

Appeal Decision

Site visit made on 20 September 2022

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2022

Appeal Ref: APP/J9497/D/21/3285721

3 Exmouth Cottages, Road from Gidleys Turn to Exmouth Cottages, Lower Ashton EX6 7QJ

- 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 Mrs Jayne Solomon against the decision of Dartmoor National Park Authority.
- The application Ref 0293/21, dated 26 May 2021, was refused by notice dated 3 August 2021.
- The development proposed is two storey rear extension.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Following the submission of the appeal, the Authority adopted the Dartmoor Local Plan 2018 – 2036 (Local Plan). The parties were invited to comment upon this material change to the planning policy context to avoid any prejudice.
3. Upon the request of the respective occupier, the proposal was also assessed from the adjoining dwelling at No 2 Exmouth Cottages.
4. Though not included within the description of the proposal, the submitted plans depict a detached shower room/plant outbuilding. During my site visit, I noted that this outbuilding had been recently constructed in the position indicated on the plans, though modestly differing in detail from the submitted elevations.
5. Although the Authority's reason for refusal does not refer to the setting of a designated listed building, the potential setting effects on the Grade II* listed 'Spara Bridge' (List Entry Ref 1163425) have been drawn to my attention. My statutory duties under s66(1) of the Planning (Listed Building and Conservation Areas) Act (the LBCA Act), 1990, require that I shall have special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest which it may possess. This has therefore formed a main issue in respect of the appeal.
6. Additionally, in this regard, the historic environment policies of the National Planning Policy Framework (2021) (the Framework) are a material consideration. The Framework seeks to guard against the loss of any harm to, or loss of, the significance of a designated heritage asset, from alteration or destruction, or from development within its setting, by requiring clear and convincing justification for such¹. The appeal dwelling lies outside of, but

¹ Paragraph 200

directly opposite 'Lower Ashton Conservation Area' (CA) which is a designated heritage asset. The potential effects of the proposal on the setting of the CA have therefore also formed a main consideration.

7. The *Devon and Dartmoor Heritage Environment Record* includes the terrace of cottages as a non-designated heritage asset (NDHA). The Framework² also requires that a balanced judgement should be reached for proposals directly or indirectly affecting an NDHA, having regard to the scale of any harm or loss and their respective significance. The effects of the proposal on the NDHA has therefore also formed a main issue.

Main Issues

8. In the context of the above, the main issues are the effects of the proposal on:
- the character and appearance of the host dwelling, the NDHA, and the surrounding area, which forms part of the Dartmoor National Park (NP); and
 - the setting of the Grade II* listed 'Spara Bridge'; and
 - the setting of the 'Lower Ashton Conservation Area'.

Reasons

9. The appeal dwelling is a two storey cottage situated in a rural position near the small settlement of Lower Ashton. It forms part of a short terrace of three cottages with almost identical principal facades. The terrace is set back from the main road and has an outlook over towards the Teign river, Spara Bridge, the green surroundings and towards Lower Ashton beyond. Due to its position at the end of the terrace and with another rural road adjoining the boundary, the flank end elevation of the appeal dwelling is also visually prominent in views from the rear, sides and front, including from around the Bridge.
10. From the evidence, the NDHA was built sometime between 1875 and 1899 with the arrival of the former railway and was suspected to have been built to accommodate railway workers. Each cottage is three bays wide with large, centred gable porches and are constructed from stone with red brick window surrounds, slate roofs and large stone and brick chimney stacks. They also appear to have casement windows.
11. I find that the significance of the NDHA derives, in part, from the remaining historic fabric, its architectural arrangement, detailing, materials and consistency across the terrace as a single entity, particularly evident in the treatment of the principal façades. Though the rear elevations have been altered, extensions and features are discreetly positioned and subtly designed so as to maintain the form and composition of the terrace arrangement in views from the front. As such, the balanced configuration of the terrace adds to the NDHA's significance and special interest. The NDHA's siting within the open rural setting, visible from Spara Bridge, is also indicative of its wider group value and also adds to its significance and special interest.
12. In terms of the effects on the wider NP, setting of Spara Bridge and the setting of the CA, the *Lower Ashton Conservation Area Appraisal* (revised 2010) (the Appraisal) notes that:

² Paragraph 203

"Exmouth Cottages are attractive in their own right and have great group value with [Spara] bridge. Their present exclusion from the conservation area is due to them being within the Dartmoor National Park. They deserve to be treated as if they are within the conservation area".

13. Though the official list entry of Spara Bridge specifically focuses on its age (c.1660), its purpose, fabric and architectural features, it is evident that the historic and aesthetic value of the NDHA is linked with the Bridge as a gateway feature to the settlement of Lower Ashton and thus, contributes positively to its significance and special interest. As also set out in the Appraisal, the NDHA also makes a positive contribution to the setting of the CA which encompasses the historic settlement of Lower Ashton with its many vernacular buildings.

