



# Appeal Decisions

Site visit made on 10 January 2024

**by Mr JP Sargent BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 January 2024**

## **Appeal A: APP/P1133/W/23/3322095**

### **Sparrows Nest, The Strand, Ringmore Road, Shaldon, Devon TQ14 0ES**

- 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 Cumbley against Teignbridge District Council.
- The application Ref 23/00391/HOUS, is dated 3 March 2023.
- The development proposed is a replacement timber-framed conservatory.

## **Appeal B: APP/P1133/Y/23/3322111**

### **Sparrows Nest, The Strand, Ringmore Road, Shaldon, Devon TQ14 0ES**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) 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 & Mrs Cumbley against Teignbridge District Council.
- The application Ref 23/00392/LBC is dated 3 March 2023.
- The works proposed are a replacement timber-framed conservatory.

## **Decisions**

### **Appeal A: APP/P1133/W/23/3322095**

1. The appeal is allowed and planning permission is granted for a replacement timber-framed conservatory at Sparrows Nest, The Strand, Ringmore Road, Shaldon, Devon TQ14 0ES in accordance with the terms of the application, Ref 23/00391/HOUS, dated 3 March 2023, subject to the conditions in Conditions Schedule A below.

### **Appeal B: APP/P1133/Y/23/3322111**

2. The appeal is allowed and listed building consent is granted for a replacement timber-framed conservatory at Sparrows Nest, The Strand, Ringmore Road, Shaldon, Devon TQ14 0ES in accordance with the terms of the application Ref 23/00392/LBC dated 3 March 2023 subject to the conditions in Conditions Schedule B below.

## **Main Issues**

3. Having regard to sections 16, 66 and 72 of the Act, the main issues with these appeals are
  - a) the effect of the works on the special architectural or historic interest of this listed building,
  - b) whether they would fail to preserve the character or appearance of the Ringmore Conservation Area in which the site sits, and

- c) whether they would harm the significance of either of these designated heritage assets.

## Reasons

4. This Grade II listed cottage dates from the 18<sup>th</sup> Century, and was originally a number of separate dwellings that have now been amalgamated into one. It stands at the end of a promontory into the River Teign estuary, with the river itself being to the north and east. The older part of the building is rendered with a thatched roof, and its main, eastern elevation reflects its traditional plan. Its detailing, materials and form mean it still appears very much as a simple 18<sup>th</sup> Century cottage. Such factors contribute to the dwelling's special architectural and historic interest. Although it has been extended over the years, the nature and appearance of these additions mean they maintain a subservience to the oldest part of the dwelling, reflect its organic growth, and do not undermine its historic integrity to an appreciable degree. Accordingly, in relation to this scheme its significance is partly architectural and partly aesthetic.
5. The proposal is to demolish an existing conservatory on the northern elevation that serves as a passage to a toilet. It would then be replaced with a new conservatory that would project from the elevation some 1.8m further than the existing with a floor area of just over twice the size.
6. The existing conservatory, which I understand was built in the 1970s or 1980s, is in poor condition with a varied roof treatment, and adds little to the historic integrity of the dwelling. As such its removal would not cause harm.
7. From in the dwelling's curtilage, the new conservatory would be mainly set against the incremental rear additions, and would be on an elevation where there is already extensive and relatively modern glazing. It would also be of a size that maintained a sense of subservience. I recognise that what is proposed would project out a greater distance than the existing conservatory, and it would be taller. However, subject to a condition requiring the precise nature and design of the conservatory frame to be agreed, to my mind from these viewpoints within the garden it would not be harmful to the building's significance. It would be outside of the plan of the original and the existing house, but that invariably happens with many extensions and is not, of itself, a source of harm. Indeed it would still not project as far northwards as the large 2-storey bay adjacent.
8. Looking from The Strand to the east, views of the proposal would be extremely limited. This is because from many of the viewpoints it would be concealed by the 2-storey bay window that is not only closer to the road but would also project out further. Moreover, most of the proposal would be behind a tall garden wall that runs northwards from near to the bay.
9. There could be a point on The Strand, to the north-east of the site, where the conservatory could be seen through a gap between the bay and the garden wall. However, this would be for a very short distance. Moreover, for much of that distance The Strand has become the slipway, dropping down to the foreshore. Consequently, from there the works would be greatly concealed by the site's boundary wall. Accordingly, when looking from The Strand I consider the proposal would not harm the building's significance.

