



Appeal Decisions

Site visit made on 17 December 2019

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2019

Appeal A Ref: APP/P1133/W/19/3236936

21, Devon Square, Newton Abbot, Devon, TQ12 2HR.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Per Hansson against Teignbridge District Council (the LPA).
 - The application Ref. 19/01162/FUL was dated 21/3/19.
 - The development proposed is the change of use from office to residential, single storey side extension to infill rear courtyard, demolition of existing rear tenement, construction of replacement tenement extension, internal alterations to create bedrooms and bathrooms and creation of rear garage and store with vehicular access.
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Appeal B Ref: APP/P1133/Y/19/3236940

21, Devon Square, Newton Abbot, Devon, TQ12 2HR.

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr Per Hansson against Teignbridge District Council (the LPA).
 - The application Ref. 19/01163/LBC was dated 21/3/19.
 - The works proposed are the change of use from office to residential, single storey side extension to infill rear courtyard, demolition of existing rear tenement, construction of replacement tenement extension, internal alterations to create bedrooms and bathrooms and creation of rear garage and store with vehicular access.
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Decisions

1. The appeals are allowed. Planning permission and listed building consent are granted for the change of use from office to residential, single storey side extension to infill rear courtyard, demolition of existing rear tenement, construction of replacement tenement extension, internal alterations to create bedrooms and bathrooms and creation of rear garage and store with vehicular access at 21, Devon Square, Newton Abbot, Devon, TQ12 2HR. Planning permission and listed building consent are granted in accordance with the terms of the respective applications Refs. 19/01162/FUL and 19/01163/LBC , dated 21/3/19, subject to the conditions in the attached Schedules.

Preliminary Matters

2. The appeal site comprises a grade II listed building¹ within the Newton Abbot Town Centre, Courtenay Park and Devon Square Conservation Area (CA).
3. As part of these appeals the appellant has submitted amended drawings to address the LPA's comments regarding inconsistencies with the submitted

¹ Listed as part of Nos. 14-24 Devon Square, which is a terrace of eleven mid-19th century three storey houses.

plans. These amendments do not materially alter the proposals and, having been given an opportunity of commenting upon them, the LPA has informed me that it "*does not have any comments to make*". The amended plans would not prejudice the interests of any party and I have taken them into account.

4. The LPA has informed me that had it determined the applications it would have refused permission and consent for the following reasons:

1. The proposed extensions and garage, by reason of their materials and design, would be harmful to the special historic character of the listed building and the character and appearance of the Conservation Area. This would result in less than substantial harm to the significance of the heritage assets that is not sufficiently outweighed by public benefits. As such, the proposed development would fail to comply with Policies S2 (Quality Development) and EN5 (Heritage Assets) of the Teignbridge Local Plan 2013-2033, and Paragraph 196 of the National Planning Policy Framework.

2. The proposed first floor balcony would result in a harmful overlooking and loss of privacy impact (sic) and an increased level of noise and disturbance upon the rear amenity area of No.22 Devon Square. As such, the proposal would fail to comply with Policy S1 (Sustainable Development Criteria) of the Teignbridge Local Plan 2013 – 2033.

Main Issues

5. The two main issues are: firstly, whether the proposals would preserve the special architectural and historic interest of the terrace of houses at Nos. 14-24 Devon Square and preserve or enhance the character or appearance of the CA (both appeals) and; secondly, the effect upon the living conditions of the occupiers of 22 Devon Square, having particular regard to overlooking and noise and disturbance (appeal A only).

Reasons

6. The development plan includes the Teignbridge Local Plan 2013-2033 (LP), which was adopted in 2014 and the Newton Abbot Neighbourhood Plan (NP), that was made in 2016. The most relevant policies to the determination of appeal A² are LP policies S2, EN5 and NP policy NANDP11 (heritage assets).

Listed Building / CA (Appeals A and B)

7. The significance of 14-24 Devon Square is derived mainly from its architectural qualities. These include its Italianate style (to the designs of J W Rowell), the painted stucco walls with rusticated quoins, continuous slate roof, as well as the window range and style of openings on the principal (front) elevation.
8. The existing rear elevation includes two storey tenements of various sizes and designs and finished with different materials. There are also rear parking areas (accessed via a lane) and some gardens between the tall boundary walls. Whilst these walls and gardens contribute to the historic interest of the terrace, the tenements make a neutral contribution. In contrast to the quality and significance of the principal elevation, the rear of this terrace is rather drab.

² The provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004 do not apply in appeal B.

