
Appeal Decision

Site visit made on 24 October 2017

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 1st December 2017

Appeal Ref: APP/X1118/W/17/3175396

Church House, Saunton, Braunton, Devon EX33 1LG

- 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 The Trustees of the 1991 Tapeley Discretionary Trust against the decision of North Devon District Council.
 - The application Ref 61954, dated 30 September 2016, was refused by notice dated 27 January 2017.
 - The development proposed is the replacement of 2 no. semi-detached dwellings with 2 No new detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For reasons of accuracy and clarity I have used the address from the appeal form in the banner heading.
3. Both parties have confirmed that St. Anne's Chapel and its lych-gate have been added to the National Heritage List for England, since the determination of the planning application, and they are grade II listed as a single listed building. I have dealt with the appeal on this basis.
4. Both parties have referred to emerging policies within the North Devon and Torridge Local Plan 2011-2031(NDTLP) and I have been provided with copies of the policies cited in the reasons for refusal. The parties are aware of, and have had the opportunity to comment on, this information and they are not therefore prejudiced by my consideration of it. It is incumbent on me to take into account the most relevant and up to date information in reaching a decision and I have therefore dealt with the appeal on this basis.
5. The NDTLP appears to be at an advanced stage of preparation and I have no evidence to indicate that there are any outstanding objections to the relevant policies. Having regard to paragraph 216 of the National Planning Policy Framework (the Framework) I consider that substantial weight can be given to them.

Main Issues

6. The main issue is the effect of the development on the special interest, setting and significance of nearby designated heritage assets and the significance of a non-designated heritage asset.

Reasons

7. The appeal site presently accommodates single storey buildings that comprise the main building that was last used as 2 dwellings and a garage and outbuilding. To the rear of the main building the site rises appreciably with a stone wall/bedrock in close proximity to its rear elevation. This rear area of the site has numerous trees on it and there are a number of other trees close to the side boundaries of the site. The proposal would involve the demolition of the main building and the garage and their replacement with 2 substantial, detached 2-storey dwellings.
8. St. Anne's Chapel is in close proximity to the junction of Saunton Road and an access road to Saunton Court. Saunton Court is a grade II* listed building which is situated within a grade II registered park and garden. The southern boundary of the park and garden adjoins the access road and on the opposite side of the access road is the churchyard to St Anne's Chapel.
9. Saunton Court dates from the around the 15th Century and was remodelled and extended by Sir Edwin Lutyens, a nationally renowned architect, in 1932. The park and garden were also landscaped by Lutyens at this time. St Anne's Chapel was built in 1898 and its architect Frederick James Commin is a well-known and important regional architect. Stained glass within the building was designed by Mary Lowndes an Arts and Craft artist. The Christie family who owned Saunton Court also owned the land that St. Anne's Chapel and the appeal building are on.
10. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
11. Paragraph 132 of the Framework advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The glossary to the Framework states that the setting of a heritage asset comprises the surroundings in which it is experienced and that different elements of that setting may either make a positive, negative or neutral contribution to its significance.
12. From the evidence before me, including the listing descriptions, I consider that the significance of Saunton Court and St Anne's Chapel and its lych-gate is largely derived from their age, form, historic fabric, particular architectural features, association with renowned architects, artists and the Christie family and their relationship to each other. The significance of the registered park and garden is largely derived from its association with Lutyens, the Christie family and Saunton Court.
13. The main appeal building was built at some time between 1906 and 1910 and was known as Delves House. It was first occupied by W. Jeffrey who was a golf professional at Saunton Golf Club, which is opposite the appeal site. In 1912 it became the vicarage to St. Anne's Chapel, which is adjacent to the appeal site. At some time later it was divided into 2 dwellings, known as The Parsonage and Church House and has been vacant since 2011. The main building's design is inspired by the domestic revival style popular in the early 20th Century. The Council consider the main building, although not listed or appearing on a local

list, is of sufficient historic interest to be considered a non-designated heritage asset. Based on the evidence before me I agree with that finding.

