



Appeal Decisions

Site Visit made on 14 July 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 25 August 2021

Appeal A Ref: APP/Q1153/W/21/3270989

South Hill Cottage, Bratton Clovelly EX20 4JP

- 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 & Mrs J May against the decision of West Devon Borough Council.
 - The application Ref 3372/20/FUL, dated 4 September 2020, was refused by notice dated 22 December 2020.
 - The development proposed is wooden garden gazebo to replace dilapidated wooden pergola (see photo No. 1). Constructed on cleaned existing base.
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Appeal B Ref: APP/Q1153/Y/21/3270991

South Hill Cottage, Bratton Clovelly EX20 4JP

- 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 & Mrs J May against the decision of West Devon Borough Council.
 - The application Ref 3373/20/LBC, dated 4 September 2020, was refused by notice dated 22 December 2020.
 - The works proposed are wooden garden gazebo to replace dilapidated wooden pergola (see photo No. 1). Constructed on cleaned existing base.
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Decision – Appeal A

1. The appeal is allowed, and planning permission is granted for wooden garden gazebo to replace dilapidated wooden pergola (see photo No. 1). Constructed on cleaned existing base, at South Hill Cottage, Bratton Clovelly EX20 4JP, in accordance with the terms of the application, Ref: 3372/20/FUL, dated 4 September 2020, and the following submitted plans: 'Site Plan', 'Topographic Survey' and 'Plan and Elevations'.

Decision – Appeal B

2. The appeal is allowed, and listed building consent is granted for wooden garden gazebo to replace dilapidated wooden pergola (See photo No. 1). Constructed on cleaned existing base, at South Hill Cottage, Bratton Clovelly EX20 4JP, in accordance with the terms of the application, Ref: 3373/20/LBC, dated 4 September 2020, and the plans submitted with it.

Applications for costs

3. An application for costs in relation to the listed building appeal was made by Mr & Mrs J May against West Devon Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

4. The appeals relate to the same scheme under different legislation. I have dealt with both appeals together in my reasoning.
5. The parties agree that listed building consent for the works is not required. Based on the evidence before me and my observations on site I agree with this position. However, as this is not a matter of dispute between the parties and the listed building consent appeal has not been withdrawn, I have considered the listed building appeal on its merits.
6. On 20 July 2021, during the appeal process, the Government published its revised National Planning Policy Framework (the Framework). Both parties have had an opportunity to comment on the revisions where they may be relevant to the case, and any comments received have been taken into account in determining the appeal.
7. The garden gazebo has already been erected. I have considered the appeals on this basis.
8. I have used the address of the site used by the Council on its decision notices, as it is more concise than the address provided on the application form.

Main Issue

9. The main issue for both appeals is the effect of the proposal upon the special interest of the grade II listed building, known as South Hill Cottage.

Reasons

10. Sections 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.
11. South Hill Cottage is constructed in rubble slate and dates from the early 18th century. It has a broad front elevation set under a thatched roof that is finished with a hip to the east and a gable at its western end. A sizeable rendered extension with a slate roof extends in line with the main building to the east, although it is set back and down to the extent that the original building is still well defined when viewed from the south.
12. The cottage looks out over a large area of south facing garden, which falls away slightly towards the road to the south and serves to give it a spacious setting with open countryside in other directions. The traditional appearance of the cottage, derived from its simple vernacular form and materials, give the building its special interest.
13. With reference to guidance from Historic England¹, the large south facing garden is an attribute of the building's setting that is significant to its special interest as it gives clear views of the building's principal elevation where it can be appreciated in its rural setting. This view is primarily enjoyed from within the site; however, there are also occasional glimpse views of the listed building from the road. Views from areas of open countryside to the east are less

¹ GPA3 – The Setting of Heritage Assets (2nd Edition) 2017

significant as the cottage is viewed end on from this perspective, with the two-storey extension fronting such views.