9. The CA is a sizeable area that includes buildings of different sizes and styles and a variety of uses and spaces. The appeal site lies within a part of the CA that was a planned Victorian extension to the town and includes Courtenay Park and St. Paul's Church. The terraced buildings in Devon Square have a strong formal character and provide an intimate enclosed space around the church. The quality, proportions and grandeur of the mid-19th century Classical style villas that face Devon Square contribute to the significance of the CA.
10. The proposal would secure the re-use of 21 Devon Square as a dwelling and would have a similar internal arrangement to the original house. This would preserve the character and historic interest of this listed building. Reinstating the residential use would enhance the heritage interest of the CA. The removal of the existing rear tenement, which includes concrete block and brick walls, would not entail the loss of any special architectural or historic qualities.
11. The new extension would have a larger 'footprint' than the existing tenement, with the proposed single storey element infilling the courtyard area. However, some garden space would be provided within the site. There would be no harmful loss of any important space around the building or within the CA.
12. The LPA has calculated that the replacement two storey extension would be about 1.2 metres higher than the existing tenement. This would not extend above the eaves height of the host building or be unduly tall. The proposed angle of the roof pitch would be in keeping with neighbouring rear tenements.
13. The use of standing seam zinc cladding on the roof, zinc profile sheets, vertical timber cladding and painter render on the walls, together with powder coated aluminium framed windows and doors, would create a contemporary and high quality addition at the rear of the host building. It would add interest to the rear of this listed row and enhance the appearance of this part of the CA.
14. The proposal would neither compete with nor distract from an appreciation or understanding of the special architectural or historic qualities of the terrace or the CA. Whilst the proposed development/works, including the garage and balcony, would be different to other extensions and buildings at the rear of this terrace, it would not intrude into or detract from any important views of this listed building or the CA. The tall stone boundary walls would also be retained.
15. The loss of a ground floor sash window and a landing sash window would have a minor adverse effect upon the heritage interest of the building. However, this would be outweighed by the public benefit that would be derived from the enhancements that I have identified above.
16. I conclude on the first main issue that overall, the proposals would preserve the special architectural and historic interest of Nos. 14-24 Devon Square and enhance the character and appearance of the CA. There would be no conflict with the provisions of LP policies S2, EN5 or NP policy NANDP11.

Living Conditions (Appeal A only)

17. Whilst noting the LPA's concerns regarding the impact upon the residents of 22 Devon Square, I concur with the appellant's assessment that the new roof would obscure existing views of this neighbouring garden. Moreover, the proposed balcony would be blocked from view by the walls of the extension. There would be little, if any, scope to overlook this neighbouring garden. Even if it did arise, it would not result in any serious overlooking or loss of privacy.

18. As I also saw during my visit, much of the rear yard to the appeal premises comprises car parking for the former office use of the building. This would have had the potential to create noise disturbance for the occupiers of No.22 from vehicles parking and manoeuvring immediately alongside. The proposal, which includes garden and much reduced parking space, would considerably reduce the risk of noise and disturbance to those living alongside.
19. The proposals would not harm the living conditions of the occupiers of 22 Devon Square. It would accord with the provisions of national and local planning policies that are aimed at safeguarding the amenity of residents.

Conditions

20. In addition to the standard condition requiring the development/works to commence within three years, in the interests of certainty, a condition would be necessary specifying the approved plans. To safeguard the character and appearance of the CA and the integrity of the listed terrace a condition would be necessary requiring the submission and approval of sample materials. To limit the risk of congestion along the access lane a condition would be necessary requiring the garage/parking facilities to be provided/retained.
21. Conditions to the above effect would accord with national planning policies relating to the use of conditions.

Overall Conclusion

22. Given all of the above and having regard to all other matters raised, I conclude that these appeals should succeed.

Neil Pope

Inspector

SCHEDULES OF CONDITIONS

Appeal A

1. The development hereby permitted shall commence no later than three years from the date of this decision.
2. The development shall be undertaken in accordance with the following approved drawings: 1:500 scale location plan (ref. 1046/NTB/EX02); 1:100 scale proposed plans and elevations (ref. PA01 Rev F); 1:100 scale proposed garage plans and elevation (ref. 1046-NTB-PA02 Rev A); 1:100 scale proposed south and west elevations (ref. 1046_NTB_PA03 Rev B).
3. No development shall commence on the proposed extension, balcony or garage until samples of the external materials to be used in their construction/finish have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved samples/details.
4. The approved garage/parking facilities shall be provided before the dwelling is occupied and shall be retained thereafter for the parking of motor cars/vehicles.

Appeal B

1. The works hereby permitted shall commence no later than three years from the date of this decision.
2. The works shall be undertaken in accordance with the following approved drawings: 1:500 scale location plan (ref. 1046/NTB/EX02); 1:100 scale proposed plans and elevations (ref. PA01 Rev F); 1:100 scale proposed garage plans and elevation (ref. 1046-NTB-PA02 Rev A); 1:100 scale proposed south and west elevations (ref. 1046_NTB_PA03 Rev B).
3. No works shall commence on the proposed extension, balcony or garage until samples of the external materials to be used in their construction/finish have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved samples/details.