arrangements on highway safety;
 - Whether the proposal would provide acceptable living conditions for the occupiers of the proposed dwelling with regard to internal living space and access;
 - The effect on the living conditions of the occupiers of neighbouring dwellings with regard to privacy, daylight and outlook; and
 - The effect of the proposal on the character and appearance of the landscape with reference to its location in the East Devon National Landscape.
8. The main issue in Appeal B is whether the proposal would preserve or enhance the character or appearance of the CA.

Reasons

Appeal A

Conservation Area

9. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the CA.

10. The Budleigh Salterton CA was designated in 1983. The CA Appraisal⁴ indicates that it gains its significance from the early 19th century when the beginnings of the present town were established and many substantial villas were built. The part of the CA around Marine Parade and Lower Fore Street is noted for having an 'unashamedly' seaside frontage of large villas and flats with low-key evidence of commercial uses. Significance is gained from the rich ornamental detail which many of the buildings in the CA exhibit. The pine trees, cypresses and exotic shrubs which benefit from the town's southerly aspect are also part of the character of the CA as are the sloping spacious gardens which rise up beyond the villas fronting Marine Parade.
11. Located in a central part of Marine Parade, No 10 is a two storey, double gabled early 20th century, domestic villa facing onto the sea front. Although No 10 is not identified in the CA Appraisal as a key building or part of an Important Building Group, the site and the neighbouring buildings continue to reflect much of the character of the early 20th century sea front. The elevated position of Madeira Walk, which runs along the northern boundary of the properties fronting Marine Parade, permits views of the sea across and between the rear elevations of the buildings fronting Marine Parade which contributes to the significance of the CA. Similarly, the gaps between the buildings on Marine Parade allow glimpses of the rear gardens, trees and shrubs on the slopes above Marine Parade. This also contributes to the character and appearance of the CA and its significance.
12. The proposed dwelling would be constructed on the upper part of the garden and would be split level with a lower ground floor built into the slope of the existing garden. It would be significantly smaller in scale than No 10 and the adjoining buildings. Together with its part single storey, part two storey design this means it would not reflect the character or pattern of the surrounding development. The building would extend across much of the width of the upper part of No 10's existing garden. Coupled with its design and elevated position behind the main building line, this would make it appear out of place in the context of the large buildings set in substantial grounds which form part of the character of this part of the CA.
13. The sloping nature of the fence along the western site boundary means that the two storey south west corner of the building would intrude into south eastwards views of the sea and Marine Parade from Madeira Walk. Even though there is an existing dwelling and pitched roof outbuildings further to the west of the site adjacent to Madeira Walk, the position of the building on the upper part of the garden close to Madeira Walk would not be consistent with the pattern of development from which the CA derives its significance. The discordant effect of the proposal on the CA would also be apparent from Marine Parade from where the two storey façade of the dwelling would be visible through the gaps between No 10 and the adjoining buildings.
14. Whilst other developments, including extensions, outbuildings, terraced landscaping and the adjacent flats may have taken place in the CA, I have not been provided with the details or planning context of those developments. The Framework makes clear that not all elements of the CA necessarily contribute to its significance and I have determined the appeal on its individual merits. Although there are a number of outbuildings sited at the upper end of gardens bordering

⁴ Budleigh Salterton Conservation Area Appraisal 2007

Madeira Walk, these are to be expected in domestic gardens. The presence of these outbuildings and the possible exercise of permitted development rights, which may or may not allow similar outbuildings on the appeal site, do not justify the harm to the CA which would be caused by a completely separate new dwelling in the form and position proposed.