14. Although the gazebo has been erected within this front garden, it stands to the side and is more closely associated with the modern rendered extension, to the extent that it does not disrupt views of the principle building from within the garden or where glimpsed from the road. It stands against a well established hedge, which serves to define the side boundary of the garden. Planted borders extend out from the hedge to a similar depth as the gazebo to either side. For these reasons I am satisfied that it appears well integrated into the layout of the garden and is set sufficiently to one side to ensure that it is not dominant or obtrusive within the main views of the front of the listed cottage.
15. The gazebo has a timber frame that is of an appropriate design quality with evenly spaced uprights and neatly formed corner struts; yet it is also relatively simple and without ornamentation so as not to draw the eye or dominate this key aspect of the historic building's setting. I accept that the roof material is not of the same quality as the slate and thatch finishes of the listed building. However, I find that its mute colour is appropriate in the context of both, and its arrangement to mimic individual slates give it a texture and pattern to ensure that its appearance is not harmful.
16. At my visit I was able to see one of the side panels in place, both rolled up and unrolled, and I have before me photos of the building with all of the panels rolled down. They are fully detachable. They have transparent upper areas and lower parts formed in canvas. Their colour is similar to the rendered extension and the natural hues of the original building's masonry.
17. I accept that there is nothing to prevent the panels from being permanently attached to the building and left rolled down. However, whilst this would make the structure usable in times of poor weather, as a garden building it is more likely that they would be rolled up or removed from the building to allow an open outlook over the garden. Notwithstanding this, even if they were left fixed to the building for long periods, their simple design and the mute colour of the canvas would mean that they would not be obtrusive. Neither would the more enclosed appearance of the building, owing to its simple form and offset position relative to the historic core of the building.
18. The gazebo is clearly visible in views to the southeast from within the listed building. However, such views are dominated by the clear outlook over the garden with the gazebo set to one side. Furthermore, there is nothing before me to suggest that the outward views from any of the rooms within the building's historic core have particular significance.
19. I am mindful that the 'heritage statement' is merely a copy of the list description of the building. However, the 'design and access statement' sets out a little more detail about the proposal's impact. Although minimal, given the small scale of the proposal, I am of the view that together these documents satisfy the requirement set out at paragraph 194 of the Framework.
20. In summary, the proposal would not harm the significance of the listed building. It would thus accord with the requirements of the LBCA and the Framework, including paragraph 199 which states that great weight should be given to the conservation of heritage assets. It would also accord with Policy DEV21 of the Plymouth & South West Devon Joint Local Plan 2014-2034, which

seeks to ensure that development proposals sustain local character and distinctiveness by conserving and where appropriate enhancing the historic environment.

Other Matters

21. There is a reference to an enforcement notice relating to the gazebo. However, there are no details before me to confirm that a notice was issued, and in any case the submitted appeals are not made in respect of such a notice.
22. The building has been designed for the enjoyment of the occupants of the dwelling, and is large enough to host guests, however the proposal is not for a change of use and the building is within a private garden that can already be used for entertaining. As it is remote from the nearest neighbour, I am not satisfied that the use of the building for such purposes could cause a significant disturbance to neighbours. A proposal to alter the building or put it to an alternative use would attract a further application for planning permission.
23. At my visit I saw that the building has power and lighting and I note the photo supplied that shows the building illuminated at night. I appreciate that the building would be made more prominent when it is illuminated, however the lighting is contained within the building and from most perspectives it would be seen in the context of lighting at the dwelling. I therefore find that this matter is not sufficient to cause me to come to a different view on the merits of the proposal.

Conditions

24. The Council has not suggested any conditions. I have listed the approved plans within my decision. It is not necessary to impose a time limit condition as the development has already been carried out and I do not consider it necessary to impose any further conditions.

Conclusion

25. For the reasons above, and having regard to all other matters raised, I conclude that the appeals should be allowed.

A Tucker

INSPECTOR