
Appeal Decisions

Site visit made on 25 July 2022

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 August 2022

Appeal A: APP/P1133/W/22/3297399

15 Devon Square, Newton Abbot, Devon TQ12 2HN

- 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 P Dentith against the decision of Teignbridge District Council.
 - The application Ref 21/02535/HOU, dated 5 November 2021, was refused by notice dated 3 March 2022.
 - The development proposed is described as replacement of fire door with traditional glazed door, replacement of rear window with glazed door, replacement of rear roof finish, plus various internal alterations.
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Appeal B: APP/P1133/Y/22/3294544

15 Devon Square, Newton Abbot, Devon TQ12 2HN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
 - The appeal is made by Mr P Dentith against the decision of Teignbridge District Council.
 - The application Ref 21/02536/LBC, dated 5 November 2021, was refused by notice dated 3 March 2022.
 - The works proposed are described as replacement of fire door with traditional glazed door, replacement of rear window with glazed door, replacement of rear roof finish, plus various internal alterations.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. A revised plan was submitted with the appeal. This shows a modified position for a proposed partition on the first floor, and the omission of coving from it. The plan was apparently seen by the Council prior to its decisions, and it has not otherwise objected to the plan being taken into account in the context of the appeals. Both for this reason, and given the minor nature of the changes shown, I am satisfied that I can take the plan into account within my assessment without prejudice to the interests of any party.
4. The decision notices each cite Section 15 of the Act. The statutory duties relating to listed buildings which are relevant to the appeals are however set out in Section 66 of the Act in relation to planning permission, and Section 16 of the Act in relation to listed building consent. I have determined the appeals accordingly.

5. An application for costs was made in relation to both appeals by Mr Paul Dentith against Teignbridge District Council. This application is the subject of a separate Decision.

Main Issue

6. The main issue is whether the scheme would preserve a Grade II listed building and any of the features of special architectural or historic interest that it possesses.

Reasons

7. 15 Devon Square forms part of an 11-unit terrace which is a Grade II listed building, and thus a designated heritage asset. Whilst the Act sets out the desirability of preserving listed buildings, paragraphs 199 and 200 of the National Planning Policy Framework (the Framework) make clear both that great weight should be given to the conservation of designated heritage assets, and that clear and convincing justification should be given for any harm.
8. Insofar as it is relevant to these appeals, the special interest and significance of the listed building resides in its mid-C19th date and fabric, and its origin as a residential terrace, featuring Italianate style and a palace front. The latter emphasises the subordinate role that each unit of the terrace plays within the overall composition, and in this regard uniformity and repetition are important defining features.
9. Past use of No 15 as office accommodation entailed various unsympathetic internal alterations, the impact of which was nonetheless relatively modest. Notwithstanding modifications to partitions and some loss of decorative details and fixings, the fabric and identity of No 15 remains reasonably well preserved.
10. The scheme would entail a number of generally minor works intended to further facilitate the current residential use of No 15. Amongst these, the modification of a ground floor window opening within the rear elevation to form a doorway, has drawn objection.
11. As is characteristic of such terraces, the rear elevation is simpler than the front elevation. It would however have originally exhibited the same level of uniformity in terms of the basic layout of openings as the front. At ground floor level the rear elevation has since been the subject of extensive modification. In this context, and insofar as inspection is possible from the lane to the rear, No 15 is now one of very few units within the centre left and right parts of the terrace to retain their original format. As this includes the window opening in question, its continued survival holds value as evidence of the original architectural design and character of the terrace.
12. The sash window fitted into the opening is itself historic. This is despite replacement glazing, and some suggestion that the joinery may have undergone modification in the past. Indeed, whilst the glazing bars match those of original windows in the front elevation, and the meeting rail similarly lacks horns, the sashes feature an unusually proportioned 4 x 4 glazing pattern. In contrast, other original windows in openings of the same shape elsewhere on the terrace, including at first floor level directly above, feature a 6 x 6 glazing pattern. The window is nonetheless of historic interest.

13. The proposed formation of a doorway would see loss of the historic window, would obscure the identity of the opening, and would undermine the historic design character of the rear elevation. The adverse effect would be accentuated in cumulative terms given the losses which have already occurred elsewhere in the terrace. The formation of a doorway would therefore clearly fail to preserve the special interest of the listed building or conserve its significance.
14. As noted above, the formation of a doorway would be part of a broader package of works. Some of these works have been promoted as delivering heritage benefits/enhancement.
15. In this regard, the scheme includes the proposed removal of a modern partition and insertion of new partitions. At ground floor level this would address the awkward positioning of a modern partition against a chimneybreast. It would however in turn result in complete merger of the 2 principal ground floor rooms, at odds with their historic layout. At first floor level the 2 already merged principal rooms would be subdivided along the original line. But though beneficial, the insertion of a further partition would again be at odds with the historic layout. All considered, any overall enhancement would thus be limited.
16. The scheme would also entail the installation of details including skirting boards, coving/cornice, and 2 fireplaces. Though these details are currently missing from the ground floor, the extent to which those proposed would accurately mirror those historically present in terms of both design and location, is unclear. Whilst any benefit is thus difficult to quantify, subject to further specification, improved presentation of these spaces could nonetheless be achieved. Any overall enhancement would be modest.
17. Insofar as a replacement roof covering is proposed, the existing mineral fibre tiles presumably replaced an original slate covering. Given the date of the building the material would most likely have been of domestic origin. In this regard the extent to which Spanish slate is capable of accurately matching the geological quality, character and appearance of material quarried in the British Isles is open to question. In the absence of any clear specification, comparative analysis, or further evidence, whether or not the replacement roof covering would deliver any cosmetic enhancement is open to doubt. Repairs to address leakage could otherwise be undertaken whether the covering was replaced or not.
18. Additional works to install a small WC and to change a modern fire door would have no more than a neutral effect.
19. The scheme would thus deliver some minor enhancement, and to this extent it would help, in a very modest way, to better reveal the significance of the listed building. However, as it would do so only by partially rectifying past harm, the benefits would be wholly undermined by the distinctly new harm inflicted upon the building through formation of the doorway. This harm would not be required to deliver the enhancements in question, and it is not credible to claim that the harm caused would be in any way 'mitigated' by these enhancements. The scheme's net effect would therefore be negative, and it would, as a whole, thus fail to preserve the special interest of the listed building or conserve its significance.
20. A previous appeal decision relating to 21 Devon Square allowed extensive modifications, including loss of the equivalent window and opening. Though I

have been provided with limited details of that case, the Inspector in question must presumably have identified specifically relevant public benefits sufficient to outweigh the harm caused. The works themselves have also inevitably altered the starting point for my own assessment. Therefore, notwithstanding the fact that No 21 forms part of the same listed building, this previous appeal cannot be taken to indicate that the proposed works at No 15 should be considered automatically acceptable.

21. The same applies in relation to other modifications previously undertaken elsewhere in the terrace, and which the appellant has identified as similarly or more harmful. Indeed, I see no reason why harm caused to other parts of the terrace should be taken to logically justify inflicting both further and distinctly separate harm on No 15. This is again the case whether or not such past harm was, for whatever reason, sanctioned by the Council.
22. In the current case the harm caused to the significance of the listed building would be less than substantial. Such harm attracts great weight. In accordance with paragraph 202 of the Framework it is necessary to weigh the harm to the significance of the listed building against the public benefits of the scheme.
23. Insofar as heritage benefits have been advanced in favour of the scheme, my assessment above indicates that its overall impact would be negative. Claimed heritage benefits do not therefore attract weight.
24. The doorway would provide a more direct point of access to the yard from the proposed living/dining room space, than the back door. However, whilst clearly convenient, there is no necessity for such an access to be formed within the context of No 15's residential use. As the convenience offered by more direct access to the yard would itself be a private benefit, it too attracts no weight.
25. Insofar as implementation of the scheme would generate building work, any benefits to the broader economy would be negligible. That being so, harm to the significance of the listed building would not be outweighed by public benefits.
26. For the reasons outlined above I conclude that the scheme would fail to preserve a Grade II listed building. In relation to Appeal A, the scheme would therefore conflict with Policy EN5 of the Teignbridge Local Plan 2013-2033 (the LP), which seeks to secure development that protects and enhances the area's heritage. In relation to both Appeals the scheme would fail to satisfy the requirements of the Act, and heritage policy set out within the Framework.

Other Matters

27. The listed building is located within Newton Abbot Town Centre Conservation Area (the Conservation Area). In view of the statutory duty set out in Section 72(1) of the Act, it is thus necessary in relation to both appeals for me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
28. Insofar as it is relevant to the appeals, the special interest and significance of the Conservation Area resides in the historic layout of the town centre, and the collection and interrelationship of historic buildings and spaces that it contains, both public and private. Devon Square and the historic buildings around it play a particularly important role within this context. The listed building as such makes a positive contribution.

29. As noted above, much of the rear elevation of the listed building is readily viewed from the lane to the rear, as are alterations which have been made to it in the past. Whilst those parts which have undergone little alteration are thus appreciable in context, public visibility of the proposed opening would be somewhat obscured by intervening structures. The Conservation Area is nonetheless ultimately a sum of both its public and private parts. By causing harm to the significance of the listed building which would be capable perception from spaces within it, the scheme would also very modestly harm the positive contribution that the listed building makes to the Conservation Area as a whole. The harm caused would again be less than substantial. In this instance however, it would attract considerable importance and weight.
30. I am mindful of the fact that the effect of the scheme on the Conservation Area was not a reason for refusal for either application. However, and notwithstanding the additional weight that the identified harm lends in favour of dismissing the appeals, this does not alter my findings in relation to paragraph 202 of the Framework as set out above. Similarly, the additional conflict that a failure to preserve or enhance the character or appearance of the Conservation Area would cause in relation to the Act, the Framework, and the LP, does not alter the outcome of my conclusion in relation to the main issue. As such, the matter is not determinative of the outcome of the appeals. I am therefore satisfied that the interests of neither party are prejudiced by my findings.

Conclusion

31. The scheme would cause unacceptable harm, and in relation to Appeal A, conflict would arise with the development plan. There are no other considerations which alter or outweigh these findings. I therefore conclude that Appeals A and B should be dismissed.

Benjamin Webb

INSPECTOR