



Appeal Decision

Site visit made on 10 July 2020

by Thomas Bristow BA MSc MRTPI AssocRICS

an Inspector appointed by the Secretary of State

Decision date: 05 August 2020

Appeal Ref: APP/P1133/Y/19/3243944

**1 St. Scholastica's, the Priest's House, Dawlish Road,
Teignmouth TQ14 8FF**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended against a refusal to grant listed building consent.
 - The appeal is made by Dr. Melanie Lee against the decision of Teignbridge District Council.
 - The application Ref 19/01152/LBC, dated 10 June 2019, was refused by notice dated 30 September 2019.¹
 - The works proposed are described on the application form as 'internal reconfiguration and refurbishment of the already altered interior and the further conversion of the roof space to provide further accommodation.'
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Decision

1. The appeal is dismissed.

Application for costs

2. The appellant has made an application for an award of costs against the Council, which is the subject of a separate decision.

Preliminary matters

3. The Priest's House is part of Grade II Listed St. Scholastica's Abbey (list entry No 1269091, the 'Listed Building'). I have therefore approached the appeal in the context of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the '1990 Act').
4. There is no indication that planning permission has been applied for in parallel to application Ref 19/01152/LBC (the subject of this appeal). In the eventuality that planning permission is also required, that is a separate matter for the main parties to address.²
5. There is some noteworthy planning history to No 1 and to the Abbey. Paragraph 3.11 of the appellant's Heritage Statement explains how various alternatives to an ecclesiastical use were proposed during the late 1980s. Conversion of the Listed Building to nine dwellings was ultimately approved in

¹ Ref 18/01970/LBC, also referenced in the Council's decision notice, relates to a different property.

² Noting that, by virtue of section 55(2)(a)(i) of the Town and Country Planning Act 1990 as amended, alterations to a building which affect only the interior of the building do not constitute development in planning terms. Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended also allows for alterations to the roof of a dwellinghouse in certain circumstances.

1992.³ St Scholastica's Abbey is now in use as such; the internal layout of the Priest's House before that date is reproduced at figure 15 of the appellant's statement of case.

6. The scheme before me follows an unsuccessful proposal for alterations to the Priest's House in 2018.⁴ I am told that the Council has twice taken, or considered taking, enforcement action related to No 1. One such instance relates to an outbuilding, which has no bearing on the works now proposed.⁵ Another instance, referenced in the Council's officer report, appears to have related to the removal of a first floor studwork wall and installation of suspended ceilings (which I understand is in abeyance pending the outcome of this appeal).
7. Plan 5155EX02B is stated to illustrate the existing internal layout of No 1. It shows the studwork wall referenced immediately above, between first floor north-facing windows. However that partition no longer exists, an intervention to which the Council have no objection on account of the wall being constructed pursuant to the 1992 conversion.
8. Certain ceilings at No 1 have evidently been recently modified. That is notably the case in respect of a skim finish around the hallway and in relation of the ground floor room with which it connects. However, in other locations such as above the first floor corridor, judging by their state of repair and decoration, ceilings appear to have been largely unaltered for some time.⁶ Both the Council and appellant, however, refer to the proposed creation of suspended ceilings, overlaying rather than removing that which presently exists. I have approached the appeal on that basis.
9. In other respects the internal layout of the Priest's House differs from that shown on plan 5155EX02B. Notably there is now a ground floor bathroom within the room annotated on that plan as a kitchen. The Council further set out that the boarding out of the loft space, accessible only by way of ladders, is not authorised. The relationship of the proposed works to the Priest's House as it stands is therefore somewhat complex.

Main issue

10. Against the context above, the main issue is whether or not it has been demonstrated that the proposed works would preserve the Priest's House, or any features of special architectural or historic interest which it possesses as part of the Listed Building.

Reasons

Special interest and significance

11. The Abbey is an imposing Gothic Revival building. It was originally constructed as a Benedictine nunnery around 1862 to the design of prolific ecclesiastical

³ Albeit that the Priest's House was already residential, approvals Ref 92/00431/COU and 92/00430/LBC (as varied by approvals Ref 92/01539/FUL and 92/01538/LBC).

⁴ Ref 18/00562/LBC.

⁵ Via permission Ref 92/00431/AMD1 the Council approved, in May 2019, an outbuilding of different design to that permitted via the 1992 scheme.

