

Appeal Decisions

Site visit made on 5 October 2022

by Matthew Jones BA(Hons) MA MRTPI

An Inspector appointed by the Secretary of State

Decision date: 12 October 2022

Appeal Ref: APP/U1105/W/22/3297372

Milcot, Road From Netherton Hall To Farway Cross, Farway EX24 6ED

- 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 S Boswell and Ms F Bond against the decision of East Devon District Council.
 - The application Ref 21/1970/FUL, dated 9 July 2021, was refused by notice dated 9 February 2022.
 - The development proposed is demolition of existing lean-to and construction of single storey rear extension.
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Appeal Ref: APP/U1105/Y/22/3297377

Milcot, Road From Netherton Hall To Farway Cross, Farway EX24 6ED

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr S Boswell and Ms F Bond against the decision of East Devon District Council.
 - The application Ref 21/1971/LBC, dated 9 July 2021, was refused by notice dated 9 February 2022.
 - The works proposed are demolition of existing lean-to and construction of single storey rear extension.
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Decisions

1. The appeals are dismissed.

Main Issue

2. Milcot, or Millcote, is a Grade II listed house. The main issue is the effect of the proposal on the special architectural and historic interest of the listed building.

Reasons

3. The significance of Milcot is drawn from the modest plan and proportions and the simple rubblestone of its single-phase core, which express its historic interest as a small home of early 17th Century origin. A 20th Century lean-to has been added to the rear which is of a poor construction. The lean-to is, however, smaller in scale than the main building. It replaced an historic outshut(s), and indeed its traditional shape and proportions mimic such.
4. Whilst it also steps out beyond Milcot's south flank, it does so modestly. Here, its low, simple side profile and rather odd placement beyond the corner of Milcot lead it to appear as an obviously later addition, which prevents any legibility issues, despite its matching stonework. Its overly tall chimney stack is also very slender and so does not impose harmfully against the main form of

the property. As such, whilst the general construction of the lean-to detracts from the significance of the building, it is fairly innocuous and is secondary in status to the historic core. The level of harm it imposes upon Milcot is minimal.

5. The replacement extension would be more sophisticated in its design and construction, and its glazed link and lighter, contrasting form would complement Milcot's historic fabric. The low, horizontal profile of the extension would ensure that a small part of Milcot's original rear elevation below the eaves would be re-exposed. To a far lesser extent, the glazed form of the replacement may also allow in further, filtered views of Milcot's original rear wall. The redesign would make for better connections between the internal layout and the surrounding outdoor environment, benefitting its functionality.
6. However, at the essence of Milcot is a compactness, a humbleness. The size of the extension, across much of the width of the house and with a depth akin to Milcot's original plan, would not achieve requisite subservience, divesting the building's historic core of its essential primacy. The extensive devices diligently employed to soften the appearance of the extension would not, in practice, adequately assuage its relatively sprawling and ultimately competitive depth. In my view, the proposal would result in less than substantial harm to Milcot.
7. Paragraph 199 of the National Planning Policy Framework (the Framework) explains that great weight should be given to the conservation of designated heritage assets. Paragraph 202 requires decision makers to weigh less than substantial harm to a designated heritage asset against the public benefits of the scheme, including securing its optimum viable use. That balancing exercise takes place within the context of s.16(2) and s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which set a strong presumption against a grant of listed building consent or planning permission for works or development that would cause harm to the special interest of a listed building.
8. The removal of the existing lean-to and the positive design elements of its replacement are in isolation modest benefits that do not justify the harm that would be caused to the listed building overall. Moreover, benefits such as the enhanced materials palette, and shifting the substantive focus of the extension to the north towards the hillside, could also be achieved with a shallower extension. I do not share the view that a more modest extension of similar design would necessarily have a greater vertical stature. It is suggested that the proposal would secure the long term viable domestic occupation of Milcot, but I have no reason to believe that this is under any real threat.
9. As such, the weight I attach to these benefits falls decisively short of justifying the harm that would be caused; harm that must be given considerable importance and weight in the balancing exercise. That conclusion further brings the proposal into conflict with Policy EN9 of the East Devon Local Plan 2013-2031 (adopted 2016) insofar as it seeks to protect listed buildings.

Other Matters

10. Milcot is within the East Devon Area of Outstanding Natural Beauty (the AONB). Section 85 of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to the purpose of the AONB to conserve and enhance the natural beauty of the area. Given the small scale of the proposal as an addition to existing built form, no harm to the AONB would arise.

Conclusion

11. The proposed development would conflict with the development plan when read as a whole. For the above given reasons, and taking all other matters raised into account, I conclude that the appeals should be dismissed.

Matthew Jones
INSPECTOR