



Appeal Decision

Site Visit made on 19 October 2021

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 09 November 2021

Appeal Ref: APP/P1133/W/21/3277468

1A Somerset Place, Teignmouth, TQ14 8EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Miss M L Woollett against Teignbridge District Council.
 - The application Ref 20/02154/FUL, is dated 17 November 2020.
 - The development proposed is described as the change of use, alterations and extension to form a three bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interests of consistency, I have used the description of development as included at section E of the appeal form in the banner heading above. I have not included the term '(description amended 03.12.20)' as this is not a form of development.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Teignmouth Conservation Area (the Conservation Area) and its effect on the setting of Teignmouth Methodist Church, a grade II listed building; and,
 - Whether the proposed development would be in a suitable location having regard to the risk of flooding.

Reasons

Heritage Assets

4. The appeal site comprises 1 and 1A Somerset Place, located within the Conservation Area. 1 Somerset Place is an impressive and attractive three storey building forming part of a terrace and is positioned on the corner with George Street. 1A Somerset Place is positioned to the rear of 1 Somerset Place and is a two storey building which is accessed from George Street. The evidence before me indicates that 1A Somerset Place is a retail unit, with the proposal seeking to change its use to residential with alterations and extensions to form a third and fourth storey. The appeal scheme further seeks to insert additional windows on the side elevation of 1 Somerset Place.

5. Located opposite of the impressive terrace of buildings at 1-4 Somerset Place is the grade II Teignmouth Methodist Church listed building (the Listed Building), which the Historic England listing describes as being built in 1845 as a Wesleyan chapel, constructed in squared Plymouth rubblestone with rendered and freestone dressings and a slate roof.
6. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the decision maker, in considering whether to grant planning permission for development which affects a listed building, conservation area or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
7. By reason of the separation distance, and lack of intervisibility between the proposed extension and alterations and the Listed Building, I find no harm to the significance or setting of the Listed Building.
8. Nonetheless, and notwithstanding that the appearance of the second storey element of 1A Somerset Place does not positively contribute to the character or appearance of the Conservation Area, it is apparent from the Conservation Area Character Appraisal (2008) that both 1 and 1A Somerset Place are considered to provide an outstanding contribution to the character of the Conservation Area. In this respect, I find that by reason of the original design features, such as the projecting pilasters and fascia at ground floor level, the existing building at 1A Somerset Place does make, an albeit moderate, positive contribution to the character and appearance of the Conservation Area.
9. The proposal would raise the overall height of the building at 1A Somerset Place by adding on a two storey extension, with the proposed extension at third floor level being offset from the adjoining 1 Somerset Place. At ground floor level, the appeal scheme would replace a large section of the existing frontage with a garage door of substantial width, thereby removing the features of architectural merit described above. The building would have a contemporary appearance which would exhibit large sections of glazing to the front at higher levels.
10. The overall height of the building would be lower than the front of 1 Somerset Place and would be lower than the overall height of the neighbouring building located within George Street. However, whilst replicating some of the design features of that neighbouring building, the appeal scheme would result in a building that would have a somewhat unbalanced appearance at third floor level. This would noticeably jar with the appearance of the neighbouring building and side elevation of 1 Somerset Place and would be visually discordant in the context of its surroundings. As such, I find that the design of the proposed building, in combination with the loss of those architectural features identified above, would result in a scheme that would neither preserve or enhance the character or appearance of the Conservation Area.
11. Further to the above, whilst I conclude that the insertion of the proposed new windows at first and second floor level on the side elevation of 1 Somerset Place would not be harmful to the character or appearance of the Conservation Area, I find that the position of the proposed window at third floor level would look somewhat out of place, representing an incongruous addition that would draw the eye, being further harmful to the character and appearance of the Conservation Area and thereby diminishing its significance. In this regard,

whilst I note that there are concerns regarding the proposed use of UPVC, such matters could be adequately controlled by conditions. However, the use of alternative materials would not overcome the concern regarding the position of the proposed third floor level window which would appear forced up against the barge board on the side elevation of 1 Somerset Place.

