
Appeal Decision

Site visit made on 31 July 2025 by R Dickson BSc (Hons) MSc MRTPI

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2025

Appeal Ref: APP/U1105/D/25/3367700

27 Scalwell Mead, Seaton, Devon EX12 2DW

- 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 and Mrs Keith and Anne Hide against the decision of East Devon District Council.
 - The application Ref is 25/0770/FUL.
 - The development proposed is described as “the creation of raised terrace to side and rear gardens to create level amenity area and construction of 2m fence”.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of raised terrace to side and rear gardens to create level amenity area and construction of 2m fence at 27 Scalwell Mead, Seaton, Devon EX12 2DW in accordance with the terms of the application, Ref 25/0770/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Pro.E.HIDE Rev 1.0 and PRO.FP.HIDE Rev 1.0.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The description of development included reference to the development being retrospective. However, the development that has been undertaken on site is not the same as the development shown in the proposed plans. I have determined the appeal based on the proposed plans.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons for the Recommendation

5. Scalwell Mead and Scalwell Park are residential roads lined with bungalows of a similar age and design. The low-level dwellings are set back from the road behind

- an area of well-maintained front gardens and driveways. Together, the width of the road and uniformly low ridge height of the bungalows give the area an open and spacious character.
6. The Council contends that the open frontages of Scalwell Park and Scalwell Mead collectively contribute to the creation of open green spaces. While this is true for Scalwell Park, which has areas of grass separating pedestrians from the road and mostly soft landscaped front gardens, Scalwell Mead has not retained the same level of greenery. Scalwell Mead does not have any public areas of grass on the side of the road, and the use of gravel within front gardens is common.
 7. The appeal site, 27 Scalwell Mead, is situated on the corner of Scalwell Mead and Scalwell Park, and as such, the front garden wraps around the corner of the dwelling, connecting to a side garden. The front and side garden are finished in gravel, with a stepped path, and sit on top of a low retaining wall around it. Facing Scalwell Park, a wooden fence on top of the retaining wall bounds the rear garden.
 8. The low retaining wall extends around most of the perimeter of the front and side garden, a feature which is not common within the estate. Another retaining wall is opposite the appeal site which separates a parking area and a higher front garden. However, in comparison to the wall at the appeal site, is a shorter length and not as obvious within the street scene. That being said, despite the retaining wall at No 27 being more visible in the context of the estate, the front and side garden above it is still highly visible and open within the street scene. Although the development introduces a terracing effect around the perimeter of a road-facing garden, it has maintained an open and spacious frontage, which is an important feature of the character of the area. The use of gravel, while not contributing to the creation of green spaces, is a common feature on Scalwell mead, and therefore does not cause harm to the character of the area.
 9. Within the estate, other dwellings sited on corner plots have rear garden boundaries parallel to the road. As a result, wooden fences are a common feature of the area. I acknowledge that the fence and retaining wall together are taller than other boundary treatments in the area. However, the impact of the height would be lessened by the difference in materials between the fence and retaining wall, which are visually distinguished from one another. The resulting effect would be that the fence visually appears to be of a similar height to other fences which can be seen within the same view. Despite the combined height of the fence and wall, it does not harmfully enclose the street scene such that the open character of the area would be harmfully eroded.
 10. The line of the fence has been brought closer to the road. The evidence before me suggests that although the existing fence was in line with the side elevation, it projected further towards the road than the garages and dwelling behind it. Despite the forward projection, together with the height of the fence and the wall, the development has not enclosed the street scene which has retained its open and spacious character.
 11. The materials used within the development are common throughout the estate. As discussed, wooden fences on corner plots and gravel in front gardens on Scalwell Mead are common materials. The retaining wall has a rendered finish, and there are examples of bungalows with rendered detailing on Scalwell Mead. The front and side garden of No 27 is large, and as such, any materials used are likely to

appear extensive. Although this would be the case with the development before me, given that the materials are commonly used throughout the estate, they are not incongruous within the street scene and do not harm the character and appearance of the area.

12. Accordingly, the development would not result in harm to the character and appearance of the area in so far as it would maintain the open and spacious character and has used materials common throughout Scalwell Mead and Scalwell Park. The development would therefore be in accordance with Policy D1 of the East Devon Local Plan 2013-2031 (Local Plan) which requires, amongst other things, that developments respect the key characteristics and special qualities of the area in which they are proposed. The proposal is also in accordance with strategy 6 of the Local Plan which promotes development that is compatible with the character of the site and its surroundings.
13. It would also comply with paragraph 135 of the National Planning Policy Framework (2024) which seeks, amongst other things, to ensure that developments are visually attractive and sympathetic to local character.

Conditions

14. In addition to the standard time limit condition, I have imposed a condition that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty.

Conclusion and Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to conditions.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

A M Nilsson

INSPECTOR