⁶ Although there is no substantive evidence before me as to the effect of works undertaken related to the 1992 in terms of internal finishes.

architect George Goldie. The list entry sets out how the Listed Building features ornate internal architecture, much of which remains.⁷

12. Consistent with its scale and architecture physically attesting to the social value accorded to religion during the nineteenth century, the Abbey commands a prominent hillside position with expansive views southwards. St. Scholastica's was a religious order driven out of France at the turn of the eighteenth century. Reflecting that heritage, and also the plurality of religious institutions in England during the Victorian Era, the Listed Building was originally set in generous grounds in relative isolation from the historic core of Teignmouth.
13. Externally, the Priest's House and other elements of the Listed Building are of similar materials and design. Both are constructed of squared limestone with red sandstone courses and substantial accentuated freestone dressings. However, unsurprisingly, the Priest's House is comparatively humble relative to other elements of the Listed Building.
14. No 1 does not, for example, feature intricate arcaded gothic arches, a distinctive feature of the southern elevation of the Listed Building facing coastwards. The topography, both naturally and as landscaped, rises significantly northwards towards No 1 through land associated with the Abbey (and beyond). By consequence the Priest's House is relatively modest in height; the substantial chimney stack projecting above the adjoining wall with what is now No 5 St. Scholastica's towers over it.
15. Reflecting that No 1 sits relatively unobtrusively to the rear of the Listed Building and its historic function, the list entry describes how it represents part of a former service range. That functional character is also reflected internally, which features little ornate detailing (with the notable exceptions of a pointed arch through which the staircase runs, and a trefoil window next to it). Notwithstanding my reasoning in paragraphs 7 and 8 above, walls and ceilings are plain and without adornment or embellishment. Although there is no substantive evidence before me of their previous condition, there is no indication that they were ever otherwise. Similarly doors are of understated four-panel stop-chamfered design. Historic architrave, such as it remains, is also of a simple profile.
16. Consequently, insofar as it relates to this appeal, I find that the special interest of the Priest's House relates primarily to its historic materials, architectural details, and internal character. Those characteristics attest to the original function of No 1 and its relationship to other elements of the Listed Building. In turn they contribute to an understanding of the history to the Abbey.

The proposal

17. Externally, as shown on plan PL01B, three additional rooflights are proposed within the south-facing roof slope. Internally a right-angled staircase is proposed at first floor level. The staircase would provide for access to attic space, which would be altered to create additional floorspace. Various internal alterations are also proposed at first floor level. Installing a staircase would mean that the entrance to what is shown as the living room on plan

⁷ As shown in photographs included in the appellant's statement of case, although I was unable to inspect other elements of the Listed Building than the Priest's House during my site visit.

5155EX02B could no longer be used as such. Two doorways leading off from the first floor corridor would be blocked up, and a replacement put in place closer to the chimney central to the property. As shown on proposed plan PL02D, a section of wall would also be removed to open up the space between the proposed kitchen and living room. As set out above, suspended ceilings overlaying historic fabric would be installed in addition to existing modifications. Making good and cosmetic finishes would also inevitably be required.

The effect of the proposed works

18. The installation of additional rooflights would inherently affect the appearance of the Priest's House. Two proposed in the roof slope projecting towards the entrance to the Abbey off Highgrove Park beyond the chimney stack between Nos 1 and 5, would be visible from certain perspectives. Internal alterations would alter the layout of No 1 and entail the loss or obscuring of some historic fabric; notably a section of lath and plaster wall between the proposed kitchen and living room and a door to the proposed kitchen in the first instance, and by virtue of suspended ceilings and internal finishes in the second. The proposed conversion of the attic space would result in the Priest's House comprising a greater internal floorspace compared to its humble origins.
19. However, as historically, No 1 would remain in residential use. Other elements of the Abbey are now also dwellings, such that the surroundings to the Priest's House are, to some extent, residential in character. I saw that the roof of the Abbey is dotted with ventilation tiles, in all likelihood a necessary intervention to minimise damp associated with implementing the 1992 scheme. Notwithstanding the historic context in which the Abbey originated, the successive expansion of Teignmouth over time has affected the setting of the Listed Building. In particular properties along Highgrove Park, universally modern two storey detached dwellings, are readily visible in conjunction with the Abbey from various public vantage points.
20. The proposed rooflights would furthermore be relatively modest and low profile. They would only be visible from a small area around the entrance to the Abbey off Highgrove Park, and then only when looking obliquely upwards (as opposed to the direction in which the eye is naturally drawn on account of the topography and expansive coastal views). The proposed rooflights would be imperceptible from vantage points southwards, the direction from which the Abbey was consciously designed to face. In that context the additional rooflights proposed would have no appreciable effect on the character of the Priest's House, nor detract from its relationship with other elements of the Listed Building or its wider surroundings.
21. Alterations which have previously reduced historic integrity do not serve to justify further harm. However in my view, in this instance, authorised changes to the Priest's House over time establish the baseline relative to which the effects of the proposed works should be assessed. By virtue of the subdivision of the Listed Building to residential uses, a subterranean passageway connecting the Priest's House and what is now No 5 St. Scholastica's was blocked up. Historically that passageway would have connected with a robing room, reflecting in physical form the different functions of different elements of the Listed Building.