12. Paragraph 199 of the National Planning Policy Framework (the Framework) provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm should require clear and convincing justification in line with paragraph 200 of the Framework. Overall, and for the reasons given above, the proposed development would neither preserve nor enhance the character or appearance of the Conservation Area. In terms of the advice in the Framework, the harm to the significance of the Conservation Area would be 'less than substantial', affecting only its immediate surroundings. Accordingly, and in line with the provisions of paragraph 202 of the Framework, this harm should be weighed against the public benefits of the scheme.
13. In this instance, the public benefits of the proposal would be limited to the delivery of an additional housing unit and in relation to the very limited economic benefits in terms of employment opportunities during the construction phase and through the future spend of residents within local businesses. Whilst the Framework reaffirms the Government's objectives to significantly boost the supply of homes, the contribution of only one dwelling would be relatively limited and, in combination with those other benefits, would not outweigh the identified harm that would be caused to the Conservation Area to which I attach significant weight.
14. Overall, the proposed development would not preserve or enhance the character or appearance of the Conservation Area, causing less than substantial harm to its significance. Consequently, the appeal scheme would conflict with Policies S1, S2 and EN5 of the Teignbridge Local Plan 2013-2033 (the Local Plan) which, amongst other things, seek to achieve good design, protect the character and appearance of the Conservation Area, respond positively to local character, integrating and enhancing the built environment. Furthermore, the appeal scheme would fail to accord with those paragraphs of the Framework which concern the conservation and enhancement of the historic environment.

Flood Risk

15. The Appellant has submitted a site specific Flood Risk Assessment (the FRA) in support of the planning application which indicates that the appeal site is located within flood zone 3. Policy EN4 of the Local Plan concerns flood risk and provides that there will be a sequential approach to new development (excluding minor developments) which guides development to areas of at lower risk of river and coastal flooding.
16. The Council have put it to me that by reason of the erection of a two storey extension at the appeal building, a flood risk sequential test would be required. However, paragraph 168 of the Framework provides that applications for change of use should not be subject to the sequential or exceptions tests but should still meet the requirements for site specific flood risk assessments. Consequently, in this instance no sequential test would be required to be carried out as part of the planning application and, therefore, the appeal

proposal would not conflict with the requirements of Policy EN4 of the Local Plan nor fail to accord with paragraph 162 of the Framework.

17. However, Planning Practice Guidance (the PPG) acknowledges that a change of use may have flood risk implications if it involves a change to a more vulnerable category and, depending on the risk, mitigation measures may be needed. The PPG continues stating that "it is for the applicant to show that the change of use meets the objectives of the Framework's policy on flood risk"¹.
18. The proposal involves a change of use to a more vulnerable category. The FRA includes details of proposed mitigation measures such as the installation of flood doors, safe refuge for residents at first floor and above and raising electrical sockets to a higher level. However, the FRA also confirms that access and egress routes would not be dry in the event of flooding events and, consequently, it cannot be said that the proposal would provide safe egress for all residents nor provide safe access for emergency vehicles in the event of flooding. The provision of a refuge at higher floor levels would not be sufficient to overcome these issues given that I cannot be sure that emergency vehicles could safely access the site and attend to those who occupied such refuge spaces. In light of these factors, I cannot be sure that the proposal would be safe for its lifetime and therefore the proposed development would conflict with paragraph 159 of the Framework.

Other Matters

19. Interested parties raise additional objections to the proposal on the grounds of impact on living conditions of nearby residents. This is an important matter and I have considered all the submissions before me. However, given my findings in relation to the main issues above, this is not a matter that has been critical to my overall decision.
20. The proposed development would be within zones of influence of the Dawlish Warren Special Area of Conservation and the Exe Estuary Special Protection Area. Whilst this has been noted in the Council's submissions, the Council did not indicate that this matter would be a reason for refusal. While an important issue, I have not found it necessary to examine this matter in greater detail as, for the reasons outlined above, it does not alter my overall conclusion in relation to this appeal.

Conclusion

21. For the reasons given above I conclude that the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR

¹ Planning Practice Guidance Paragraph: 048 Reference ID: 7-048-20140306