14. Saunton Court and its park and garden are set within a rolling landscape and there are rising slopes around it. Due to the topography long distance views of the house and its park and garden are restricted. However, the house and its park and garden are experienced from the surrounding landscape and the Christie family who owned it planned a holiday village at Saunton including Saunton Golf Club. As such, their relative isolation in the attractive rolling coastal landscape makes a contribution to their significance.
15. St. Anne's Chapel and its lych-gate are set within a wooded landscaped churchyard between the access road and Saunton Road. The informal rural character of the churchyard makes an important contribution to the setting of St. Anne's Chapel and its lych-gate. Even though the appeal building is not mentioned in the list description for St Anne's Chapel there is a clear functional and historic link between the chapel and the appeal building and this contributes to the significance of both buildings.
16. Taking into account all of the above I consider that the appeal site can be treated as being within the settings of Saunton Court, its park and garden and St Anne's Chapel and its lych-gate.
17. Due to the topography and intervening vegetation the only intervisibility between the appeal site and Saunton Court and its park and garden would be from some parts of the garden in the winter months when the trees are not in full leaf. In such views part of the buildings on the appeal site may be glimpsed but the trees are the predominate feature. The proposal would significantly increase the bulk, scale and massing of built form on the appeal site and parts of one of the dwellings may be visible from the access road and the garden.
18. However, the level of intervisibility would alter during the year due to the intervening vegetation and the trees would remain the dominant feature in those views. Hence, although the presence of additional built form would slightly diminish the relative isolation of Saunton Court and its park and garden the visual impact of this would be fairly limited. For these reasons, it seems to me that the proposal would not harm and as such would preserve the overall setting of Saunton Court and its park and garden.
19. Whilst the appeal building has been vacant for some time and it was originally designed as a dwelling for the golf professional its longstanding use as a vicarage to St Anne's Chapel indicates that there is a historical and functional link with the chapel. The names of the dwellings also allude to that link. The surrounding woodland to St Anne's Chapel means that it is difficult to see the appeal building and chapel together from Saunton Road.
20. Nevertheless, the lych-gate is sited adjacent to Saunton Road and when approaching the appeal site from the direction of Braunton it indicates the presence of the chapel. Due to the single storey nature of the existing buildings on the appeal site they have little visual impact on views of the lych-gate from Saunton Road. However, the proposal would substantially increase the amount of built form on the site and it would be 2-storey. As such, when viewed from Saunton Road the proposed dwellings would visually compete with and dominate views of the lych-gate from Saunton Road.

21. Whilst the appeal building may not have been designed to link with the chapel there is no formal boundary treatment between the appeal site and the chapel as the boundary appears to be within an area of trees and landscaping. The existing building is at a significantly higher floor level than that of the churchyard close to the appeal site. At my site visit the side elevations of some of the existing buildings were clearly visible from within the churchyard but their limited overall mass means that they have a relatively benign effect on the churchyard.
22. The proposed dwelling closest to the chapel boundary would be slightly further away from that boundary. However, it would appear that it would be built at a similar floor level to the existing building and the substantial length and mass of the flank wall facing the chapel boundary would be clearly visible from the churchyard especially when the landscaping is not in full leaf. Consequently, the proposed building would have a more imposing presence when seen from within the churchyard.
23. The dwelling nearest the chapel boundary, would not have a discreet presence when viewed from the churchyard but rather would appear intrusive, diminishing the important role which the churchyard plays as part of the immediate setting of the chapel. Taking into account all of the above, the proposal would have an adverse impact upon and would therefore fail to preserve the setting of St. Anne's Chapel and its lych-gate.
24. The appeal building was, for most of the time it was used, functionally linked to St. Anne's Chapel and has evidential and historic value linked to that use. It is an attractive example of an early 20th century bungalow and whilst it may have been altered internally to convert it to 2 dwellings it retains an overall charm when viewed from Saunton Road and as such it has aesthetic value. I acknowledge that it did not meet the criteria for being added to the National Heritage List for England and that it may not be a rare example when considered nationally.
25. I consider that the significance of the appeal building may be modest when compared to other heritage assets but it contributes to the significance of St Anne's Chapel. Consequently, I consider that the demolition of the main building on the appeal site would result in the loss of its built form and its links to the chapel, together with the loss of the contribution the building makes to the significance of the listed building and its setting. Accordingly, the proposed demolition would result in less than substantial harm to the significance of the St. Anne's Chapel. Even though a record of the building could be made and stored on the Historical Environment Record, at best, the majority of the significance of the non-designated heritage asset would be lost.
26. The appeal building is vacant and the appellant has stated that it is substandard, being of poor construction and lacking the insulation, airtightness and comfort expected of modern homes. Nevertheless, whilst the building is clearly in need of repair and maintenance there is no evidence before me such as a building condition survey or refurbishment costs to indicate that the main building is structurally unsound or not financially viable to refurbish. As such, there is no detailed evidence to persuade me that there is no viable alternative to demolition.
27. The building could be demolished under section 80 of the Building Act 1984. However, I have no evidence to indicate that the appellant has secured

