

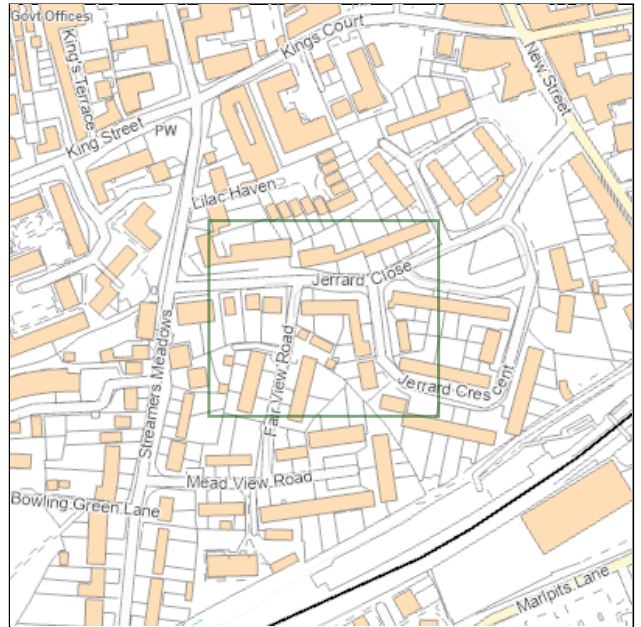
Ward Honiton St Michaels

Reference 26/0128/FUL

Applicant Ms Denise Fowle

Location 7 Eureka Terrace Honiton EX14 1DZ

Proposal Retrospective application for the raising of ground level of the upper front garden, partial excavation of front garden with retaining walls and installation of lift to enable disabled access to the property.



RECOMMENDATION: Approval with conditions

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		Committee Date: 21.04.2026
Sidmouth Town (Sidmouth)	26/0128/FUL	Target Date: 27.04.2026 EOT Agreed: N/R
Applicant:	Mr I Mortimore (On Behalf Of EDDC)	
Location:	7 Eureka Terrace, Honiton, EX14 1DZ	
Proposal:	Retrospective application for the raising of ground level of the upper front garden, partial excavation of front garden with retaining walls and installation of lift to enable disabled access to the property.	

RECOMMENDATION: Approval with Conditions

EXECUTIVE SUMMARY

This application is submitted by Mr I Mortimore on behalf of East Devon District Council.

The application seeks retrospective consent for the raising of the ground level of the upper front garden, partial excavation of the front garden with retaining walls and installation of lift in order to enable disabled access to the property.

The building is owned by EDDC.

The retrospective works have introduced a functional and visually prominent structure within the front garden that results in some limited harm to the character and appearance of the street scene. However, the development facilitates step free access to the dwelling, providing a significant social and equality benefit that is afforded substantial weight.

On balance, the benefits of enabling accessible housing outweigh the identified visual harm. The proposal is therefore considered acceptable, subject to a condition securing the removal of the lift and reinstatement of the garden once it is no longer required for accessibility purposes.

CONSULTATIONS

Parish Council

No comments received.

Ward Member

Cllr Brown

Having looked at this application, I would say it was entirely necessary and the only alternative to allow the resident to stay in their home.

I support this retrospective planning application

Other Representation

1 x third party objection received.

PLANNING HISTORY

There is no planning history recorded on the site which is relevant to this particular application.

POLICIES

National Planning Policy Framework

National Planning Policy Guidance

Adopted East Devon Local Plan (2013 – 2031)

Strategy 6:	Development within Built-Up Area Boundaries
Strategy 23:	Development at Honiton
Policy D1:	Design and Local Distinctiveness
Policy EN22:	Surface Run Off Implications of New Development

Draft East Devon Local Plan (2020 – 2042) - Emerging

Strategic Policy SP05:	Development inside Settlement Boundaries
Policy HN07:	Householder annexes, extensions, alterations or outbuildings outside settlement boundaries
Strategic Policy DS01:	Design and local distinctiveness
Strategic Policy PB05:	Biodiversity Net Gain

CONSIDERATION

Site Description

The application site comprises a mid terraced two storey dwelling located within Eureka Terrace, Honiton. The property is set back and elevated above the adjoining highway, with a sloping front garden accessed via a stepped pathway from the street.

The site sits within the Honiton Built up Area Boundary but is not subject to any statutory or non statutory landscape or heritage designations.

The surrounding area is residential in character, comprising a short terrace of similar properties arranged in a consistent building line with generally open and landscaped front gardens enclosed by low boundary walls.

The front garden of the application property has been altered as part of the works subject of this retrospective application, including changes to ground levels, construction of retaining walls, and installation of an external platform lift structure.

