



Appeal Decisions

Site visit made on 24 April 2023

by Neil Pope BA(HONS) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2023

Appeal A Ref: APP/P1133/W/22/3309036

Belford House, Bulford Lane, Kennford, Exeter, Devon, EX6 7TB.

- 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 Richard Frost against Teignbridge District Council (the LPA).
- The application ref. 22/00138/HOU, is dated 20 January 2022.
- The development proposed is described as an extension and restoration.

Appeal B Ref: APP/P1133/Y/22/3309033

Belford House, Bulford Lane, Kennford, Exeter, Devon, EX6 7TB.

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr Richard Frost against Teignbridge District Council (the LPA).
 - The application ref. 22/00139/LBC, is dated 20 January 2022.
 - The development proposed is described as an extension and restoration.
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Decisions

1. The appeals are dismissed and planning permission and listed building consent are refused for the proposed extension and restoration to Belford House.

Preliminary Matters

2. Belford House is a grade II listed building that was subject to an arson attack¹ in 2020 and prior to the appellant's purchase of the property. The rear of the property suffered significant fire damage² and the front of the house suffered water and smoke damage. Some works have since been undertaken and the house is again occupied, albeit with somewhat basic facilities for the residents.
3. On 3 April 2023, the LPA has informed me that had it been able to determine the applications it would have refused planning permission and listed building consent for the following reason:

The proposed development by virtue of its prominent scale and incongruous design, specifically with reference to the use of uncharacteristic heavy timber accents, overt glazing, blank areas of render, lack of subservience and an imbalanced and dischordant (sic) relationship with the host house that gives rise to insufficiently justified harm to a heritage asset. The proposal is therefore contrary to Policies S1 (Sustainable Development Criteria), S2 (Quality

¹ The National Planning Policy Framework (the Framework) states, amongst other things, that where there is evidence of deliberate damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.

² Amongst other things, a garage was very badly damaged and has since been removed, as well as sections of the former stable/kitchen walls and much internal plaster. Some roof timbers have also been affected.

Development) and EN5 (Heritage Assets) of the Teignbridge Local Plan 2013-2033 and Paragraphs 195, 199, 200 and 202 of the NPPF.

4. On 14 April 2023³, the LPA clarified that it also had concerns regarding some internal works to Belford House. These include the removal of a hallway between the living room and reception room, the removal of some doors, the raising of floors and window replacement in 'outbuildings'. The LPA has informed me that some other works that have been undertaken to the property, such as new ground floor windows and alterations to two fireplaces, do not fall within the terms of the listed building application and could be subject to separate enforcement proceedings.
5. Applications for awards of costs have been made by the appellant against the LPA. These applications are the subject of separate decisions.

Main Issue (Both Appeals)

6. The main issue is whether the proposed development and/or works would preserve the grade II listed building known as Belford House or any features of special architectural or historic interest which it possesses.

Reasons

7. Belford House is a two storey, whitewashed rendered cob and stone rubble house with a hipped slate roof. The bulk of the building dates from the early 19th century and, as noted in the list description, is probably a remodelling of an earlier house that had a thatched roof. The property has been altered and enlarged over time, including a 20th century gabled porch and a kitchen.
8. The significance (heritage interest) of Belford House is derived from its special architectural and historic qualities. These include its 'L' shaped plan, with two principal rooms at the front⁴ (one on either side of a through passage⁵ that indicate an earlier two room plan house), symmetrical three bay front elevation, thick cob/rubble walls, simple vernacular walls and windows, hipped roof, chimney stacks, painted timber framed sash windows, panelled doors, fireplaces, staircase, and the 19th century and earlier building fabric.
9. The proposed extension would be built on the rear (west) of the property and where the gradient of the land rises away from the main body of the house. The proposal would occupy the same 'footprint' as the garage, with a mezzanine floor above the former kitchen⁶. This new addition would provide a spacious kitchen area with a snug in the mezzanine. It would be designed with a pitched roof, the same height as the ridge on the central block of the existing building, and would include three rooflights.
10. The roof of the extension would be clad in natural slates and the walls would comprise rendered cob blocks on the south west elevation with large areas of glazing elsewhere and above low stone walls. Other works shown on the

³ In response to queries that I had raised following receipt of the LPA's Statement.

