



Appeal Decisions

Site visit made on 27 March 2023

by Neil Pope BA(HONS) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 April 2023

Appeal A Ref: APP/P1133/W/22/3300072

Court Gate, Broadhempston, Totnes, Devon, TQ9 6BD

- 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 R Kaye against the decision of Teignbridge District Council (the LPA).
- The application ref. 21/02708/HOU, dated 24/11/21, was refused by notice dated 25/3/22.
- The development proposed is the *"Demolition of modern conservatory, replacement extension to form new living room and bedroom. Internal and external repairs to replace cement render and modern plaster, structural joist replacement, alterations to provide a new kitchen within and create a utility room. Replacement of certain modern windows for new windows, and a new door for rear access."*

Appeal B Ref: APP/P1133/Y/22/3300101

Court Gate, Broadhempston, Totnes, Devon, TQ9 6BD

- 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 & Mrs R Kaye against the decision of Teignbridge District Council (the LPA).
- The application ref. 21/02709/LBC, dated 24/11/21, was refused by notice dated 25/3/22.
- The works proposed are the *"Demolition of modern conservatory, replacement extension to form new living room and bedroom. Internal and external repairs to replace cement render and modern plaster, structural joist replacement, alterations to provide a new kitchen within and create a utility room. Replacement of certain modern windows for new windows, and a new door for rear access."*

Decisions

1. The appeals are allowed. Planning permission and listed building consent are granted for the demolition of a modern conservatory, replacement extension to form new living room and bedroom, internal and external repairs to replace cement render and modern plaster, structural joist replacement, alterations to provide a new kitchen within and create a utility room, replacement of certain modern windows for new windows, and a new door for rear access at Court Gate, Broadhempston, Totnes, Devon, TQ9 6BD. The permission and consent are granted in accordance with the terms of the respective applications refs. 21/02708/HOU and 21/02709/LBC, dated 24/11/21 and subject to the conditions in the attached Schedules.

Preliminary Matters

2. Court Gate is a grade II listed building that lies within the Broadhempston Conservation Area (BCA). I shall frame the main issue having regard to the provisions of sections 16(2), 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issue

3. The main issue in both appeals is whether the proposal would preserve Court Gate and preserve or enhance the character or appearance of the BCA.

Planning Policy

4. The development plan includes the Teignbridge Local Plan 2013-2033 (LP). The most important policy to the determination of these appeals is LP policy EN5 (heritage assets). In determining these appeals, I have also had regard to the provisions of the National Planning Policy Framework (the Framework), especially section 16 (conserving and enhancing the historic environment).

Reasons

5. Court Gate is a two storey, white painted rendered rubble wall cottage with a slate roof. Over time, this circa early 18th century building has been altered and firstly, reduced in size and then extended. This has included incorporating the remains of an attached barn as part of the living accommodation, a mid-19th century scullery and a rather unsympathetic 20th century conservatory¹.
6. The significance (heritage interest) of Court Gate includes its two room plan form with a central staircase, its 18th and 19th century building fabric (including roof timbers and chimney stack) and its pleasing form and appearance as a traditional Devon cottage. The BCA comprises a sizeable area and contains buildings of various ages, sizes and styles. The significance of this designated heritage asset includes the contribution made by the numerous listed buildings.
7. The proposed two storey extension would comprise a sizeable addition to the appellants' listed dwelling. However, like many properties, listed buildings also evolve over time. The proposed extension would not be prominent within the BCA and would be smaller than some additions to other historic properties. The new and enlarged openings would result in a limited loss of some 18th and 19th century fabric. In addition, the proposed Juliet balcony on the new extension would comprise an overtly modern addition that would have little, if anything, in common with the vernacular qualities of this cottage.
8. Some elements of the proposals would have a negative impact upon the character and appearance of the listed cottage and its contribution to the BCA. In the context of the Framework, these would amount to less than substantial harm. If there is a sliding scale within this category of harm the proposals would be towards the lower end. It is also important to consider any positive elements of the proposals and to weigh any public benefits with the harm.
9. The new extension would be set down from the roof ridge on the host building and set back from the existing front and rear walls. Its 'footprint' would not be significantly larger than the existing conservatory and this new extension would secure the removal of an inappropriate 20th century addition. The proposed extension would be subservient in size and scale to the host building and the historic plan form and character of the cottage would be retained. The removal of the conservatory would improve the appearance of the listed building and, in so doing, amount to a public benefit.

