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# Appeal Decision

Site visit made on 16 August 2022 by S Wilson LLB MSc LRTPI

**Decision by Chris Preston BA(Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 October 2022**

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**Appeal Ref: APP/U1105/D/22/3296282**

**Abbot Cottage, Coombe Raleigh EX14 4TQ**

- 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 Andrew Hill against the decision of East Devon District Council.
  - The application Ref 21/2683/FUL, dated 11 October 2021, was refused by notice dated 21 January 2022.
  - The development proposed is described as: 'This is a revised proposal following the previous application 21/1135 reflecting comments and recommendations. Removal of existing shed and greenhouse and replacement with a summerhouse.'
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## Decision

1. The appeal is dismissed.

## Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

## Main Issue

3. The effect of the proposal on the setting of the Grade II listed building which comprises Abbots Cottage and Nos 1 & 2 Thatchers (the LB).

## Reasons for the Recommendation

4. Abbots Cottage forms the end house in a row of three dwellings, including Nos 1 and 2 Thatchers, that are listed under a single list description which covers the group. The appeal property, located in Coombe Raleigh, is a flint stone built, thatched roof property, with a full width, rendered, single storey rear extension, with single pitch roof and modern windows and doors. The adjacent listed properties have similar functional, single storey rear extensions. The property is located very close to the public highway with a small amount of hardstanding to the front.
5. The side curtilage of Abbots Cottage is mainly hardstanding and the rear curtilage, garden amenity area. The rear garden, which gently rises up as it gets further from the cottage, area can be partially viewed from the public highway, being partially screened by vegetation, and is relatively large.
6. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker should have special regard to the desirability of preserving the building or its

- setting, or any features of special architectural or historic interest which they possess.
7. The significance of the LB lies in its age, construction techniques, as described in the heritage listing, and also due to its importance as a prominent building which is evidence of the historic evolution of the linear village. The glossary to the National Planning Policy Framework describes setting as "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."
  8. The best position to appreciate this significance is from the public highway where the assets grouping is fully visible and relatively unchanged. The position of the building within the village and its relationship with other historically significant buildings, including the Manor, can be fully appreciated from the highway to the front.
  9. The rear garden of Abbots Cottage is long and of a good size, for a property of this scale, and forms part of the residential context of the listed properties. The historic maps provided with the Heritage Statement identify an area of enclosed land to the rear of the cottages, broadly corresponding to the current extent of the gardens. Thus, it would appear that the enclosed land has a historic and functional association with the LB. On account of that close and intimate relationship, the garden space to the rear is clearly of some importance in understanding the context of the LB. On my site visit I noted that the rear garden residential amenity space can be glimpsed through the gaps to the side of both ends of the LB and allow the residential context to be understood. As such, the rear gardens contribute positively to the significance of the heritage assets when viewed from the public highway.
  10. I recognise that it is not unusual to see outbuildings in a listed residential building's garden and the proposal is some distance away from Abbots Cottage. Previous outbuildings at this location covered a similar area. Consequently, in principle, an outbuilding to the bottom of the garden would not necessarily cause harm to the setting of the LB. However, the form of the proposal, a square footprint with a shallow pitch asymmetrical roof, does not utilise traditional or distinctive building forms. The chalet style roof form would provide a conspicuously modern addition that would jar against the traditional form of the cottage. Due to the elevated position, it would be noticeable from public views down the driveway, notwithstanding the suggested screening.
  11. The proposed mineral felt roof material does not relate well to the distinctive local vernacular which uses high quality, natural and locally available materials. As such it is an inappropriate material for use within the setting of the LB. I recognise that previous structures were present on the site. However, the greenhouse and shed were smaller buildings of simple design related to the function of the garden. In contrast, the summerhouse would have an overtly modern and residential appearance as opposed to a functional garden structure that would compete visually with the cottage in the foreground and appear unsuited to its context. Overall, the proposal would appear as a wide, squat, incongruous structure, constructed of inappropriate materials which would not preserve the setting of the LB.

12. Precedent images have been supplied and an argument is made that other outbuildings have been permitted at other listed heritage sites in the vicinity. I note that, amongst other things, the building form of the precedent structures is well related to the distinctive local vernacular, making them materially different to the current proposal which fails to preserve the setting of the LB or contribute positively to the character and distinctiveness of the local area.
13. In some situations, it might be possible to secure use of alternative materials for the roof by means of an appropriately worded planning condition. However, in this case there is no substantive evidence before me to demonstrate that alternative materials could be found that would both respect the sensitive historic context and which could be used on the proposed outbuilding, in particular on its low-pitched roof. It would not therefore be reasonable for me to recommend that such a condition be imposed. In any event, even if more sympathetic materials could be agreed, this would not address the harm resulting from the inappropriately square, squat structure and shallow pitched roof.
14. Accordingly, the proposal would fail to preserve the setting of the LB on account of the introduction of a modern and unsympathetic outbuilding within the rear garden. Given the importance of the garden to the setting of the building, the development would cause harm to the significance of the LB and, consequently, harm to the historic landscape character. Given the partially screened location of the proposal I consider the harm to the LB would be less than substantial. However, on the evidence before me there is no indication of any public benefit that could outweigh the less than substantial harm identified.
15. In the absence of any public benefits to outweigh the harms identified, the proposal would conflict with Strategies 3,5,46,48,49, and Policies D1, EN8 and EN9 of the East Devon Local Plan 2013-2031 (adopted 2016), insofar as they relate to the preservation of listed heritage assets and historic landscape character, and also conflicts with guidance in the National Planning Policy Framework 2021.

### **Conclusion and Recommendation**

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*S Wilson*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

17. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree with the recommendation and shall dismiss the appeal.

*Chris Preston*

INSPECTOR