15. The proposal would not preserve or enhance the character or appearance of the CA as a whole and would cause harm to its significance. The level of harm would be less than substantial but would be towards the upper end of the scale of less than substantial harm. I attach considerable importance and weight to this harm. Applying paragraph 215 of the Framework and East Devon Local Plan 2016 (EDLP) policy EN9, the harm should be weighed against the public benefits of the proposal. That balancing exercise must take place in the context of the Act which sets a strong presumption against a grant of planning permission for development that would fail to preserve or enhance the character or appearance of a CA.
16. Turning to the public benefits, the proposal would add an energy efficient single dwelling to the Council's housing supply. The Framework recognises that small and medium sites can make an important contribution to meeting the housing requirement of an area. Therefore, the addition of one dwelling to the supply of housing would be a moderate public benefit which attracts moderate weight in favour of the development. The modest public benefit to the local economy arising from the construction and furnishing of the development and from the support which future occupants may give to local businesses and services also attracts moderate weight in favour of the proposal.
17. As well as meeting general housing needs, the proposal would also provide one self-build dwelling. The Framework highlights the importance of a sufficient amount and variety of land coming forward where it is needed and that the needs of groups with specific housing requirements should be addressed. Those groups include people wishing to commission or build their own homes.
18. The evidence before me does not include the number of people seeking to acquire serviced plots in the area for their own self-build and custom-house building. Nor does it provide details of whether sufficient planning permissions have been granted to meet any identified demand. In the absence of clear evidence of the demand for self-build and custom build housing and a legal mechanism, such as a S106 obligation to secure the self-build status of the dwelling if the appeal were to be allowed, this moderate benefit attracts limited weight in favour of the proposal.
19. Overall, whilst the scheme would have some public benefits, the totality of those benefits does not provide the clear and convincing justification for the less than substantial harm to the CA, the conservation of which the Framework requires me to assign great weight.
20. In conclusion, for the reasons given, the proposal would not preserve or enhance the character or appearance of the Budleigh Salterton CA. It conflicts with Strategy 6 and policies D1, EN9 and EN10 of the EDLP and Budleigh Salterton Neighbourhood Plan 2017-2030 (BSNP) policies B1, H2 and H3 in so far as they require that proposals do not adversely affect the distinctive historic character of the area and preserve or enhance the character or appearance of the CA. The proposal would also conflict with the Framework's policies to conserve and

enhance the historic environment and with the duty under the Act to pay special attention to preserving or enhancing the character or appearance of the CA.

Highway safety

21. The proposed site plan shows 5 parking spaces to be located perpendicular to the B3178 Marine Parade to serve both the existing and proposed dwellings. An absence of on-site manoeuvring space means that vehicles parked on site would not be able to enter and exit the site in a forward gear. As a result, vehicles which entered the parking spaces in a forward gear would be required to reverse on to the highway to exit the site.
22. The plans do not demonstrate how drivers of vehicles exiting in reverse gear would be able to see oncoming traffic. I saw on my site visit that their visibility would be obstructed by timber fencing along the western and eastern side boundaries. I also saw that there is vegetation, a gate post and fencing immediately beyond the eastern site boundary which would also impede visibility. Even though Marine Parade is subject to a 20mph speed limit, I saw that it had a steady flow of traffic in both directions. The lack of clear visibility means that vehicles reversing out of the site into passing traffic, even if only moving at 20mph, would cause a hazard to the occupants of those vehicles and to other road users on Marine Parade.
23. In order to exit the site in a forward gear, vehicles would need to reverse into the proposed parking spaces. This would require manoeuvres to be carried out on the highway to enable drivers to position their vehicle so it could be reversed into an available on site space. For vehicles approaching from the east, this would be likely to result in them reversing across the eastbound lane which would present a hazard to oncoming traffic and have an unacceptable impact on highway safety .
24. Whilst five cars may have been parked on the site in association with the current use as a single dwelling, I have not been provided with clear evidence of that parking arrangement and how it operates. Interested parties have suggested that they can never remember seeing more than 3 cars parked at the front of No 10. The building was vacant at the time of my visit and I did not see any parking spaces marked out on the existing forecourt. The use of the spaces to provide parking for two dwellings, rather than one, would change the nature of its use with separate vehicle movements being generated by an additional household. Even though the existing site may be able to accommodate the required number of parking spaces to cater for both the existing and proposed dwellings, that does not overcome the harm to highway safety which would arise from the use of those parking spaces by future occupiers of the proposed dwelling.
25. Although other properties in Marine Parade may have limited on-site manoeuvring space requiring vehicles either to reverse in to or out of the site, I am not aware of the details of the parking arrangements for those sites or their planning context. I recognise that on street manoeuvres might be carried out by vehicles accessing or exiting the on street parking spaces along the southern side of Marine Parade and this may slow down traffic on the highway, However neither this nor the parking arrangements for other properties along Marine Parade justifies the substantial level of harm to highway safety which would arise from the proposal which I have considered on its individual merits.