10. The river means that from the north the main possible viewpoints where the dwelling's north-facing elevation can be seen are either near-to on the south shore, or far away on the opposite side. From the north shore, as the replacement conservatory is glazed it would be most noticeable when illuminated during the hours of darkness. It is also reasonable to assume that this lighting would be more apparent than the lighting in the existing conservatory, as that serves what is, in effect, just a passage, while the proposal would be to a larger dining area. From this further shore though the site is distant. Consequently the significance of the building is not readily appreciated and the effect of this relatively small conservatory would be difficult to discern.
11. Moreover, at present the site of the proposal is substantially concealed by a detached glazed sunlounge, which stands next to the river on the northern boundary of the site and also has internal lighting. There is consent though for this sunlounge to be removed, and if that occurred, the proposal would be more apparent. However, it would be some distance back from where the sunlounge now stands and less dominant. Therefore, when looking from the northern shore the scheme would not harm this listed building. Views would also be possible from boats on the river, but again these would still be some distance away and for the reasons given above would not cause harm.
12. Running along the south bank of the river is a sign-posted footpath. From the foreshore immediately next to the site the wall is too tall to allow any appreciable views of the proposal. It could be glimpsed from further out, but the tidal nature of the estuary means opportunity for these views would be limited and, whether or not the sunlounge remained, the conservatory before me would not be readily apparent.
13. I consider that a condition requiring the removal of the existing sunlounge is not needed to make this scheme acceptable in planning or heritage terms. A condition was also suggested requiring the agreement of materials, but as the plans clearly stipulate it is to be of timber that is unnecessary.
14. Noting the alterations that have already been made to the building over time, the rooflight on the toilet would not cause harm.
15. Turning to the conservation area, the character and appearance of this is defined to a great extent by the range of older, individually designed buildings it contains, gathered along narrow, winding lanes. Its significance therefore rests, in part, in the way it reflects the evolution over time of this small riverside community. As I have found the proposal would not detract from the significance of the building or its features of special architectural or historic interest, and as I consider the views of the proposal would be restricted, I consider it would not fail to preserve either the character or the appearance of the conservation area and would not harm its significance.
16. Accordingly, I conclude the works would not fail to preserve the special architectural or historic interest of this listed building, and would not fail to preserve the character or appearance of the Ringmore Conservation Area, and so would not cause harm to the significance of either of these designated heritage assets. The proposal would therefore accord with Policies S1, S2 and EN5 in the *Teignbridge Local Plan*, which together seek high quality development that protects and enhances heritage assets. It also would not conflict with the *National Planning Policy Framework* (December 2023) or sections 16, 66 and 72 of the Act.

## **Other Matters**

17. Taking flood risk into account, it was said the scheme required flood resistance and resilience measures. Mindful they need to be associated with the conservatory only, I have no grounds to consider these measures would have any effect on the nature or form of the structure and so they can be addressed through a condition on Appeal A. As the plans show the floor level is to be no lower than the existing, I accept though that such a condition need not require details to be agreed before commencement, but rather before any works were undertaken above ground level.
18. A concern was raised about the effect of lighting, given its proximity to the Landscape Connectivity Zone of the South Hams SAC, and the fact that bats may follow the shores of the Teign estuary while birds may wade there. I consider that preventing lighting within the extension would be unreasonable and I have no basis to find there would be external lighting associated with the works. In recognition of this concern though, a condition could be imposed on Appeal A controlling lighting within the proposal and requiring the Visible Light Transmission of the glass to be restricted.

## **Conditions**

19. In addition to the conditions cited above, a condition should require the works to be in accordance with the approved drawings for the avoidance of doubt.

## **Conclusions**

20. Accordingly I conclude that the appeals should be allowed.

*JP Sargent*

INSPECTOR

### **CONDITIONS SCHEDULE A**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless otherwise amended under the conditions below, the development shall be undertaken in accordance with the following drawings: 2106/PL101, PL102, PL103, PL104, PL105, PL110, PL111, PL112, PL113, & PL114.
- 3) Prior to any work above ground level on the conservatory hereby granted, details shall be submitted to and approved in writing by the local planning authority of flood resistance and resilience measures, along with a timetable for their implementation, and those approved measures shall then be installed in accordance with the approved timetable and thereafter retained.
- 4) Prior to any work above ground level on the conservatory hereby granted, drawings and specifications showing the design and construction of external doors and windows (at a scale no less than 1:10) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details only.
- 5) All internal lighting in the conservatory shall be designed to have low illuminance output, no UV component, maximum colour temperature of 2,700 Kelvin and minimum light wavelength of 550 nanometres. Lighting units shall be directed/cowled downwards to avoid sideways and upwards light spill. All new glazing including the glazed roof and new rooflight to the toilet, shall be treated to have Visible Light Transmission of 40% or less.

### **CONDITIONS SCHEDULE B**

- 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless otherwise amended under the condition below, the works shall be undertaken in accordance with the following drawings: 2106/PL101, PL102, PL103, PL104, PL105, PL110, PL111, PL112, PL113, & PL114.
- 3) Prior to any work above ground level on the conservatory hereby granted, drawings and specifications showing the design and construction of external doors and windows (at a scale no less than 1:10) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details only.