⁴ This front (eastern) block is the oldest part of the house.

⁵ As I saw during my visit, these two rooms now form a single space. This is shown as Room 1 on the submitted existing ground floor plan. I note from the appellant's Planning Statement that "There are no stud partitions remaining on the ground floor as these were all damaged and only the staircase remains." Sales particulars produced prior to the appellant's purchase of the property show a hallway between a reception room and living room at the front of the house. The appellant's heritage report also includes reference to an entrance passage separating the two principal ground floor rooms.

⁶ The former kitchen would be largely rebuilt following the fire damage.

submitted plans include the permanent removal of the hallway/entrance passage between the two principal ground floor rooms.

11. Elements of the proposed extension, such as its siting and shape, would reflect the form and layout of the existing house⁷. The hipped, natural slate roof and lime rendered cob walls⁸ would also be in keeping with the style, character and appearance of the listed building. The removal of the garage, the new opening in the south western flank wall of the former kitchen, the replacement timber window in the south west elevation of the proposed dining room⁹ and the removal of the early 21st century partition between the bathroom and bedroom 4 would not entail the harmful loss of any important historic fabric. The proposal would help to meet the requirements of the appellant and his family.
12. However, I share the concerns of the LPA's conservation consultant over the height of the proposed extension when seen from the garden, as well as the large areas of full height glazing. On the basis of the evidence before me, the extension would be much taller and bulkier than the garage it is intended to replace. There would be a sizeable area of new pitched roof supported on a heavy oak frame that would protrude north across part of the site. The height of the proposed extension relative to the main body of the house would be accentuated by the higher ground level and the proposed full height windows. It would comprise a dominant addition that would appear somewhat 'aloof' to the main body of the host building and a discordant addition to the house.
13. Whilst noting the appellant's argument that the proposed glazing would break up the mass of the extension, it would contrast awkwardly with the simple vernacular walls and very modest sized windows in the remainder of the house. The extension would be disproportionate in scale to the host building and appear as a rather incongruous and unsympathetic addition to Belford House. It would detract from the special architectural interest of this designated heritage asset.
14. Further harm would arise from the loss of the hallway/entrance passage. This would erode/detract from an appreciation or understanding of the historic plan form and layout of a building that is recognised as being of special interest. Whilst there is vagueness regarding some other aspects of the works, I note from the information submitted on behalf of the appellant that some of the doors have been retained and that some of the floors were of modern construction. These other elements of the proposals would not be harmful.
15. In the context of the Framework, the proposed development/works would result in less than substantial harm to the significance of this designated heritage asset. If there is a sliding scale within this category of harm the proposal would be somewhere between the middle and lower end. Nevertheless, I am required to give great weight to an asset's conservation. The harm that I have identified above weighs heavily against an approval.
16. I am also required to weigh less than substantial harm to the significance of a designated heritage asset against any public benefits. In this regard, it is

⁷ Given the above noted provisions of the Framework, I have included the garage as part of the existing house.

⁸ I disagree with the LPA's assessment that the unbroken section of new cob block wall adjacent to the footpath would be inappropriate. It is not uncommon for traditional Devon rural buildings to exhibit a dominance of solid wall over openings and this new section of wall would not be so tall as to appear oppressive from the footpath.

⁹ The replacement window would be a timber sliding sash. During my visit, I noted that the window frame that was in this opening and which remains on site appears to be a 20th century 'hinged' frame in the style of a sash.

important to ensure that listed buildings are properly maintained and do not fall into disrepair. As noted above, deliberate damage should not be taken into account. Although the current condition of Belford House appears to be attributable to the actions of a previous owner¹⁰, this does not weigh in the appellant's favour. There are no public benefits sufficient to outweigh the harm to the significance of Belford House that I have identified.

17. I conclude on the main issue that the proposed development and/or works would fail to preserve some features of special architectural and historic interest which Belford House possesses. In so doing, there would be conflict with the relevant provisions of the Framework and the development plan¹¹.

Conclusion

18. Given the above and having regard to all other matters raised, I conclude that these appeals should not succeed.

Neil Pope

Inspector

¹⁰ There is no suggestion whatsoever of any involvement by the appellant.

¹¹ Policies EN5 and WE8 (a) and (c) of the Teignbridge Local Plan 2013-2033.