26. As a consequence, for the reasons given, the proposal would not make suitable, safe provision for the parking of vehicles in conflict with EDLP policy TC7 which requires that new development is not detrimental to the safe and satisfactory operation of the highway network.

Living conditions of future occupants

27. The proposed dwelling would have an open plan living room and kitchen area on the ground floor with two bedrooms, and ensuite bathroom and shower rooms on the lower ground floor. Pedestrian access would be gained either from Madeira Walk via a short flight of steps or from Marine Parade using a much longer set of steps proposed along the eastern site boundary. Whilst I have not been provided with full details of the proposed steps to Marine Parade, I saw on my site visit that the existing garden is steep. The proposed bin and bicycle stores would be at the front of No 10 adjacent to the car park requiring future occupiers either to use steps down to No 10 or follow a more circuitous route via Madeira Walk to Marine Parade. This route would involve having to cross the road to access the footway on the southern side of Marine Parade. Using the existing gradient as a guide, the long flight of steps would be steep and would not provide a convenient or practical option for any future occupiers with limited mobility by foot, particularly in inclement weather.
28. Similarly, although the flight of steps providing access to Madeira Walk would be much shorter, the evidence does not demonstrate how they would allow convenient access for future occupiers who may have restricted mobility. Nor does it demonstrate how future occupiers who may use a pram, push chair or wheel chair could access the dwelling. Although other properties in the town may rely on access via steps, from the evidence before me I am not satisfied that the proposal would provide safe and convenient access for all users as required by EDLP policy D1. A moderate level of harm would be caused to the living conditions of future occupants as a result.
29. Whilst reference has been made to the nationally described space standards (NDSS)⁵, I have not been directed to any EDLP or BSNP policy where they are referenced. With this in mind, while the NDSS may provide a useful indication of what constitutes a reasonable size for the internal space within a new dwelling, it is not a development plan policy requirement.
30. Although the proposed plans indicate double beds in the two bedrooms, the appellant's evidence confirms that this is an indicative arrangement and that the proposal is for a two bedroom, three person dwelling over two floors. Using the NDSS as guidance, the proposed 75sqm floorspace would exceed the 70sqm standard for a two bedroom, three person two storey dwelling. Moreover, the 9.1 sqm floor area of the smaller bedroom referred to in the Council's Delegated Report would also exceed the floor area for a single bedroom set out in the NDSS technical requirements. On this basis, I am satisfied that the dwelling would provide sufficient internal space for future occupiers.
31. Nevertheless, for the reasons given, the proposal would not provide acceptable living conditions for the occupiers of the proposed dwelling due to the nature of the proposed access. Whilst the criteria in BSNP policy H3 are not directly relevant to this issue, the proposal conflicts with EDLP policy D1 in so far as it requires new

⁵ 'Technical housing standards-nationally described space standard' DCLG March 2015

development to incorporate safe and convenient access for the whole community including disabled users.

Living conditions of occupants of neighbouring dwellings.

32. The proposal would have windows in its habitable rooms at both ground floor and lower ground floor level in its southern elevation, including a large wrap around window on the south eastern corner of the living room.
33. The rear windows in the north elevation of No 10 are screened by the existing retaining wall along the northern side of the courtyard to the rear of No 10. Coupled with the oblique angle of view from the proposed dwelling, this would prevent direct views into the windows from the proposed dwelling.
34. Whilst the ground floor windows and amenity spaces of the flats on the eastern side of No 10 are screened from the site of the proposed dwelling by an existing boundary wall and vegetation, the elevated position of the dwelling would permit views across to the upper floor windows of the flats. However, a degree of overlooking is to be expected in urban areas and the distance between the existing windows and the proposed dwelling coupled with the indirect angle of view would prevent harm being caused to the living conditions of the occupants of the flats. The trees beyond the western boundary screen views from the site to the windows in Marine Court. Coupled with the distance between the proposed dwelling and Marine Court and the angled view, this would be sufficient to prevent harm to the living conditions of the occupants of Marine Court through loss of privacy.
35. Whilst the proposed dwelling would be sited on higher ground than the properties fronting Marine Parade, the distance between the existing and proposed buildings would be sufficient to allow daylight to continue to reach the northern elevations of No 10 and the neighbouring properties. The space between the buildings would also be sufficient to prevent a harmful overbearing effect on the outlook from those properties.
36. Therefore, for the reasons given, the proposal would not cause harm to the living conditions of the occupiers of neighbouring dwellings and would comply with EDLP policy D1 and BSNP policy H3 in so far as they seek to protect the amenities of adjoining residential properties.