22. Similarly, as shown in figure 15 of the appellant's statement of case, the first floor at No 1 would historically have been accessed via the staircase now incorporated within No 5. In order to effect the subdivision, and presumably to add insulation, the wall between Nos 1 and 5 subsumes part of the pointed arch at the Priest's House through which the staircase runs. The existing staircase at No 1 is itself a relatively recent addition. By consequence, and also by virtue of the insertion of an additional doorway within the wall flanking the first floor corridor, both the legibility of the historic planform of the Priest's House and an appreciation of its connection to other elements of the Listed Building internally has been reduced.
23. In that context the loss of a small section of lath and plaster wall, referenced in paragraph 18 above, would affect a very small proportion of the historic fabric of the property of no particular architectural significance. In my view it would have no greater appreciable effect in terms of the ability to understand the original layout of the Priest's House than that which has already been authorised. Subject to a suitably-worded condition, in line with the appellant's intention, historic joinery could be re-used in the creation of a relocated doorway (as could the retention of the doorway that would be obscured by virtue of the proposed stairway be secured). Consistent with the origins of the Priest's House, walls and ceilings appear plain, without adornment and of no particular evidential significance. As such the installation of suspended ceilings and other cosmetic internal finishes would not intrinsically entail unacceptable effects to historic character.
24. The appellant does not specifically dispute the Council's position that the boarding out of the attic space is unauthorised. Nevertheless the authorised insertion of a rooflight undoubtedly sought to render more practical use of the attic. Consistent with my reasoning in paragraph 19, such as they are visible, I saw that rafters are machine sawn and evidently recent additions, with slates sitting above a roofing membrane. In that context works to enable the use of the attic space as integrated accommodation would neither adversely affect historic fabric, nor result in a significant different use of that space compared to that which has previously been authorised.

Consideration

25. Inherent in my reasoning in paragraphs 18 to 24 above, insofar as those works are concerned, no conflict would arise with the expectations of the 1990 Act, those of paragraph 193 of the National Planning Policy Framework ('NPPF'), or of policy EN5 of the Teignbridge Local Plan (adopted 6 May 2014). In summary, and amongst other things, NPPF paragraph 193 and Local Plan policy EN5 set out how great weight should be given to the conservation of designated heritage assets according to their significance.
26. However there are several significant shortcomings with the evidence before me. Plan 5155EX02B, entitled 'Existing Plans', is inaccurate. It shows neither that there are two doors within the first floor corridor wall, nor the absence of the internal partition between what is annotated as a study and living room. That plan also appears to show incorrectly that the wall between Nos 1 and 5 falls within the south-facing roof slope of the Priest's House rather than beyond it, and the existing loft hatch within the bathroom ceiling is not shown. There

are, furthermore, no substantive details before me as to where suspended ceilings have been or would be created (or as to how intrusive or reversible such interventions are in practice).

27. Certain supporting plans show no alterations to the chimney stack central to the Priest's House, evidently a substantial structural element of the property.⁸ As referenced in the Council's associated officer report, I understand that the appellant has 'no intention to remove the chimneys and fireplaces'. However existing and proposed plans illustrate the chimney stack differently.⁹ In the former it is shown as a continuation of existing walls, in the latter it is shown distinctly as a blue hatched square. Notwithstanding the appellant's intentions, the illustration of the chimney introduces an element of uncertainty as to the effect of the proposal in that respect, or what would potentially be consented were the appeal to be allowed.
28. Moreover no evidence before me relates to the significance of the works proposed comparing plans 5155EX01A, which illustrates the exterior of the Priest's House as it stands, and plan PL01B as is proposed. The latter appears to show the installation of a substantial fascia beneath the eaves of the northern elevation of No 1, and also the addition of barge boards to the west-facing gable. Those interventions would represent modern anachronistic additions which do not feature elsewhere at the Listed Building.
29. Significantly plan PL01B also shows a higher ridgeline to the Priest's House compared to that shown on plan 5155EX01A, which suggests that the roof structure would need to be fundamentally altered. In that respect plan PL01B conflicts with the details set out in the supporting Design and Access Statement, which instead refers to the 'conversion of the roof space', indicating that the existing roof form would be retained as it is. Section plan PL06C also appears to show a different roof profile to that of No 1 at present, with a rooflight in a location which is out of line with the existing rooflight.¹⁰
30. Considered collectively, shortcomings in the plans introduce significant ambiguity as to the extent of the proposed works (or, alternatively, suggest more fundamental alterations than detailed in the supporting evidence). NPPF paragraph 55 explains that planning conditions should be both precise and enforceable. In light of those ambiguities, in my view a condition crafted so as to attempt to describe the appellant's intentions would fail both tests. Imposing such a condition would potentially have the effect of modifying the scheme in a way that makes it substantially different from that set out in the application, which the Planning Practice Guidance guides against.¹¹ In turn that would be liable to deprive those who would have a legitimate expectation of being able to comment on the proposed works the opportunity of so doing.¹²
31. On that basis I cannot conclude that the proposal would preserve the Priest's House, or any features of special architectural or historic interest which it possesses as part of the Listed Building (with reference to the statutory and policy context set out in paragraph 25 of this decision). NPPF paragraph 194

