



Appeal Decision

Site visit made on 21 March 2023

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th April 2023

Appeal Ref: APP/K1128/D/23/3314215

2 Erme Bridge Cottages, Totnes Road to School Road, Ermington, Devon, PL21 9NN

- 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 A Hopwood against the decision of South Hams District Council.
 - The application Ref 3018/22/HHO, dated 12 July 2022, was refused by notice dated 14 October 2022.
 - The development proposed is described as the erection of a '*rear extension*'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the Ermington Conservation Area.

Reasons

3. The appeal relates to a two-storey property in the middle of a short terrace of three houses dating from the second half of the 19th Century and located on the fringes of the small rural settlement of Ermington. The site lies within the Ermington Conservation Area (the CA). The Council's published Ermington Conservation Area Appraisal (CAA) states that the conservation areas throughout the South Hams District are special places that cover the older parts of the towns and villages. It recognises that it is the authentic architectural and historic qualities of these places that makes them special. Specific to Ermington, the CAA goes on to identify key features and amongst these highlights Erme Bridge Cottages (Nos 1, 2 and 3) as a building of special interest with a positive impact that contributes towards creating the special interest and character of the CA as a whole.
4. Access to the properties in the terrace is gained from the north. The south elevation of the terrace faces the dwelling's individual private and enclosed gardens that are segregated from each other with conventional residential boundaries. Nevertheless, it is evident, and common ground between the parties, that the south elevation of the terrace was originally its principal, front face and entrance. Although the terrace's south elevation cannot be read as a single entity from any vantage point due to the seclusion of the gardens from the public domain and the individual garden boundaries, the building has

clearly identifiable original architectural features that are consistent across its width and common to all three dwellings. I recognise that the terrace has undergone change, including the creation of three individual units in the past and side extensions to Nos 1 and 3, but I do not agree with the assertion made within the appellant's *Heritage appraisal, design & access statement & impact assessment* that the building is not well conserved. The simplicity of the architecture to the southern elevation of the terrace is preserved, as is the common alignment and rhythm of window and door openings, and feature granite lintels. These all combine to generate a degree of uniformity and formality to the terrace that is dependent upon No 2's contribution and which in my judgement makes a positive contribution to the character and appearance of the CA, underpinning the building's special interest as asserted by the Council.

5. There have been four previous proposals to extend the appeal property to the south at single-storey. These planning applications have all been refused by the Council and subsequent appeals¹ have been dismissed. In each case the Inspector concluded that the proposal would be harmful to the character or appearance of the CA.
6. I acknowledge that, unlike the current appeal proposal, past applications were not supported by a heritage appraisal. In this case, the relevant supporting document (aided by its addendum dated January 2022 which accompanied the appeal) gives a thorough and largely uncontested objective analysis of the area's history, evolution and background, including the construction and history of Erme Bridge Cottages, together with a review of relevant legislation and policies.
7. In its assessment of the heritage significance of the CA the appellant's heritage appraisal questions the extent of the CA's boundary and whether the area of Bunker Hill, including Erme Bridge Cottages and Saw Mill Cottage to the east of the appeal site, is of such special architectural interest that its character or appearance is desirable to preserve or enhance. However, there is no dispute that the site lies within the boundary of the CA as it stands and as it was last reviewed in 2003. Local authorities are responsible for designating conservation areas under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and there is no power for this authority to be transferred to an Inspector dealing with an appeal made under section 78 of the Town and Country Planning Act 1990. I appreciate that paragraph 207 of the National Planning Policy Framework (the Framework) recognises that not all elements of a conservation area will necessarily contribute to its significance as a heritage asset, but for reasons already amplified above, that is not the case for Erme Bridge Cottages.
8. The proposal is for a single-storey extension to the southern elevation of No 2. I recognise the efforts that have been made to address concerns previously expressed by the Council and successive Inspectors on appeal. The current proposal would be largely simple in form and traditionally constructed with

¹Appeal Refs APP/K1128/D/17/3178034, APP/K1128/D/18/3215977, APP/K1128/D/21/3271219 and APP/K1128/D/21/3282106

painted rendered side walls, timber posts and use of slate tiles to match those existing. However, I do not accept that it would appear as a traditionally detailed porch. A porch is conventionally defined as an exterior projection over a doorway to form a covered approach. Neither do I recognise comparison made with the grade II listed Lower Lodge at Avonwick, which appears from the photograph submitted to have a shallow and open veranda as part of the detached dwelling's cohesive design with little resemblance to the appeal proposal.

9. The proposed extension would, and be seen to, function as a reasonably sized addition that would create an integrated part of the property's ground floor living space. It would span the majority width of the dwelling, including across existing window openings, project to a depth of 3m, and rise to a maximum height that would sit just below the first-floor window's cills. The simplicity of its appearance and its own individual symmetry is recognised but this would not mitigate the loss of the original ground floor features that would be either removed or shrouded by the addition, and which I have identified as important to the contribution made by the dwelling and terrace as a whole to the CA. I accept that the proposed extension would not necessarily impact the dwelling's character as an original worker's cottage, but the visual impact it would have would be significant and harmful to its outward appearance. For this reason, it would neither preserve nor enhance the appearance of the CA.
10. Past Inspectors have consistently acknowledged that the southern elevation of the appeal property is not open to public view and that the effects of extending the property to the rear are localised and limited to sight from the appeal property itself and views from neighbouring gardens, which themselves are limited due to the existing boundary enclosures. That remains to be the case and as such the harm arising to the significance of the CA would be less than substantial. However, this does not equate to a less than substantial objection and any harm to a designated heritage asset requires clear and convincing justification in line with paragraph 200 of the Framework. Furthermore, in line with the Framework's paragraph 202, such harm should be weighed against the public benefits of a proposal including, where appropriate, securing its optimum viable use.
11. Given the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA, I attach significant weight to the harm that I have identified.
12. I recognise the appellant's desire to provide additional space to optimise the use of the dwelling in order to accommodate their family's needs and the increased demand upon themselves for home working, which in turn would be likely to have some environmental benefits. There would also be some benefits to the economy during the construction phase. However, the weight I attribute to these factors in terms of public benefits is not sufficient to outweigh the harm to the appearance of the CA.
13. Overall, for the reasons given, I find that the proposal would be harmful to the appearance of the Ermington CA. As such it would conflict with Policies DEV20 and DEV21 of the Plymouth & South West Devon Joint Local Plan (2019-2034) insofar as they, amongst other things, require new development to positively

contribute to townscape and to sustain local character and distinctiveness by, as a minimum, conserving the historic environment. For the same reason there would be conflict with the Framework's objectives for conserving and enhancing the historic environment.

Other Matters

14. I have noted the appellant's 'fallback' of lawfully siting a mobile cabin within the garden to No 2, as determined by the grant of a Certificate of Lawfulness. I recognise that this would have the potential to adversely impact the character and appearance of the CA. However, I concur with the findings of two Inspectors on recent appeals² that as a movable structure unattached to the dwelling, there would not be the same degree of permanence or lasting effect upon the building. As such, this does not lead me to conclude that the appeal should be determined in any way other than in accordance with the development plan.

Conclusion

15. For the reasons given, I find that the proposal would neither preserve nor enhance the appearance of the CA. The conflict that I have identified with the development plan and national policy means that the proposal would not represent a sustainable form of development. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR

²APP/K1128/D/21/3271219 and APP/K1128/D/21/3282106