permission under this Act. I also note that the appellant considers that the proposal would comply with NDTLP DM26 in relation to replacement dwellings. Whilst, the proposal may meet the requirements of that policy it has to be considered against the policies of the development plan as a whole. Moreover, taking into account the amount of time that the buildings have been vacant but remain standing I have little evidence to indicate that the buildings would be demolished if this appeal is dismissed.

28. The appellant has stated that 3m length extensions could be built at the rear of the dwellings and that this would further dilute their significance. However, it is also stated by the appellant that *"such works would not help to bring the existing building up to modern habitable standards given its poor condition"*. Moreover, due to the proximity of the stonewall/bedrock to the rear elevation I consider that the associated costs of removing that bedrock would be high. As such, it is highly unlikely that such extensions would be built and I give this matter little weight.
29. Taking into account all of the above, whilst I have found that the proposal would preserve the significance and the setting of Saunton Court and its park and garden I consider that it would not preserve the significance and the setting of St. Anne's Chapel and its lych-gate. The proposal would also result in the loss of the majority of the significance of the non-designated heritage asset. In the language of the Framework, the development would result in less than substantial harm to the significance of the St Anne's Chapel and its lych-gate. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect.
30. Paragraph 134 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Paragraph 135 of the Framework requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and that a balanced judgement will be required. The scale of any harm or loss and the significance of the heritage asset will be required to be regarded in that judgement.
31. The proposal would provide 2 energy efficient dwellings and it would also result in support for local services and facilities, both during construction and after occupation. The proposal would also make a contribution to the local economy including the provision of construction jobs, some additional local spend and New Homes Bonus and Council Tax receipts. Given the amount of development proposed, these public benefits would be likely to be modest in scale.
32. Even though I have found that the harm to the designated heritage asset is less than substantial it is not to be treated as a less than substantial objection to the proposal. The public benefits attributable to the proposal in my judgement they would not outweigh the great weight to be given to the harm to the designated heritage asset. As such the proposal would not comply with paragraph 134 of the Framework.
33. Furthermore, the demolition of the appeal building would represent a loss of a building of some significance to the historic and cultural interest of the area, which also contributes to the significance of the nearby designated heritage assets.

34. Accordingly the proposal would not comply with saved Policy ENV17 of the Local Plan and NDTLP Policies DM04, DM07 and ST15. These policies seek development which, amongst other things preserves the architectural or historic interest of the listed building, its features and setting, preserves the quality of North Devon's historic environment, contributes positively to the historic environment and the public benefits of the proposal will be weighed against the harm caused to a heritage asset.

Other matters

35. The Council have not objected to the proposal in relation to ecology, highway safety or the amenity of nearby occupiers. However, the lack of harm in relation to these matters is a neutral consideration and does not weigh for or against the proposal.
36. The site is within the North Devon Coast Areas of Outstanding Natural Beauty (AONB). The Council considers that given the scale of development and its relationship to the surrounding landform it is unlikely that the proposed development will have a significant impact on the wider landscape character of the area or the special qualities of the AONB. I have no reason to disagree with this finding and as such I consider that the proposal would preserve the landscape and scenic beauty of the AONB.

Conclusion

37. In accordance with S38(6) of the Planning and Compensation Act 2004, and as set out in paragraph 12 of the Framework, development which conflicts with the development plan should be refused unless other material considerations indicate otherwise. In this case there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
38. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D. Boffin

INSPECTOR