Description of development

Retrospective planning permission is sought for engineering works comprising the raising of ground levels within the upper part of the front garden, partial excavation of the lower garden adjacent to the highway, construction of new brick retaining walls and hardstanding, and the installation of a platform lift to provide access to the principal entrance of the dwelling.

The works have been undertaken to enable improved accessibility for an occupant with mobility impairments.

The platform lift is sited centrally within the front garden, accessed from the public footway and rising to a new landing area adjacent to the entrance. Associated metal railings have also been installed.

Principal of development

Strategy 6 of the East Devon Local Plan states that development within built up area boundaries will be permitted if:

1. It would be compatible with the character of the site and its surroundings and in villages with the rural character of the settlement.
2. It would not lead to unacceptable pressure on services and would not adversely affect risk of flooding or coastal erosion.
3. It would not damage, and where practical, it will support promotion of wildlife, landscape, townscape or historic interests.
4. It would not involve the loss of land of local amenity importance or of recreational value;
5. It would not impair highway safety or traffic flows and
6. It would not prejudice the development potential of an adjacent site

and

Policy D1 of the East Devon Local Plan states that proposals will only be permitted where they respect the key characteristics and special qualities of the area in which the development is proposed, ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context, do not adversely affect the distinctive historic or architectural character of the area, nor the amenity of occupiers of adjoining residential properties.

Subject to compliance with the above criteria the principle of the development is acceptable.

Design and Landscape Impact

The introduction of the platform lift and associated engineering works has resulted in an intervention that differs noticeably from the original garden arrangement found within this short terrace. The form and finish of the lift structure, together with the extent of excavation and new brick retaining walls, results in an addition that appears functional in nature and somewhat incongruous when viewed within the established street scene of predominantly soft landscaped garden areas. Nevertheless, similar handrails, steps and level changes are present elsewhere along the terrace, and these existing features soften the visual contrast to an extent.

However, the proposed development responds to a specific accessibility need, and national policy places significant weight on enabling inclusive and adaptable homes.

On balance, while there is some limited harm arising from the visual impact of the lift and associated works, this is not considered to be so significant as to justify a refusal of the application, particularly given the social and equality benefits secured.

Residential Amenity

The works are confined to the front garden and do not result in any harmful overlooking, loss of privacy, overshadowing or overbearing impact to neighbouring residential properties. Concerns raised by the adjoining neighbour relate primarily to the manner in which the works were undertaken, including construction practices, disruption, and workmanship. These issues fall outside of the scope of planning and cannot be afforded significant weight in determining the application.

In terms of planning considerations, the development does not materially harm the living conditions of nearby occupiers and enhances the residential amenity of the occupiers of the development by affording access to their home.

Impacts on residential amenity are acceptable and accord with Policy D1 of the Local Plan.

Highways/Parking

There are no impacts on parking provision or on the highway.

Drainage

There are no notable impacts on drainage.

Ecology/Trees

There are no trees within the front garden area or vicinity upon which the changes made would impact.

Conclusion

The retrospective works have introduced a functional and visually prominent structure within the front garden that results in some limited harm to the character

and appearance of the street scene. However, the development facilitates step free access to the dwelling, providing a significant social and equality benefit that is afforded substantial weight.

On balance, the benefits of enabling accessible housing outweigh the identified visual harm. The proposal is therefore considered to be acceptable, subject to a condition securing the removal of the lift and reinstatement of the garden once it is no longer required for accessibility purposes.

RECOMMENDATION

APPROVE with conditions:

- 1.) The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)

- 2.) Within six months of the lift hereby approved no longer being required to meet the accessibility needs of an occupant of the dwelling, the lift, associated platform, railings and any ancillary structures shall be permanently removed from the site, and the land shall be reinstated to its condition prior to the implementation of the development, or to an alternative scheme of reinstatement that has first been submitted to and approved in writing by the Local Planning Authority.

(Reason - To ensure that the visual impact of the development on the character and appearance of the area is minimised once the accessibility needs it has been installed to address no longer exist, in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan and the provisions of the National Planning Policy Framework.)

PLANS RELATING TO THIS APPLICATION:

Location Plan
4141/02 : elevations
4141/03 : layout
Proposed layout
4141/02

Informatives

Article 35

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Biodiversity Net Gain

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 means that this planning permission is deemed to have been granted subject to "the biodiversity gain condition" (BG condition).

The BG conditions states that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the Biodiversity Gain plan.

In this case the planning authority you should submit the Biodiversity Gain Plan to is East Devon District Council.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

There are some exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These exemptions can be viewed in full using the following link: Biodiversity net gain - GOV.UK (www.gov.uk)

Householder applications are exempt from submitting a Biodiversity Gain Plan, so you do not need to take any further action in this regard.

Statement on Human Rights and Equalities Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.