

Appeal Decision

Site visit made on 15 March 2022

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st March 2022

Appeal Ref: APP/U1105/D/21/3289211
1 Cowley Barton Cottages, Cowley EX5 5EL

- 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 Peter Tyldesley against the decision of East Devon District Council.
 - The application Ref. 21/1795/FUL, dated 25 June 2021, was refused by notice dated 1 October 2021.
 - The development proposed is for a first floor rear extension (north elevation) and annex outbuilding in garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area, including upon the setting of nearby listed buildings.

Reasons

3. The appeal site forms one half of a pair of red brick cottages set within a semi-rural location. The Church, otherwise known as St. Leonard's Chapel and Forge Cottage to the north east are of the local vernacular and are both grade II listed. There is a large outbuilding building within the curtilage of Forge Cottage, located between it and the appeal dwelling.
4. The proposed extension would be highly visible from the road and by virtue of its rendered finish and vertically hung slates on the flank of a flat roof link would jar visually with the traditional architecture of the host dwelling. I also note that one key characteristic of the front elevation of the cottages is that the dormer windows break the eaves line which has not been carried over into the design of the proposal before me.
5. I agree that knocking down the existing extension would be a waste of resources and I note the difficulty in finding an economical solution to extend the dwelling at first floor level, having regard to the lack of a recess against the plane of the original gable. Nonetheless this and the considerable flat-roof linking element constitute a situation where the form would follow its function.

6. I note the reference to potential for Permitted Development extensions, however it falls to me to determine the appeal proposal based on the submitted drawings, and on their merits.
7. I acknowledge that the rear extension and the Church could not be easily read at the same time, nonetheless Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a decision maker to have special regard to the desirability of preserving the setting of a Listed Building. The extension could clearly be viewed from the curtilage of the Church and bearing in mind my concerns with regard to the impacts of the proposal upon the general character and appearance of the area, I also find that less than substantial harm to the setting of the designated heritage asset would be caused. On this latter point, pursuant to paragraph 202 of the National Planning Policy Framework (the 'Framework') I find that no public benefits outweigh the harm that would be caused by the proposal.
8. From this basis I find the scheme conflicts with Policies D1 and EN9 of the East Devon Local Plan 2013 – 2031 which together require new development to be of a high quality design, to respect the key characteristics and special qualities of the area in which the development is proposed, as well as reflecting the requirements of Framework in paragraph 202.

Conclusion

9. Having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR