
Appeal Decisions

Site visit made on 19 October 2020

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2020

Appeal A Ref: APP/U1105/W/20/3256604

The Donnithornes, Mill Street, Ottery St. Mary, Devon, EX11 1AF.

- 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 Paul Keeling against the decision of East Devon District Council.
 - The application Ref. 20/0611/FUL, dated 12/3/20, was refused by notice dated 6/5/20.
 - The development proposed is the widening of an existing access works to include, removing a section of wall and re-positioning 1 pillar and rebuilding 1 pillar.
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Appeal B Ref: APP/U1105/Y/20/3256621

The Donnithornes, Mill Street, Ottery St. Mary, Devon, EX11 1AF.

- 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 Paul Keeling against the decision of East Devon District Council.
 - The application Ref. 20/0437/LBC, dated 12/3/20, was refused by notice dated 6/5/20.
 - The works proposed are the widening of an existing access works to include, removing a section of wall and re-positioning 1 pillar and rebuilding 1 pillar.
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Decisions

1. The appeals are allowed. Planning permission and listed building consent are granted for the widening of an existing access works to include, removing a section of wall and re-positioning 1 pillar and rebuilding 1 pillar at The Donnithornes, Mill Street, Ottery St. Mary, Devon, EX11 1AF. The permission and consent are granted in accordance with the terms of the applications refs. 20/0611/FUL and 20/0437/LBC, dated 12/3/20 and subject to the conditions in the attached Schedules.

Preliminary Matter

2. The appeal site lies within the Ottery St. Mary Conservation Area (OSCA) and also forms part of the setting of the adjacent grade II listed Colby House.

Main Issues

3. The main issues in both appeals is whether the proposals would: preserve the grade II listed building known as The Donnithornes¹ or its setting or any features of special architectural or historic interest which it possesses; preserve the setting of Colby House and; preserve or enhance the character or appearance of the OSCA.

¹ Listed as The Dounthornes, 98, Mill Street.

Reasons

4. The Donnithornes is a sizeable 18th century two storey house that is set back from Mill Street. Its special architectural qualities include its red brick walls, slate roof, sash windows, porch and plan form. The special historic qualities of this listed building include its original fabric. The wall and gate piers to which these appeals relate are positioned along the back of the footway in Mill Street.
5. The special architectural interest of the 18th century Colby House includes its red brick walls with rusticated stone quoins, slate roof, eaves cornice, sash windows and plan form. The special historic qualities include its original fabric. The section of wall and one of the gate piers that are the subject of these appeals are immediately adjacent to the north eastern corner of this building.
6. The OSCA covers a sizeable part of the town and is centred on the historic core. Following my visit and mindful of the Council's 1999 Conservation Area Appraisal (CAA), the special architectural and historic qualities of this area include the contribution made by the various listed buildings, as well as the informal networks of streets, plot layouts and many of the boundary walls.
7. I note from the summary of the CAA that some boundary walls of considerable visual importance may be under threat due to lack of maintenance or pressure to breach in order to provide vehicular access. Map 2 (Important Features) of the CAA does not identify the appeal site as a prominent wall.
8. The section of roadside wall to which these appeals relate is approximately 1.4 metres (high) x 1.1m (wide). It comprises local red bricks with coping stones. This is set between a pedestrian gate to Colby House and a taller brick pier to one side of the gated entrance driveway to the appellant's house. There is another pier and longer section of brick wall on the other side of this driveway.
9. In contrast to the small section of wall that it is intended to remove, the taller entrance piers on either side of the appellant's driveway are of more recent construction (circa second part of the 20th century). They are made of a different brick (lighter in colour, with cement mortar and more uniform in appearance) and have concrete caps. They are a minor detracting element within Mill Street and to the settings of The Donnithornes and Colby House.
10. The proposed removal of this small section of traditional brick wall would entail the loss of some important historic fabric within the OSCA. It would erode a pleasing element (a local brick wall) of the street scene of Mill Street and, to a very limited extent, would also detract from the settings of the neighbouring listed houses. This weighs against granting permission and consent.
11. However, in assessing the impact upon the significance of these designated heritage assets all elements of the proposal must be considered together and, if the overall impact would be harmful, this harm would need to be weighed against any public benefits. In this regard, the proposals include demolishing the existing entrance piers and rebuilding² them to the same height and using bricks that would be salvaged from the section of wall that is to be removed.
12. The use of this reclaimed local brick would largely retain the historic fabric that would otherwise be lost. Moreover, its inclusion within the rebuilt entrance piers would provide a modest enhancement to the street scene, as well as to

² The entrance pier furthest away from Colby House would be rebuilt in the same position as existing.

the settings of The Donnithornes and Colby House. The piers could also be capped using material/stone that reflects the distinctive qualities of the local area. These matters weigh in favour of granting permission and consent.

13. When all elements of the proposal are considered together, on balance, the settings of The Donnithornes and Colby House, would be preserved. The proposals would also preserve the character and appearance of the OSCA and accord with the provisions of the most relevant development plan policies³. Even if there was some degree of overall harm, in the context of the National Planning Policy Framework, this would be less than substantial. If there is a sliding scale of harm within this category it would be at the very lowest end.
14. The proposed development/works would afford the appellant more convenient vehicular access to his home. Whilst this in itself does not amount to a public benefit, the restricted width of the entrance means that some vehicles entering the driveway have to cross onto the other side of the carriageway to turn into the site. The proposal would avoid the need for this type of movement and would be of some limited highway (public) benefit. Whilst I have not found any overall harm, if some was to be derived it would be outweighed by this benefit.
15. Given all of the above, I conclude that these appeals should succeed.
16. In addition to the 'standard conditions' requiring development/works to commence within three years, in the interests of certainty, it would be necessary to attach conditions requiring the development/works to be undertaken in accordance with the approved plans. To safeguard the significance of the designated heritage assets, a condition would be necessary requiring the gate piers to: be rebuilt using brick salvaged from the wall; include lime mortar and; be capped with a material agreed by the Council.

Neil Pope

Inspector

SCHEDULES OF CONDITIONS:

Appeal A (Planning Permission)

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 details shown on the following approved plans: 1:1250 scale site location plan (ref. TQRQM20065111628489) and; 1:50 scale proposed elevation (ref. V3).
3. The relocated and rebuilt gate piers/pillars shall be constructed using brick salvaged from the adjacent section of wall that is to be demolished and using a lime mortar. These piers/pillars shall be capped with a material previously agreed in writing by the Local Planning Authority.

³ Policies EN9 (listed buildings) and EN10 (conservation areas) of the East Devon Local Plan 2013-2031 and policy NP22 (OSCA) of the Neighbourhood Plan for the Parishes of Ottery St. Mary and West Hill.

Appeal B (Listed Building Consent)

1. The consent hereby granted shall commence no later than three years from the date of this decision.
2. The works shall be undertaken in accordance with the details shown on the following approved plans: 1:1250 scale site location plan (ref. TQRQM20065111628489) and; 1:50 scale proposed elevation (ref. V3).
3. The relocated and rebuilt gate piers/pillars shall be constructed using brick salvaged from the adjacent section of wall that is to be demolished and using a lime mortar. These piers/pillars shall be capped with a material previously agreed in writing by the Local Planning Authority.