Landscape

37. The existing domestic garden contains steps, terraces, shrubs and plants with a small outbuilding on the upper terrace. Whilst it was unkempt when I visited the site, it had the character and appearance of a domestic garden rather than a natural landscape. Although the proposal would involve the creation of a new terrace and the proposed building would be built into the slope, this would be contained within the existing domesticated area.
38. The site lies within the East Devon National Landscape. The East Devon Area of Outstanding Natural Beauty Partnership Plan 2019-24 indicates that the National Landscape is notable, amongst other things, for its varied and dramatic coastal scenery, the grandeur of sheer red sandstone cliffs, intimate wooded combs and coves. Whilst the Partnership Plan states that built development, including new housing, is a key force for change in the National Landscape, I have not been

directed to any specific key characteristics of the National Landscape which the Partnership Plan seeks to conserve and which would be harmed by the scheme.

39. The constructed form, layout and appearance of the existing garden means it is not a natural landscape feature. Combined with its position between existing buildings in a town, this means the site does not form part of the natural beauty of the National Landscape. Whilst, for the reasons given above, the proposal would harm the character and appearance of the CA, its location within a developed, residential setting means that it would not harm the National Landscape.
40. Moreover, if the appeal were to be allowed, a condition could be imposed to secure an appropriate hard and soft landscaping scheme for the retained garden area between the proposed dwelling and No 10. This would provide a mechanism to secure some enhancement of the existing garden, including its biodiversity, and details of any further terracing and retaining walls which may be required as a result of the development.
41. For the above reasons, the development would not harm the character and appearance of the landscape and would conserve the East Devon National Landscape. As a consequence, it would accord with EDLP policies Strategy 6 and D1 in so far as they require that new development should not harm important landscape characteristics and with BSNP policy H2 which seeks to conserve the landscape and scenic beauty of the National Landscape.

Appeal B

42. The significance of the CA as a heritage asset and the statutory duty in the Act are as set out above for Appeal A.
43. The existing dwelling is an example of one of the Victorian villas from which the CA derives significance. Its pitched slate roofs, light coloured render and distinctive chimney stacks, combined with its characteristic villa design and seafront position means it contributes positively to the character and appearance of the CA as a whole.
44. The proposal would result in a substantial addition to the rear of the existing building. It would replace the existing modest, pitched roof projections which form part of the character of the existing building. Whilst the existing rear projections appear subordinate to the building, the proposed additional storey would have a much more dominant effect on the appearance of the dwelling. This would be accentuated by the scale and design of the proposed roof which would have a large rectangular flat section abutting the ridge line of the main roof of the dwelling. The size of the section of flat roof coupled with its juxtaposition against the ridge line of the main roof would relate poorly to the character of the existing building and would appear as an incongruous addition to it. It would be out of character with, and cause harm to, the traditional appearance of the rear of the villa.
45. Whilst three of the existing chimney stacks on the main roof of the dwelling would be retained, the removal of two further stacks from the roofs of the existing rear projections would further erode the character and appearance of the existing building and its positive contribution to the CA.
46. Although the visual impact of the increase in the mass of the building and the harmful effect of the proposed roof would not be apparent from Marine Parade, it

would be visible from Madeira Walk. Whilst roof styles along Marine Parade vary, the design of the roof and the bulk of the additional third storey would jar with the prevailing character of the CA when viewed from Madeira Walk.

