The Planning Inspectorate

Appeal Decisions

Site visit made on 13 February 2020

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

Appeal A Ref: APP/U1105/W/19/3240291
Mead, Fortescue Road, Sidmouth, Devon, EX10 9QG.

- 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 and Mrs Tom and Emma Bambridge-Sutton against the decision of East Devon District Council (the LPA).
- The application Ref. 19/0674/FUL, dated 29/3/19, was refused by notice dated 12/7/19.
- The development proposed is the construction of a dwelling in the garden including demolition of existing garage and provision of parking spaces and replacement fence with extension to stone boundary wall (amended description).

Appeal B Ref: APP/U1105/Y/19/3240296
Mead, Fortescue Road, Sidmouth, Devon, EX10 9QG.

- 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 Mr and Mrs Tom and Emma Bambridge-Sutton against the decision of East Devon District Council (the LPA).
- The application Ref. 19/0675/LBC, dated 29/3/19, was refused by notice dated 12/7/19.
- The works proposed are the construction of a dwelling in the garden including demolition of existing garage and provision of parking spaces and replacement fence with extension to stone boundary wall (amended description).

Decisions

1. Appeal A is dismissed and appeal B is allowed. Listed building consent is granted for the proposed connection to the existing stone boundary (garden) wall at Mead, Fortescue Road, Sidmouth, Devon, EX10 9QG. The consent is granted in accordance with the terms of the application Ref. 19/0675/LBC, dated 29/3/19 and subject to the conditions in the attached Schedule.

Preliminary Matter

2. Notwithstanding the above noted description of the proposed works (appeal B), listed building consent is only required for the proposed connection[1] to the existing Grade II listed boundary (garden) wall[2]. I have determined appeal B on this basis.

Main Issues

3. The two main issues are: firstly, whether the proposals would preserve the features of special architectural and historic interest of the Grade II listed outbuildings, link wall and garden wall of Mead and Petit Champ (both appeals)

[1] A very small (kinked) section of new roadside wall terminating on the eastern side of the pedestrian gate.
[2] Listed as outbuildings, link wall and garden wall of Mead and Petit Champ in the list held by Historic England. The LPA has informed me that the garage is not *"curtilage listed"* and is of modern construction.

and preserve the settings of the Grade II listed buildings at Mead and Petit Champ[3] and Fortescue Farmhouse outhouse (appeal A only) and; secondly, the effect upon the character and appearance of the area (appeal A only).

Reasons

4. The development plan includes the East Devon Local Plan 2013-2031 (LP) that was adopted in 2016 and the Sid Valley Neighbourhood Plan (NP) that was 'made' at the end of 2019.

5. The most relevant development plan policies to the determination of these appeals[4] are: LP policies EN9 (designated heritage assets), strategy 6 (development within built-up area boundaries[5]), D1 (design and local distinctiveness), D3 (trees) and; NP policies 6 (infill development and trees) and 7 (local distinctiveness).

Impact upon the Significance of the Listed Buildings (appeals A and B)

6. The heritage interest (significance) of the converted outbuilding, link wall and garden wall of Mead and Petit Champ is derived from its architectural and historic qualities. These include the thatch roof and cob walls of the former outbuilding, the tall stone roadside walls (some of which have slate copings) and their historic associations as an ancillary building and boundary features to the former farmhouse of Mead and Petit Champ.

7. The significance of the circa 17th century two storey Mead and Petit Champ is derived primarily from its architectural interest as a traditional Devon farmhouse with three-room and cross-passage layout, cob walls, chimney and windows, as well as its historic interest, which includes much of the fabric of the building and its past association with agricultural activities within this part of East Devon. Over time, there have been many changes to the setting of this listed building, including some neighbouring residential development.

8. Whilst Mead and Petit Champ is no longer set within the open countryside, as I noted during my visit, the garden areas around these properties maintain a pleasing sense of space and meaningful separation from neighbouring dwellings. This assists in affording an appreciation and understanding of the architectural interest of Mead and its role/function as a former farmhouse. In this regard, the list descriptions for this building, the outbuilding and garden walls and the outbuilding to Fortescue Farmhouse state that each building is part of a *"rural group listing"*. The appeal site[6] makes a small, but positive, contribution to the significance of Mead and Petit Champ.

9. The significance of the late 18th century outbuilding to Fortescue Farmhouse is derived primarily from its architectural qualities, which include its rendered and stone rubble walls, thatched roof and windows, as well as its historic interest, including its fabric and past association with farming in this part of the district. Parts of this listed building can be seen in views from the roadside, as well as from across the appeal site and other parts of the garden to Mead. These views assist in affording an appreciation and understanding of this outbuilding.

[3] Believed to have originally been a farmhouse but now in use as two dwellings.
[4] The provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004 do not apply in appeal B.
[5] The appeal site lies within the built-up area boundary for Sidmouth.
[6] Excluding the 20th century garage, which it is proposed to demolish.

10. The proposed single storey dwelling would be sited in the western part of the garden to Mead. This new building would step down to reflect the gradient of the site. The proposed tall roadside stone wall would replace an existing timber fence and would wrap around the south western edge of the site to provide a strong sense of enclosure and conceal much of the new dwelling from public view. The proposed 4 bedroom dwelling would be designed to a high standard and would largely be hidden from public view.

