



Appeal Decisions

Site Visit made on 19 January 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 03 February 2021

Appeal A Ref: APP/P1133/W/20/3260756

Den House, Den Promenade, Teignmouth TQ14 8SY

- 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 Peter Cousens of Wyse Homes Ltd against the decision of Teignbridge District Council.
 - The application Ref 20/00786/FUL, dated 14 May 2020, was refused by notice dated 25 August 2020.
 - The development proposed is new parking and access ramp along with addition of new ground floor balcony.
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Appeal B Ref: APP/P1133/Y/20/3260755

Den House, Den Promenade, Teignmouth TQ14 8SY

- 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 Peter Cousens of Wyse Homes Ltd against the decision of Teignbridge District Council.
 - The application Ref 20/00787/LBC, dated 14 May 2020, was refused by notice dated 25 August 2020.
 - The works proposed are new parking and access ramp along with addition of new ground floor balcony.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The appeals relate to the same scheme under different legislation. I have dealt with both appeals together in my reasoning.

Main Issue

4. The main issue for both appeals is the effect of the proposal on the significance of the grade II listed building, known as Den House, and whether the proposals preserve or enhance the character and appearance of the Teignmouth Conservation Area.

Reasons

5. Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
6. The appeal building is an early 19th century house, with alterations made in the mid and late 19th century. It has a richly decorated symmetrical front elevation, made up of a prominent mansard roof finished with fish-scale slates, set over two wide shallow bays that are decorated with a trellised balcony with lead canopy, with further trellis work at the top, set over the bays. This richly decorated principal elevation is indicative of Teignmouth's rising status during the 19th century as a fashionable seaside resort and gives the building considerable architectural significance.
7. The building stands within the Teignmouth Conservation Area (CA), at the northern end of the Den, which is a long open space, bordered by the promenade and sea to the east and grand terraced housing to the west. The CA encompasses the areas associated with Teignmouth's development as a seaside resort, with associated buildings constructed in a classical style with many decorative features. The Den is the principal focus for the resort town, and therefore a highly significant contributor to the character of the CA.
8. Two lengths of frameless glass balustrade are proposed, that would sit between the square columns either side of the front door, in front of the ground floor sash windows. It is suggested that these would be a reinstatement, although there is no evidence to show that these areas were previously enclosed by balustrades. Furthermore, the use of modern frameless glazing would be wholly at odds with the intricate trellis work elsewhere on this principal elevation. I accept that the proposed use of glass would retain some visibility of the building behind, however it would still be a highly visible installation on the principal elevation, particularly as it would face south and would therefore reflect the sun or bright sky through most of the day. This alteration is integral to the building's principal façade, which is a significant contributor to the building's significance. It would have a harmful impact on the appearance of the building's principal elevation.
9. The proposal would also result in a large hard surfaced area immediately in front of the building to be used for car parking. This area would be finished with bitmac to match the existing parking area and would be without any visual relief. Even if an alternative material was used, as suggested by the appellant, the bland singular finish of the forecourt area and its use for the parking of cars would dominate the front of the building, harming its character. This would be significantly different to the existing arrangement where the change in level and lateral walls give some relief to the expanse of hard surfacing, and less space is given over to car parking.
10. The appellant suggests that the area is already dominated by parked cars. However, at my visit to the site, the adjacent areas of parking form part of the public realm associated with the highway, whereas the proposed parking area

would have quite a different appearance as it would be tightly arranged within the forecourt of a significant historic building.

11. The building is identified in the Council's Conservation Area Character Statement as making an outstanding contribution to the character of the CA. It is prominently located on a corner where it faces towards and defines the northern edge of the spacious surroundings of the Den. It is a significant component in the northerly view from the Den and along Courtenay Place, where it is seen in front of the Church tower. The harmful impact of the glazed balustrades would be readily appreciated from these perspectives, eroding the contribution that the appeal building makes to the CA, thus failing to preserve its character and appearance.
12. In terms of the National Planning Policy Framework (the Framework) the harm would be less than substantial. Paragraph 196 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
13. The appellant suggests that the glazed balustrades would provide useful amenity space for residents of the building. Notwithstanding the fact that this is a largely private benefit, the spaces enclosed would be very narrow and much smaller than the existing area to one side of the front door. I therefore give this matter little weight.
14. The plans show that the existing length of low wall along the front boundary of the site would be retained and extended across the head of the existing steps. Although not historic, it is likely to be in an historic position. Lengthening this boundary wall would create a further sense of enclosure to this forecourt area, which would improve the appearance of this area and maintain a clear distinction between the building's forecourt and wider public realm. Furthermore, the removal of the basement steps, enclosing walls and entrance canopy would also improve the building's appearance, particularly as they currently harm the formal symmetrical appearance of the building's principal façade. The benefits of this are however significantly lessened by what would become a bland hard surfaced area without any visual relief, which would be dominated by parked cars.
15. The contribution that three off road parking spaces would make to relieving parking within the town is likely to be modest. Whilst additional spaces may be useful to occupants of the building it is not clear who would use them or to what extent they would make the building more viable. The weight I attach to the public benefit of the additional parking spaces is therefore limited.
16. The proposal would provide a new ramped access to the lower ground floor, which would be a significant improvement to the existing steps. This would be a public benefit, particularly as the lower level has planning permission for business use.
17. Although I have found that most of the public benefits of the proposal identified would be of limited weight, I attach considerable weight to the provision of the access ramp. However, as set out above, the proposal would cause significant harm to both the CA and the listed building. Paragraph 193 of the Framework establishes that great weight should be given to the conservation of a heritage

asset. In this context I find that the public benefits of the proposal would not be sufficient to outweigh the degree of harm identified.

18. In summary, I find that the proposal would fail to meet the requirements of the LBCA as it would fail to preserve the architectural interest of the listed building and the character and appearance of the CA. It would be contrary to Policies WE8 and EN5 of the Teignbridge Local Plan 2013-2033, which together seek to ensure that the design and materials of a proposal are complementary to the character of the area and should respect the historic environment.

Conclusion

19. For the reasons above, both of the appeals should be dismissed.

A Tucker

INSPECTOR