47. I recognise that Marine Court is a substantial, more modern building with areas of flat roof visible from Madeira Walk and there are some other limited examples of flat roofs in the vicinity. However, they are not characteristic of the majority of buildings along Marine Parade. The Framework makes clear that not all elements of the CA contribute to its significance and I am not aware of the background to, or planning status of, these other developments. Notwithstanding this, each proposal should be considered on its individual merits and the other roof styles do not justify the erosion of the character and appearance of the CA which would be caused by the proposal.
48. For the above reasons, the design and scale of the proposed extension would not reflect the character of the CA and would not preserve or enhance the character or appearance of the CA as a whole. As a consequence, it would cause harm to its significance. The harm would be less than substantial and be towards the middle of the scale of less than substantial harm. The harm should be weighed against the public benefits of the proposal as required by the Framework and EDLP policy EN9.
49. Although the proposal would provide additional accommodation to meet the needs of modern day living, this would be of limited public benefit and does not provide the clear and convincing justification for the harm to the CA to which I give great weight.
50. In conclusion, the proposal would not preserve or enhance the character or appearance of the CA. Although EDLP policy EN8 is a procedural policy which addresses the process for assessing the significance of heritage assets, I have not been provided with any compelling evidence demonstrating how the proposal would conflict with that policy. The proposal nevertheless conflicts with EDLP policies D1, EN9 and EN10 and BSNP policy H2 in so far as they require that proposals do not adversely affect the distinctive historic character of the area and the CA.
51. It would also conflict with the Framework's policies to conserve and enhance the historic environment and with the duty under the Act to pay special attention to preserving or enhancing the character or appearance of the CA.

Other Considerations

Appeal B

52. I have taken account of the effect of the proposal on the living conditions of the occupiers of the adjoining dwellings. Whilst substantial, the proposed second floor addition would be set in from the boundary with Marine Court and would not project further north than the existing building. As a consequence, it would not cause a significant loss of light to the occupants of Marine Court.
53. Although the height of the part of the existing rear projection nearest 11B Marine Parade would be significantly increased, the part of the proposed upper floor extension nearest the boundary would not extend beyond the rear of No 11B. The single storey rear extension on the eastern side of No 10 would project beyond the

rear of No 11B but its flat roof would prevent it having a harmful overbearing effect. Whilst the increase in volume of building beyond the single storey extension would be noticeable, it would be sufficiently set back from No 11B so as not to have a harmful effect on the living conditions of the occupants.

Appeals A and B

54. The sites lie within the 10km buffer zone of the East Devon Pebblebed Heaths Special Area of Conservation and Special Protection Area (SPA) and the Exe Estuary SPA. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates that the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposed development. Therefore, given my conclusions on the first three main issues in Appeal A and the main issue in Appeal B, it is not necessary for me to consider this matter in any further detail.

Planning balance and conclusions

Appeal A

55. The Council can only demonstrate 2.97 years supply of deliverable housing sites which is well below the minimum level required. Consequently, with reference to paragraph 11 d) of the Framework, consideration of the presumption in favour of sustainable development is required.
56. Notwithstanding the Council's housing land supply shortfall, applying footnote 7 to paragraph 11d) i. of the Framework, the conflict with the Framework's policies for conserving and enhancing the historic environment provide a strong reason for dismissing the appeal. As a consequence, paragraph 11 d) ii. of the Framework is not engaged and the appeal should be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is a key material consideration and conflict with its policies carries substantial weight against the proposal.
57. The proposal would cause less than substantial harm to the significance of the CA. A substantial level of harm would be caused to highway safety and a moderate level of harm would be caused to the living conditions of future occupiers of the proposed dwelling. As a consequence, when each policy is read as a whole the proposal conflicts with Strategy 6 and policies D1, EN9, EN10 and TC7 of the EDLP and policies B1, H2 and H3 of the BSNP.
58. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their consistency with the Framework. The Framework recognises the desirability of new development making a positive contribution to local character and distinctiveness and has policies for conserving and enhancing the historic environment and ensuring a high standard of amenity for future users of a development. It also requires safe and suitable access for all users. Hence the development plan policies referred to above are consistent with the Framework and the conflict with them should be given substantial weight in this appeal.
59. Whilst the proposal complies with some development plan policies, the harm that I have identified is sufficient to cause conflict with the development plan when read as a whole. I have referred to the benefits arising from the proposal when

undertaking the heritage balance in the first main issue. The proposal conflicts with the development plan and the material considerations, including the economic, environmental, housing supply and self-build and custom house building benefits stemming from the proposal, do not indicate that the appeal should be decided other than in accordance with it. The presumption in favour of sustainable development in the Framework does not apply in this appeal.

60. Appeal A would conflict with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

Appeal B

61. The harm that I have identified to the CA is sufficient to cause conflict with the development plan when read as a whole. The material considerations weighing in favour of the proposal do not indicate that the appeal should be decided other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

R Kent

INSPECTOR