



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: 21st October 2022

Appeal Ref: APP/P1133/W/22/3296002

Finlake Lodge, Road From Chudleigh Bridge To Pitt Farm, Chudleigh TQ13 0EH

- 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 Ms S Hall against the decision of Teignbridge District Council.
 - The application Ref 21/02419/HOU, dated 21 October 2021, was refused by notice dated 18 January 2022.
 - The development proposed is described as *'Planning and LBC application for the removal of a flat roof over building erected to replace rotten conservatory and replacement with pitched slate roof, amendments to boundary wall and removal of gate pillars – all previously commenced without consent'*.
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Appeal Ref: APP/P1133/Y/22/3295995

Finlake Lodge, Road From Chudleigh Bridge To Pitt Farm, Chudleigh TQ13 0EH

- 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 Ms S Hall against the decision of Teignbridge District Council.
 - The application Ref 21/02420/LBC, dated 21 October 2021, was refused by notice dated 18 January 2022.
 - The works proposed are described as *'Planning and LBC application for the removal of a flat roof over building erected to replace rotten conservatory and replacement with pitched slate roof, amendments to boundary wall and removal of gate pillars – all previously commenced without consent'*.
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Decisions

1. The appeals are dismissed.

Procedural Matter

2. The proposed development/works is already in situ aside from a pitched roof proposed to be added to the southwest corner of the building and alterations to a boundary wall. I therefore made my assessment on the basis of both what I observed on site and the proposed plans which accompany the appeals.

Main Issue

3. Finlake Lodge 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

4. The 19th Century Finlake Lodge marked the formal entrance to the Stokelake Estate. Its significance derives from this role but also from its fine architecture, including its rusticated bands of yellow brick, its deeply projecting eaves and the flashes of Italianate detailing. Both this form and function are principally appreciable as one enters what was the estate gateway, directly to the east.

5. The northwest elevation is hidden in views from the former estate entrance. It is less significant architecturally and appears to have been formed of two, simpler, pitched roof, projections. The elevation also bore two haphazard 20th Century additions in the form of a crude infill between the two projections and a rather insipid conservatory. Off the southwest elevation a bedroom has been added more successfully in brick. Nonetheless, as the building entered the 21st Century, the lodge had been largely denuded of its original 'U' plan, and the appearance of its northwest elevation had been markedly degraded.
6. The proposal has removed one of the original projections. However, I can see from a photograph that it was built in unembellished brickwork and contained a poor and nondescript, modern plastic window. It was therefore of little value to the significance of the building, given the changes that had happened to and around it. The structure that has replaced it and the adjacent infill extension is a little oversized but does sit clearly below the eaves of the lodge, so is subservient. With its rusticated brickwork and deep eaves, it takes reference from Finlake Lodge and is well designed in its own right. Together with the flat roofed, brick faced structure which has replaced the conservatory, the works have resulted in a more sophisticated and more cohesive response.
7. Where the works that have taken place fail to achieve adequate quality is the felt that covers the flat roof. However, that is not to say that a flat roof finish should be discounted entirely. Indeed, a flat roof works well here as it allows the presence of this effective corner infill to be minimised, allowing deference to the lodge. To now top it with another pitched roof would cause a cluttered aesthetic, more akin to the busy dissonance of shapes that previously beset the northwest elevation. For this reason alone, the works/development would result in less than substantial harm to the significance of Finlake Lodge.
8. 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.
9. The appellant finds the proposal to represent a public benefit in achieving the optimum viable use of the listed building. However, even if I were to accept the premise of this argument, I have found that the special architectural and historic interest of the listed building could actually be preserved in a scheme not dissimilar to that now proposed. As such, the weight I attach to this benefit falls short of justifying the harm that would be caused; harm that must be given considerable importance and weight in the balancing exercise.
10. That conclusion also brings the proposal into conflict with Policy EN5 of the Teignbridge Local Plan 2013-2033 (adopted 2014) insofar as it seeks to protect listed buildings.

Other Matters

11. The dwelling itself is in Flood Zone 2 and partly Flood Zone 3a. Whilst the proposal would be a minor development in flood risk terms, the Framework still

requires a flood risk assessment to be completed in these circumstances. However, the scheme has barely extended the dwelling, if at all, and has replaced structures which logically would have had inferior integrated flood resilience measures. In these circumstances, I consider that this matter could have been addressed with a condition, had I been minded to allow the appeal.

Conclusion

12. 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