



Appeal Decision

Site visit made on 7 February 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th April 2023

Appeal Ref: APP/P1133/W/22/3302313

Lammas Park House, 3 Priory Road, Dawlish EX7 9JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr & Mrs R Deacon against Teignbridge District Council.
 - The application Ref 21/02635/FUL, is dated 14 November 2021.
 - The development proposed is unit of accommodation linked to the guest house.
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Decision

1. The appeal is dismissed and planning permission for the unit of accommodation linked to the guest house is refused.

Preliminary Matters

2. As the proposal is in a conservation area and relates to the setting of listed buildings, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The site falls within 10km of the Exe Estuary Special Protection Area (SPA) and Dawlish Warren Special Area of Conservation (SAC). I will return to this below.
4. The appeal follows the Council's failure to determine the planning application within the prescribed period. During the course of the appeal the Council confirmed that they would have refused planning permission due to harm to the setting of the Grade II listed Lammas Park House and a failure to preserve the character and appearance of the Dawlish Conservation Area. The appellant had an opportunity to respond to this in their final comments.

Main Issues

5. In light of the above, the main issues are the effect of the proposal on the character and appearance of the area including whether it would preserve or enhance the character or appearance of the Dawlish Conservation Area, and whether the proposal would preserve or enhance the settings of Grade II listed buildings (Lammas Park Hotel and The Priory, Priory Road, and 1-7 Exeter Road).

Reasons

6. Dawlish Conservation Area (CA) is characterised by its houses and hotels developed around the historic seaside resort. The area is also characterised by its built development that steps up the hillsides. The Dawlish Conservation Area Character Appraisal (CACA) identifies Lammas Park House as making an outstanding contribution to the character of the CA. The CACA states that

buildings identified as outstanding are the highlights of the CA and that proposals that affect their character or setting, should only be considered if they offer enhancement.

7. Lammas Park House, a Grade II listed building known as Lammas Park Hotel (reference 1334481), is located on the opposite side of Priory Road raised above the appeal site. This three-storey detached building occupies an important open hilltop position with a half-hipped roof, half-octagonal belvedere and veranda with iron columns and balustrading. The appeal site forms part of the garden to Lammas Park House which is a guest house. It is well planted giving relief between the front of the listed building, the road, and the development beyond. I find the setting of Lammas Park House to be primarily associated with its immediate garden areas and its prominent location raised above the town in an important open hilltop position.
8. The significance of the CA and listed building is derived from the traditional building forms that predominately utilise rendered elevations and pitched roofs with conventional roof tiles fronting a street. In addition, the open frontage to the site softens the appearance of the area and gives the listed building a verdant open setting as the surrounding development rises the hillside.
9. Given the close relationship to the listed building and given its current use as a garden to it, the proposal would result in the loss of this open landscaped area, however well maintained, replacing it with a built form covering a significant part of the site. The built form, materials, and loss of garden setting to the frontage of Lammas Park House would not improve the appearance of the site, introducing a modern residential form which would unfavourably contrast with the traditional appearance of the listed building.
10. The proposal would result in the loss of the undeveloped relief that the front garden provides to the setting of the listed building when viewed from Priory Road and when looking down from the front upper floor windows to Lammas Park House and out of the front ground floor windows. As a result, the proposal would undermine the historic relationship and significance between the listed building and this garden area. The provision of replacement planting would not adequately mitigate the impact. Provision of a taller front boundary wall would further harm the open relationship and relief that the site provides to the setting of the listed building.
11. The use of stone to the front elevation of the accommodation seeks to replicate other boundary walls close to the appeal site. However, the use of stone to elevations of buildings in the CA is relatively uncommon. The use of painted render is prevalent as detailed in the CACA. As a result, the front elevation would not reflect the character of the area and would be incongruous in the street scene.
12. I acknowledge the desire to use different materials to clearly identify the building as a modern addition to the CA. However, I note that the CACA states that modern replacement roofs are wholly incongruous in an historic setting and that even in small numbers their use significantly harms the authenticity of the area's historic qualities. Similarly, I find that the use of grey fibreglass on a flat roof to this proposed accommodation would not be characteristic of the area or wider Conservation Area where traditional pitched roofs and materials dominate. Although I appreciate that the proposed cladding would weather over time, as detailed in the CACA, the use of timber cladding is also relatively

scarce in the CA with their general absence contributing to the character of the area. As a result, the proposed materials and flat roof design would be incongruous and would not reflect the established character of the area.

13. The proposed accommodation would adjoin existing bungalows and the roof to No. 2 High Street. However, the proposed positioning close to two boundaries, lack of openings fronting the road and its flat roof form would be at odds with the prevailing design and urban grain of development in the area. When viewed in association with the roof to No. 2 High Street, the development would present a considerable mass to the street that is not characteristic of the area and would result in the loss of the undeveloped, open, landscaped nature of the site that adds to the wider area providing a break in the built form. Replacement planting would take time to mature and effectively screen the building, and the provision of a taller front boundary wall would in itself be out of character with the road and wider area.
14. Whilst the accommodation would be partially screened from Priory Road behind a low frontage boundary wall, parts of the building, particularly its front elevation and roof, would be visible from the road and from Lammas Park House.
15. The Council in their officer report and appeal evidence reference further listed buildings. These relate to the Grade II listed buildings forming The Priory, 4 Priory Road and 1-7 Exeter Road. As with Lammas Park House, I find the setting of The Priory to be primarily associated with its immediate gardens and historic hillside location. The setting of No's 1-7 Exeter Road relates to their immediate gardens and the relationship between the modernised farmhouse and associated cottages. Their significance is derived from their traditional forms and use of materials. The scale and sunken position of the appeal proposal, set some distance to the south-east of The Priory, and north-west of 1-7 Exeter Road, would not be viewed in association with the settings of these listed buildings and would not therefore cause harm in this regard or to their significance.
16. When taking account of all of the above, I conclude that the proposal would harm the character and appearance of the area, fail to preserve or enhance the character or appearance of the CA and fail to preserve or enhance the setting of the Grade II listed Lammas Park House. As a result, it would harm the significance of the CA and listed building. The proposed development is therefore contrary to Policies S1, S2 and EN5 of the Teignbridge Local Plan 2013-2033 LP, which, amongst other things, require that development maintain or enhance the character, appearance, and historic interest of buildings, integrate with and, where possible, enhance the character of the built environment, and protect and enhance the area's heritage assets. Those policies are consistent with the National Planning Policy Framework (the Framework) which requires development to be sympathetic to local character and history and that heritage assets are conserved in a manner appropriate to their significance.
17. The Framework advises at Paragraph 199 that, when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm

or loss should require clear and convincing justification. Accordingly, while less than the 'substantial harm' referred to in Paragraph 201 of the Framework, the harm to the CA and setting of the listed building is nevertheless a matter of considerable importance in this case.

18. Given that the harmful effects on the CA and setting of the listed building would be localised, the proposal would result in 'less than substantial harm' to the Conservation Area and setting of the listed building as designated heritage assets.
19. Paragraph 202 of the Framework establishes that, where a development proposal would lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
20. The proposal would aid tourism through providing additional holiday accommodation, income to support the guest house and provide some limited economic benefits from visitor spend and construction. It would be insulated to a standard above current building regulations and benefit from an air source heat pump aiding energy efficiency. Taking such matters into account, individually or together, the public benefits are limited and do not outweigh the 'less than substantial harm' to the CA as a whole, or to the setting of the listed building that I have identified, and the great weight afforded to the asset's conservation.

Other Matters

21. A financial contribution has been paid by the appellant to the Council to mitigate the impact from development on the SAC and SPA. However, as I am dismissing the appeal, I do not need to consider this matter or the related duties under the Conservation of Habitats and Species Regulations 2017 further.
22. I acknowledge that the appellant sought pre-application advice, amended the scheme, and raises concerns regarding the conduct of the Council. However, these matters, and the lack of harm to the living conditions of neighbouring residents are neutral in my consideration.

Conclusion

23. For the reasons given above I conclude that the proposal conflicts with the development plan taken as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, the appeal should be dismissed.

C Rose

INSPECTOR