¹ A dark stained tongue and groove timber clad extension with a section of glass reinforced polyester flat roof.

10. This proposed enlargement would be designed with a pitched roof and would be finished to match the appearance of the cottage, including the use of natural slates. The replacement of cement render on the existing walls with lime render would allow the building to 'breathe' and enhance its integrity. Some unsympathetic modern internal works would also be removed and an existing soil pipe would be placed inside the building to improve its external appearance. These further enhancements to the listed building also amount to a public benefit to be weighed in the balance. Other than the Juliet balcony, the new extension would be designed to a high standard and would maintain the pleasing form and overall appearance of the cottage.
11. As I saw during my visit, in part, the living conditions inside the cottage are somewhat cramped and the present internal arrangements, poor insulation and damp penetration create a rather unsatisfactory living environment for the appellants and their children. The proposed works, which include a new living room and an additional bedroom, would assist in addressing these matters and help secure the continued optimal use of this listed building. The appellants' agent has also indicated how alternative extensions would be likely to result in more harmful impacts upon the character and appearance of the cottage. The LPA has not supported its assertion that there is likely to be less harmful ways of providing the required accommodation.
12. Whilst the proposed loss of some important historic fabric and the inclusion of a Juliet balcony as part of the design to one of the windows would be unfortunate, on balance, this would be outweighed by the public benefits of the proposal. When the proposal is considered overall, I find that it would preserve Court Gate and preserve the character and appearance of the BCA. In so doing, the proposal would accord with the objectives of LP policy EN5.

Other Matters

13. The proposed extension would not be so close to neighbouring properties as to result in any significant overlooking or harmful loss of privacy. The extension would also be much smaller and of a materially different design to a previous scheme that was refused by the LPA (refs. 05/00654/FUL and 05/00653 LBC).

Conditions

14. In addition to 'standard' conditions requiring development/works to commence within three years, for the avoidance of doubt, it would be necessary to attach conditions specifying the approved drawings. To preserve the character and appearance of Court Gate and the BCA, a condition would be necessary specifying the use of; lime render on the existing external walls with a limewash finish; painted render on the extension; natural slates on the roof; timber framed external doors and windows and; flush fitting rooflights. Other conditions suggested by the LPA would be unnecessary.

Conclusion

15. Given all of the above and having regard to all other matters raised, I conclude that these appeals should succeed.

Neil Pope

Inspector

SCHEDULES OF CONDITIONS

APPEAL A (Planning Permission)

1. The permission hereby granted shall begin within three years of the date of this decision.
2. The development hereby permitted shall be undertaken in accordance with the following approved plans: 1:100 scale floor plans (drawing ref. 873.15C); 1:100 scale elevations (drawing ref. 873.16C), 1:10 scale typical details (drawing ref. 873.22A) and 1:1,250 scale location plan (drawing ref. 873.01).
3. As specified on the approved plans, the existing external walls shall be finished with a natural lime render and limewash and the new external walls shall comprise painted rendered walls to match the colour of the existing building. The roof on the extension hereby permitted shall be finished using natural slates to match the colour and size of the natural slates on the existing roof. The rooflights shall be flush fitting with the natural slates and all new windows and external doors shall comprise painted timber framed openings to match the colour of the external walls.

Appeal B (Listed Building Consent)

1. The consent hereby granted shall begin within three years of the date of this decision.
2. The works hereby permitted shall be undertaken in accordance with the following approved plans: 1:100 scale floor plans (drawing ref. 873.15C); 1:100 scale elevations (drawing ref. 873.16C), 1:10 scale typical details (drawing ref. 873.22A) and 1:1,250 scale location plan (drawing ref. 873.01).
3. As specified on the approved plans, the existing external walls shall be finished with a natural lime render and limewash and the new external walls shall comprise painted rendered walls to match the colour of the existing building. The roof on the extension hereby permitted shall be finished using natural slates to match the colour and size of the natural slates on the existing roof. The rooflights shall be flush fitting with the natural slates and all new windows and external doors shall comprise painted timber framed openings to match the colour of the external walls.