



Appeal Decision

Site Visit made on 25 October 2021

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 November 2021

Appeal Ref: APP/U1105/D/21/3280259

Tale Head Cottage, Road from Tale Head Cottage to Tale House Cottage, Payhembury EX14 3HL

- 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 Richard and Maria Hazell against the decision of East Devon District Council.
 - The application Ref 21/0674/FUL, dated 3 March 2021, was refused by notice dated 16 July 2021.
 - The development proposed is the construction of gazebo (retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the application stage the proposal was amended with the red ridge tiles of the roof to be replaced with grey tiles. The gazebo has been constructed and I have considered the proposal with the proposed amendment.

Main Issue

3. The main issue is the effect of the gazebo on the setting and significance of Tale Head Cottage, a Grade II Listed Building.

Reasons

4. Tale Head Cottage is a Grade II Listed Building which is positioned towards the south west corner of the extended garden area¹. It lies in a rural location, bounded by hedges and trees, and mainly with surrounding fields. The listing description explains that the cottage is probably 18th century in origin and was enlarged in the 1970s. It is an attractive thatched cottage² of a modest size and proportions. A detached, thatched roofed garage building adjoins the cottage and the drive. In some views within the site this outbuilding, as well as some trees within the grounds, obscure views of the principal elevation of the listed building.
5. The significance of the listed cottage derives from its traditional and vernacular appearance, including its age, construction, form and use of materials and the location of the building within its rural surroundings.

¹ Planning permission was granted at appeal to extend the garden area in February 2017.

² A single storey rear projection has a slate roof.

6. The setting of a heritage asset is the surroundings in which the asset is experienced³. In this case, the listed cottage can be experienced including from within the site and from sections of the road adjoining the building. Within parts of the garden area there are views towards the front, principal elevation of the cottage, as well as towards the broadly north west side elevation and some close up views of the rear elevation. In these views and whilst noting the influence of the garage, the listed building is often framed by the generally undeveloped garden area around the cottage which contributes positively to its setting and allows the building to be appreciated.
7. When considering the main issue in this appeal I am mindful of the duty⁴ to have special regard to the desirability of preserving listed buildings, their setting and features of special architectural or historic interest which they possess.
8. The gazebo is an open sided structure with an oak frame and pyramidal roof clad in natural slate. It is located within the garden to the rear of the cottage. The structure is built with high quality materials and constructed to a high standard. However, it has quite a large footprint for an incidental building and is reasonably close to the rear of the cottage. From parts of the garden area, the gazebo and the cottage are experienced in the same view. The reasonably large span of the roof and the extent of separation of the corner posts, with the resulting horizontal emphasis of the space between the posts which adds to the visual appearance of quite a wide form to the gazebo, result in the structure appearing unduly sizeable, dominant and out of scale with the fairly modest proportions of the listed building.
9. The provision of the slate roof, to a building that appears overly large in its position in such proximity to the rear of the cottage, also draws the eye and is an element that adds to the reasonably imposing presence of the gazebo next to the cottage.
10. The result is that the gazebo, even in incidental use, encroaches into the green garden space to the rear of the cottage and the size and appearance of the structure undermines the overall appreciation of the cottage in its rural setting. In this way, the gazebo harms the setting of the cottage and in turn the significance of this heritage asset. This harm could not be adequately addressed by additional planting or other works or changes that could be subject to a planning condition in any approval. It may be that the gazebo in this location is less exposed than elsewhere within the garden, however, this in itself is not a justification for a proposal that harms the setting of a designated heritage asset.
11. From the road adjoining the cottage, there are parts of the gazebo and in particular sections of the roof, that are apparent above the hedge. However, because of the partial screening from the existing vegetation, the full size and impact of the gazebo is less discernible from the road. As a consequence, in these fairly limited and sometimes angled public views of the site from the road, the gazebo has less visual effect on the surroundings. Based on my site visit and all the evidence, I am not persuaded that the setting of the cottage is harmed by the gazebo when viewed from the road. The same can be said in longer distance views across the fields towards the site, where the gazebo is

³ The Glossary to the National Planning Policy Framework sets out the full wording.

⁴ Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990.

either screened by vegetation or is a small element in the wider context of the sweeping countryside. However, these findings do not negate the harm I have identified to the setting of the listed cottage from the gazebo when viewed from positions within the site.

12. The harm to the significance of this designated heritage asset that I have identified would be less than substantial within the meaning of paragraph 202 of the National Planning Policy Framework (the Framework). While the harm may be at the lower end of the less than substantial scale, nevertheless, in accordance with the Framework, this harm should be weighed against the public benefits of the proposal.
13. In this case, the benefits of the gazebo mainly derive from its use within the garden for the occupants of the cottage. These are private rather than public benefits. The Framework advises that any harm to the significance of a designated heritage asset should require clear and convincing justification and that great weight should be given to the asset's conservation, irrespective of the potential harm to the significance. I consider that there are no public benefits that outweigh the harm to the setting of the listed building and its significance, which although minor, in accordance with the Framework, is required to be attributed great weight.
14. In the light of the above analysis, I conclude that the proposal harms the setting of Tale Head Cottage and thereby detracts from its significance as a designated heritage asset. The development therefore conflicts with Policies EN8 and EN9 of the East Devon Local Plan 2013-2031 and the Framework which, amongst other things, sets out the policy approach to development affecting a designated heritage asset.

Other Matters

15. I have noted the nature and detail of the correspondence between the Council and the appellant during the processing of the application. I also appreciate that the gazebo would provide a pleasant and attractive place to use for the occupants of Tale Head Cottage in association with the dwelling. However, these are matters that collectively afford limited weight in the overall considerations and do not outweigh the harm I have identified.

Conclusion

16. For the reasons given above, the scheme does not comply with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR