

Appeal Decision

Site visit made on 8 August 2022

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2nd September 2022

Appeal Ref: APP/P1133/D/22/3294252

Embercombe Cottage, Higher Ashton, Exeter EX6 7QT

- 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 Short against the decision of Teignbridge District Council.
 - The application, Ref. 21/01897/HOU, dated 17 August 2021, was refused by notice dated 24 February 2022.
 - The development proposed is the erection of a single storey building to form a self-contained granny annexe ancillary to The Annexe to Embercombe Cottage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey building to form a self-contained granny annexe ancillary to The Annexe to Embercombe Cottage, Higher Ashton, Exeter in accordance with the terms of the application, Ref. 21/01897/HOU, dated 17 August 2021, subject to the conditions in the attached Schedule.

Clarification and Main Issue

2. As a matter of clarification and notwithstanding the information on the application and appeal forms, the host dwelling is more accurately identified as The Annexe to Embercombe Cottage. The dwelling is in separate ownership and occupation from Embercombe Cottage itself which is the listed building. The owners of the Annexe to Embercombe Cottage now seek permission for a 'Granny Annexe' at its rear and I have amended the application description accordingly.
3. The main issue is the effect of the proposed development on the setting of a designated heritage asset, the Grade II listed Embercombe Cottage.

Reasons

4. The Statement accompanying the planning application has in my view made a sufficiently sound case for the provision of 'granny annexe' ancillary accommodation at the appeal site. In reaching this view, I have taken account of representations to the contrary from the occupiers of the listed building. With that point made, the main issue can be refined as whether the appeal scheme would be acceptable as regards the effect of the proposed building's siting and scale on the heritage asset.
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5. In this context, the Council's reason for refusal refers to the annexe's proposed impact within the curtilage of the heritage asset citing fragmentation of that curtilage and 'dominance' of the asset itself. I have noted the views of the conservation officer in terms of fragmentation and curtilage. However, I accept the appellant's argument, supported by the fact of now separate lawful ownership and occupation, Case Law and my own observations of the current on-site circumstances, that the host dwelling and land within the red line of the application are not within the curtilage of the listed building.
6. The Householder procedure for this appeal precludes any further counter argument by the Council on this aspect, but in any event my assessment of the effect on the setting of the listed building and whether harm would be caused relies essentially on the spatial relationship between it and the proposed annexe.
7. In this regard I consider that neither the size of the proposed annexe nor its offset tangential position to the north east of the listed building supports any reasonable use of the word 'dominance'. This is all the more so because the intervening mature landscaping would provide an effective screen, thereby reducing intervisibility.
8. Conversely, because of the elevated position of the site I can see why this argument of dominance might be used with some justification in regard to the directly rearward relationship of the proposed annexe with the host dwelling. This widens the scope of considerations in the issue as defined by the Refusal Notice, but as the host dwelling itself is a significant part of the setting of the heritage asset I consider that it carries weight. As the conservation officer points out, the site chosen does not relate well to the existing distribution of buildings on the appeal site, and in my view ostensibly appears somewhat random in its location other than in respect of a necessary proximity to the house.
9. However, in favour of the siting is that there are no obvious alternatives, as a position frontward of the host dwelling would be clearly unacceptable in terms of its visual impact. Also, a location elsewhere in the garden would not have the requisite proximity to the dwelling to fulfil and retain the building's stated purpose in terms of both the principle of an annexe and its day to day use.
10. As I have concluded that the principle of a granny annexe is acceptable, I consider it both reasonable and necessary to impose a condition to require the area of land between the front of the proposed building and the rear elevation of the host dwelling to be re-modelled or laid out in such a way that visually integrates the two buildings. The scheme should also afford the ease of access that a granny annexe would reasonably be expected to have (the submitted plans currently show an inadequate and narrow winding path between the existing and proposed buildings). A satisfactory scheme of stepped terracing or some other arrangement in place of the steep grass bank with hard and soft landscaping as appropriate would facilitate the visual and functional connection necessary to justify the annexe in this position.

Other Matters

11. I have carefully considered the objections to the appeal proposal, including by the occupiers of Embercombe Cottage, the listed building. These include the

view that there would be a loss of outlook and privacy as a result of the building, and that its occupation would cause noise and disturbance.

12. However, none of these issues were embraced by the Council as reasons for the development to be refused and I share the their view that any effect would not be such as to materially disadvantage the residents of the listed building. There are neither issues of too great a proximity nor on-site characteristics that support an assessment of an unacceptable effect.

Conclusion and Conditions

13. In summary, I conclude that the principle of the granny annexe on the site is acceptable and that a condition can be imposed that addresses the main drawback of the scheme. On this basis and having had regard to all other matters raised, I consider that no harm would be caused to the setting of the listed building, the significance of which would thereby be retained. Accordingly, there would be no conflict with Policy EN5 of the Teignbridge Local Plan 2013-2033 adopted in 2014 and Section 16: 'Conserving and Enhancing the Historic Environment' of the National Planning Policy Framework 2021. I shall therefore allow the appeal.
14. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. A condition limiting the use of the building to ancillary use will preclude the subsequent establishment of a separate dwelling in conflict with national and local policy for the countryside.
15. A condition requiring the Council's prior approval of external materials will ensure a satisfactory appearance of the ancillary building. A condition regulating external lighting will safeguard foraging paths for bats. Finally, the aforementioned condition in respect of landscaping can include slab levels and will ensure that the building (i) has a satisfactory relationship with the host dwelling in terms of the implication for the protection of the setting of the listed building; (ii) would be fit for its intended purpose, and (iii) would retain the visual amenity of the application site as a whole.

Martin Andrews

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this Decision;
- 2) Other than required to fulfil condition no. 5) below, the development shall be carried out in accordance with the following approved plans: Block Plan; Drawing No. Series CC/2021-01/: Plan Nos. 01; 02; 03;
- 3) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Annexe, Embercombe Cottage, Higher Ashton, Exeter EX6 7QT;
- 4) The approved building shall be constructed using only external materials with details and samples first submitted to and approved in writing by the Local Planning Authority prior to any development above slab level;
- 5) Prior to the commencement of development, drawings showing the proposed slab level and a scheme of alterations to the existing land form incorporating hard and soft landscaping and a pedestrian access between the existing Annexe to Embercombe Cottage (the host dwelling) and the proposed granny annexe shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details;
- 6) Prior to the installation of any external lighting on the outside of the building, full details including design, siting and illumination type shall be submitted in writing to the Local Planning Authority for approval. No lighting other than that has been approved in writing shall be installed;