The Proposal

14. The recently-constructed domestic outbuilding is situated in close proximity of the rear elevation, adjacent to the shared boundary with No 2, inset away from the outer flank wall. It is relatively discreetly positioned and its scale, form and appearance is typical of a domestic outbuilding.
15. The main component of the appeal proposal is the extension to the dwelling which would be added to the rear over both ground and first floors and would involve the removal of an existing rear extension. The new extension's rearward projection would match that of the existing extension which is marginally deeper in plan than the host dwelling. It would span the full three-bay width of the dwelling. The roof of the extension would be pitched with a slate covering to match the existing, with parallel ridges separated by a valley. A covered balcony would be inset from the first floor side elevation. The side elevation, flush with the existing flank wall at ground level and inset at first floor level, would be fully glazed.
16. In public views from the front and much of the side of the dwelling, the existing extension is not visible, whereas in views from the rear, it is clearly seen as a subordinate extension to the dwelling. Whilst the appellant's evidence refers to the existing rear arrangement as 'ad hoc' and poor quality, its scale, form and siting is sympathetic to the dwelling and does not currently detract from the host dwelling or significance of the NDHA.
17. The proposed extension would add an incongruously large and inelegant addition to the rear and side of the dwelling, overwhelming its original proportions and failing to appear subordinate in scale and form. Even if its habitable additional floorspace were less than the 30% maximum tolerable under Local Plan Policy 3.7, it would appear to double the size of the dwelling. Furthermore, its strident design, with significant amounts of glazing and recessed balcony feature, would jar with the traditional character of the dwelling and its more conventional solid-to-void ratio.
18. The extension would also be highly visible in public views of the host dwelling and would read as an unsympathetic addition, almost appearing as two adjoining dwellings of markedly different character. These effects would be harmful to the character and appearance of the host dwelling. For similar reasons, the balanced composition and integrity of the terrace arrangement would be undermined with a consequent modest loss of significance of the NDHA.

19. Though the host dwelling and the terrace of which it forms a part are only relatively minor components, they nonetheless form part of the distinctive landscape scenery of the NP. As the proposal would harm the integrity of the terrace composition and would be highly publicly visible, the proposal would result in incremental harm to the NP.
20. As the extension would form a prominent and strident addition to the host dwelling, unbalancing the composition of the terrace arrangement and weakening its historic integrity, it would detract from the significance of the Grade II* listed Spara Bridge. Under the terms of the Framework (paragraph 202), the level of harm would be less than substantial.
21. For similar reasons to that expressed above, the proposal would also detract from the setting of the CA, thus harming its special interest. The magnitude of harm would be less than substantial under the terms of the Framework.
22. For the reasons set out above, the extension would be harmful to the character and appearance of the host dwelling, an NDHA, and would also incrementally harm the character and appearance of Dartmoor National Park. It consequently conflicts with, in particular, Local Plan Policies 1.5, 2.7 and 3.7. These Policies seek to ensure that development reinforces local character, respects Dartmoor's vernacular, conserve and/or enhance heritage assets, and where involving residential alterations, extensions or outbuildings, are subservient to the original dwelling and respectful of its character, appearance, curtilage and immediate surroundings.
23. The proposal would also harm the special interest and significance of the designated heritage assets known as Spara Bridge and Lower Ashton Conservation Area. It therefore fails to accord with the expectations of s66(1) of the LBCA Act and the heritage policies of the Framework.

Other Matters

24. I have considered whether to issue a split decision for retention of the outbuilding but consider that the manner in which it deviates to a degree from the submitted plans renders this an impractical course of action. However, I do not consider it harmful in such ways as expressed in relation to the extension.
25. I acknowledge that, subject to conditions where necessary, the proposal would not result in any harm to the site's biodiversity interests or result in any increased risk of flooding. The ability to ensure policy compliance in relation to the sustainability of its construction is also noted. However, these aspects are of neutral overall effect and do not weigh either for or against the proposal.

Overall Balance and Conclusion

26. Insofar as the proposal would harm the character and appearance of the dwelling, surrounding area and result in less than substantial harms to the significance of a number of both designated and non-designated heritage assets, it would conflict with the development plan, when taken as a whole.
27. The Framework advises in paragraph 202 that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits.

28. The proposal would represent some investment in the fabric of the building and realise some economic benefits, largely associated with the construction phase. However, an improvement to the available floorspace and living environment of the dwelling is a largely private, rather than public, benefit.
29. Taken together, I attribute the sum of public benefits associated with the proposals to carry limited weight in its favour. On the other hand, even less than substantial harm to a designated heritage asset carries considerable importance and weight. The public benefits of the proposals are not of sufficient weight to outweigh the identified harms to the individual designated and non-designated heritage assets. The proposals therefore conflict with the heritage protection policies of the Framework and I do not find there to be material considerations that indicate that the appeal be determined other than in accordance with the development plan.
30. For the reasons set out above, the appeal is dismissed.

Hollie Nicholls

INSPECTOR