



Appeal Decision

Site visit made on 4 September 2019

by H Porter BA(Hons) MScDip IHBC

an Inspector appointed by the Secretary of State

Decision date: 13 September 2019

Appeal Ref: APP/P1133/D/19/3229491

Powderham Manor, Powderham, Devon EX6 8JJ

- 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 Mr & Mrs Simon Lyon-Smith against the decision of Teignbridge District Council.
 - The application Ref 19/00316/FUL, dated 8 February 2019, was refused by notice dated 27 March 2019.
 - The development proposed is provision of a raised roof to the existing garage to provide an attic floor level to form an annexe to Powderham Manor.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed annexe would be an acceptable form of accommodation that would be ancillary to the main dwelling; and,
 - the effect of the proposed development on the character and appearance of the area, including the effect on the special architectural or historic interest of nearby designated heritage assets.

Reasons

Annexe

3. Powderham House is a detached two-storey dwelling set in a substantial plot located outside any designated settlement limit. For planning policy purposes, therefore, the site is situated within open countryside and where new development is strictly controlled. The appeal concerns a detached triple garage, which is set back behind an area for parking and to the side the main dwelling, close to the boundary with the neighbouring property, The Coach House.
4. The existing structure includes a triple garage with store room and WC to the rear. The proposal would add an attic floor above the garage, providing three bedrooms, a shower room/WC and kitchenette. The accommodation would be accessed via a door on the side of the building via a footpath off the parking area and away from the main dwelling. Although described as an annexe, the proposal would effectively create a self-contained detached structure that would have physical separation from Powderham House and that would offer

- the facilities necessary for occupation as a separate, independent, residential unit.
5. For an annexe to be considered as ancillary accommodation to the residential use of the main dwelling, and for such a use to be adequately controlled by a condition, there has to be either a physical or functional link between the two. The scheme does not include any physical link. Moreover, given the size and facilities that would be provided, any visiting guests or family members would have no need to rely on any facilities within the main dwelling or require the support of its occupants. The proposal cannot therefore be considered as ancillary to the main dwelling, even if it would fall within its curtilage, as it would be capable of being occupied on an independent basis.
 6. The appellants have expressed a willingness to restrict the use of the proposed accommodation through a condition. The Council have suggested how such a condition might be worded in the event of the appeal being allowed. However, in view of the self-contained nature of the proposal, it would effectively create an independent new dwelling. The condition suggested by the Council requiring the occupation be ancillary to the residential use of the host dwelling would be insufficiently precise and difficult to enforce. It would therefore not meet the tests for conditions set out in paragraph 55 of National Planning Policy Framework, revised February 2019 (the Framework).
 7. For the reasons given, the proposal constitutes new residential development in the open countryside, which would not fall under the four exception criteria within Policy S22 of the Teignbridge Local Plan 2013 – 2033 (LP). As such, the proposed development would not be an acceptable form of accommodation, which would also run contrary to LP Policies S1, S1A as well as the countryside protection policies within Framework.

Heritage Assets

8. The appeal site is situated adjacent to the Grade II* Powderham Castle Park and Garden deer park and proximate to the Grade II listed Powderham House, a former rectory. The appeal site fronts an oak-lined route that terminates at the Grade II* listed Church of St Clement. Collectively these designated heritage assets share a historic functional association with the Powderham Castle Estate as the seat Courtenay family.
9. Although legibility of the historic context of the Powderham Estate has evidently evolved over time, there remains legibility of an interrelationship between the land and buildings around it. There is therefore an inextricable link between the tree-lined avenue, the Church, the former rectory (Powderham House), and the parkland of the Estate. Therefore, although the appeal site is not itself listed or within a conservation area, it is included within the setting of the designated heritage assets, which includes the tree-lined avenue from which it is viewed and experienced.
10. Constructed of buff-coloured brick with a relatively shallow pitched slate roof, the existing garage is starkly at odds with the more traditional form of nearby dwellings. That said, the scale and position of the garage, set back within the plot and relative to the taller ancillary structure associated with The Coach House, allows the garage to recede, rather than to compete, with proximate development. Furthermore, although of no specific architectural merit, the form of the garage clearly reflects its functional ancillary use.

11. The proposed changes would add roof-level bulk and height to the garage, which would encroach into the undeveloped space around it. Despite the use of matching materials, the proposed modifications would cause the appeal building to appear even more conspicuous, drawing the eye on approach to it along the tree-lined avenue. Introducing windows to match the dwellings', as well as a number of rooflights, would introduce a pattern of fenestration and domestic formality that would be at odds with the ancillary functionality and use of the existing garage.
12. Irrespective of whether or not the increased scale of the appeal structure could be seen from Powderham House, and vice versa, the development would nonetheless stand out as an uncharacteristic intrusion. While the impact would be reasonably localised in its extent, the proposed development would fail to complement the wider context, causing small yet material harm to the character and appearance of the area. Conflict therefore arises with LP Policies WE8, S2, insofar as these seek to ensure new development is of high-quality design and enhances the adjoining built environment; and complements the character of the area.
13. The setting of the designated heritage assets would, by the same affect, not be preserved, and there would be some small degree of harm to their significance and special interest. Although the degree of harm to the designated heritage asset would be less than substantial, the proposal is intended to satisfy private needs, which would have limited wider public benefits. Therefore, the proposal would fail to satisfy paragraph 196 of the Framework and would conflict with LP Policy EN5, which seeks to protect and enhance the setting of heritage assets.

Other matters

14. I note the appellants' argument that as the existing garage is within the curtilage of the dwelling no restrictive conditions apply. Whether or not the garage could have been used for ancillary uses without planning permission, I have dealt with the appeal on the basis that planning permission has been applied for.

Conclusion

15. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

H Porter

INSPECTOR