
Appeal Decisions

Site visit made on 7 September 2016

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 September 2016

Appeal A: APP/X1165/W/16/3145950

The Hermitage, 9 Church Road, St Marychurch, Torquay TQ1 4QY

- 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 Mrs S North against the decision of Torbay Council.
 - The application Ref P/2015/1038/HA, dated 21 October 2015, was refused by notice dated 17 December 2015.
 - The development proposed is erection of a single storey timber framed conservatory replacing existing on same footprint.
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Appeal B: APP/X1165/Y/16/3145953

The Hermitage, 9 Church Road, St Marychurch, Torquay TQ1 4QY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mrs S North against the decision of Torbay Council.
 - The application Ref P/2015/1039/LB, dated 21 October 2015, was refused by notice dated 21 December 2015.
 - The works proposed are erection of a single storey timber framed conservatory replacing existing on same footprint.
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Decision

1. Appeal A is dismissed and Appeal B is dismissed.

Procedural Matter

2. For ease of reference I refer to the different cases as Appeals A and B in this decision letter as set out in the headers. I have dealt with each appeal on its individual merits but to avoid duplication have considered them together in this document.

Main Issue

3. The main issue is whether the proposed development/works would preserve the host Grade II listed building (the LB), known as The Hermitage.

Reasons

4. The Hermitage is a Grade II LB dating from around the 1830s. It is a detached, predominantly two storey, dwelling, the main body of which, on its south-western side, presents a pleasing symmetrical appearance in the context of its attractive garden setting.
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5. The existing conservatory is a lean-to feature positioned to the side of that elevation. Whilst having some decayed timbers and having undergone some unsympathetic repairs, and despite a significant amount of peeling paintwork, that conservatory provides a distinctive, appropriately delicate, subservient and complementary contribution to the building as a whole that is evidence of the historic development of the building. Specific distinctive features that contribute to that design are the fairly narrowly spaced vertical rows of slender timber glazing bars and overlapping glazing panels on both elevations.
6. Special attention has to be paid to the desirability of preserving the LB.
7. I acknowledge the desire to replace the conservatory with one of similar size, shape and position, utilising the existing plinth and with white painted timber frames and glazing bars. However, it would involve the loss of those key features of the existing historic fabric of the building and its modern features would not have the same degree of delicacy or distinctive design.
8. I have also received no substantive evidence to indicate that the conservatory is no longer in good enough condition to enable it to continue serving its purpose as part of the dwelling's living environment or that its sympathetic repair or renovation could not be viably achieved.
9. The removal of the existing conservatory can therefore not be justified in terms of the need to preserve the historic integrity of the LB. This is regardless of the limited extent to which it is seen from outside of the site, albeit that it can be glimpsed in part from the church car park opposite to the south-east and to a lesser extent from the intervening road, restricted by the site's boundary treatment and vegetation.
10. Having regard to paragraphs 132 and 134 of the National Planning Policy Framework (the Framework), harm to the significance of the LB would be less than substantial due to the loss only relating to a relatively small part of the building as a whole. However, I have not received evidence of any public benefits relating to the proposal that would outweigh that harm.
11. For the above reasons, the proposed development/works would fail to preserve the LB. As such, it would be contrary to Policies SS10, HE1, DE1 and DE5 of the Torbay Local Plan which together, amongst other things, require development proposals to have special regard to the desirability of preserving any listed building or any features of special architectural or historic interest which it possesses, and to be well designed. It would also be contrary to section 12 of the Framework which relates to conserving and enhancing the historic environment.
12. I have also had regard to the need for special attention to be paid to the desirability of preserving or enhancing the character or appearance of the St Marychurch Conservation Area (the CA). Due to the limited extent to which the existing conservatory can be seen from outside of the site, I consider that its removal and replacement with that proposed would preserve the character and appearance of the CA. However, this would not outweigh the unacceptable harm that I have found would be caused to the historic integrity of the LB.
13. Although the appellant highlights that no objections have been received, other than from the Council, I have determined the appeals on their planning merits taking into account all material considerations.

Conclusion

14. For the reasons given above, I conclude that the appeals should be dismissed.

Andrew Dawe

INSPECTOR