11. The proposed roadside extension to the garden wall would not harm the significance of any designated heritage asset and would preserve the settings of the above noted listed buildings. In comparison to the existing fence, this new section of wall would be more sympathetic to the pleasing vernacular qualities of the listed wall. Consent should not be withheld for these works.

12. However, the 'footprint' of the proposed dwelling would be larger than that of Mead and it would occupy a sizeable part of the garden space. Whilst approximately half of the garden area would be retained, a large mass of new building would fill much of the space between Mead and a row of houses to the south west. I concur with the Local Planning Authority that the siting, footprint and massing of the proposed dwelling would considerably erode the pleasing sense of space on the south western side of Mead.

13. The proposed building would harmfully encroach into the setting of Mead and diminish the ability to appreciate and understand the historic relationship between this former farmhouse and the surrounding land, which was formerly fields and orchard. Whilst this new dwelling would not intrude into any important views to or from the listed outbuilding to Fortescue Farmhouse, it would intensify the pattern of development within this part of Sidmouth and further erode the setting, character and historic interest of this *"rural group"*.

14. In the context of the National Planning Policy Framework, the proposed dwelling would result in less than substantial harm to the significance of Mead and the listed outbuilding to Fortescue Farmhouse. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight must be given to an asset's conservation. The harm that I have identified above weighs heavily against granting planning permission. This harm must be weighed with any public benefits.

15. The proposal would add to the choice and supply of housing within East Devon and the new roadside wall and small section of footway would have the potential to deliver a very modest enhancement to the quality of this part of the public realm. However, when balanced with the loss of a magnolia tree and likely works to some other trees growing alongside, there would be very little, if any, enhancement. There would be some temporary support for the construction industry, as well as other very small economic benefits in terms of Council Tax receipts and support for local services and facilities.

16. I afford limited weight to the totality of the above noted public benefits. When this is put into the planning balance, I find that it would be insufficient to outweigh the harm that I have identified to the significance of Mead and the outbuilding to Fortescue Farmhouse. The proposed development would conflict with the provisions of LP policy EN9.

17. I conclude on the first main issue that the proposals would preserve the features of special architectural and historic interest of the Grade II listed

outbuildings, link wall and garden wall of Mead and Petit Champ (both appeals) but the proposed development would fail to preserve the settings of the Grade II listed buildings at Mead and Petit Champ[7] and Fortescue Farmhouse outhouse (appeal A only).

Character and Appearance (appeal A only)

18. I have already found that the proposal would intensify the pattern of development within this part of Sidmouth and further erode the character of the area. Whilst I note that the magnolia tree is the subject of a Tree Preservation Order, I concur with the assessment made by the appellants' arboricultural advisor that it is a Category C[8] specimen.

19. Nevertheless, when in bloom, this magnolia tree is likely to be a very pleasing feature of the garden and the immediate surroundings. It makes a small, but positive, contribution to the character and appearance of the area. The loss of this tree would be unfortunate and at odds with the provisions of NP policy 6.

20. The proposed dwelling would be built in close proximity to some other trees, including a copper beech and a group of Monterey cypress. These tall trees assist in greening the local environment and add to the pleasing character and appearance of this section of Fortescue Road. Other than trimming works/removal of deadwood no other works are proposed to these trees.

21. Whilst my decision does not turn on this matter, the proposed dwelling would be underneath or in very close proximity to the crown spread of some of these neighbouring trees. These trees could reasonably be expected to continue to grow and future residents could perceive them as a nuisance and apply pressure on the Council to remove them or undertake crown reduction works. If this were to arise, it would diminish the contribution these trees make to the amenity of the area and be at odds with the objectives of LP policy D3.

22. I conclude on the second main issue that the proposed development would adversely affect the character and appearance of the area and conflict with the provisions of LP policy D1(3), strategy 6(1) and NP policy 7.

Planning Conditions (appeal B)

23. In addition to the 'standard' condition requiring works to commence within three years, in the interests of certainty a condition would be necessary specifying the approved plans. To safeguard the integrity of the listed wall, a condition would be necessary requiring the new section of wall to be finished using matching materials.

Overall Conclusion

24. Given all of the above, I conclude that appeal A should not succeed but that appeal B should be allowed.

Neil Pope

Inspector

[7] Believed to have originally been a farmhouse but now in use as two dwellings.
[8] Defined as trees of low quality in BS 5837:2012 'Trees in relation to design, demolition and construction – Recommendations'.

SCHEDULE OF CONDITIONS (APPEAL B ONLY)

1. The works hereby permitted shall commence no later than three years from the date of this decision.

2. The works hereby permitted shall be undertaken in accordance with the following approved plans, insofar as they relate to the proposed connection to the existing garden wall only:
   i) 1:1,250 scale site location plan; ii) 1:200 scale proposed site plan (insofar as the wall extends from the existing section of roadside wall to the pedestrian gate); iii) 1:100 scale eastern elevation (insofar as the wall extends from the existing section of roadside wall to the pedestrian gate).

3. The new section of wall shall be finished using materials, including mortar, to match the stonework and pointing used in the existing roadside wall.