⁸ For example that of the proposed loft space (PL03B) and section plans (including PL04C).

⁹ Plans 5155EX02B and PL02D respectively.

¹⁰ The existing rooflight is illustrated on plan 5155EX03A.

¹¹ Reference ID: 21a-012-20140306.

¹² With reference to the principles established via *Bernard Wheatcroft Ltd. v SSE* [JPL, 1982].

further explains that any harm to the significance of a designated heritage asset, not just that which is substantial, should require 'clear and convincing justification'. I now turn to whether or not that is the case here.

The planning balance

32. It is for the decision taker, having identified that harm to a designated heritage asset would arise, to gauge the magnitude of that harm. As set out in paragraphs 18 to 24 above, in certain respects the proposal would not unduly affect the Listed Building. Notwithstanding my reasoning in paragraphs 25 to 31, the Priest's House represents a modest element of the Listed Building as a whole, and an ability to appreciate its historic layout and connection with other elements of St. Scholastica's Abbey has been diluted over time. Albeit that the ambiguities in the evidence before me mean that it is not possible to definitively quantify the extent of potential harm arising, in that context it is nevertheless reasonable to proceed on the basis that the proposal would likely result in less than substantial harm. NPPF paragraph 194 sets out how any harm should require 'clear and convincing justification'.
33. With that in mind, I accept, as the appellant states, that 'the scheme has essentially sought to improve the fabric of the building and its functioning as a dwelling by rationalising existing available space'. That may be considered as a modest public benefit, in terms of securing the optimum viable use of the Priest's House. However there is no robust evidence before me to indicate that the continued residential use of No 1 would be unviable or impractical as it stands; many individuals accept limited internal space and intricate internal arrangements as the corollary of living in an historic property. The Priest's House has evidently been in residential use now for well over a century, in one guise or another. Moreover it has not been demonstrated that the proposal before me is the sole means by which such benefits could be achieved, for example via an alternative scheme which achieves substantively the same objectives but which is precisely defined and illustrated.
34. A nearby resident has observed that the grounds of the Abbey are frequented by bats. I am statutorily required to have regard to conserving biodiversity.¹³ However, as set out in paragraph 24, the roof of the Priest's House is relatively recent and in good order, with the Listed Building now falling within a predominantly residential context. As such there is nothing to indicate that either the Priest's House is of particular value to roosting or foraging bats, or that the Abbey falls within an area which is designated on account of its ecological sensitivity in that regard.¹⁴ As such, and as all species of bats are protected via separate legislative provisions,¹⁵ I am not of the view that works affecting the roof would have unacceptable implications for disturbance to bats. However that is a neutral finding, rather than one which weighs positively in favour of allowing the appeal. Consequently neither the public benefits of the scheme, nor any other relevant matters, are sufficient to outweigh the potential harm that would result to the special interest and significance of the Listed Building were the appeal to be allowed.

¹³ Section 40 of the Natural Environment and Rural Communities Act 2006 as amended.

¹⁴ The appeal site falls a significant distance from the South Hams Special Area of Conservation, related to the protection of Greater Horseshoe Bats, beyond the wider landscape connectivity zone associated with the nearest roost therein at Chudleigh Caves.

¹⁵ The Wildlife and Countryside Act 1981 as amended, and the Conservation of Habitats and Species Regulations 2017.

Conclusion

35. Notwithstanding the complex history to the Priest's House, and that certain proposed works would not inherently be unacceptable, on account of the ambiguities and shortcomings in the evidence before me, I conclude that it has not been demonstrated that the proposed works would preserve the Listed Building contrary to the clear expectations of the 1990 Act. As reasoned above there are no public benefits or other considerations that would outweigh the extent of harm that would likely arise. I therefore conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR