



Appeal Decision

Site visit made on 8 July 2024

by P N Jarratt BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2024

Appeal Ref: APP/U1105/D/24/3341610

Perky Pool Cottage, Talaton Road, Whimble, EXETER, East Devon, EX5 2QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs M Luckman against the decision of East Devon District Council.
 - The application reference is 23/1333/FUL.
 - The development is a proposed side extension to garage, including addition of external stair with bin store beneath, formation of half hipped roof extension on the rear elevation and alteration to fenestration.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the affect that the proposed development would have on the listed building or its setting. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard should be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Reasons

3. Perky Pool Cottage is a thatched Grade II listed building dating from the C16 or C17 with later additions set within a large domestic curtilage surrounded by hedgerows and located within open countryside.
4. The building subject to this appeal is a modern detached domestic garage sited within close proximity of the side and rear of the listed cottage and within its immediate setting. It is a tall, half-hipped, slate, timber and render building accommodating one vehicle and storage space on the ground floor. To one side the roof space overhangs an open external timber staircase which is within the footprint of the building and leads via a trap door to further storage space in the full height roof space. There is a fuel store beneath a lean-to at the rear.
5. The garage is noticeable from within the plot and from the highway but it remains generally subservient to the listed building albeit that the substantial slate roof contrasts markedly with the thatch of the cottage, both in terms of the roof plane and materials. Its design and position preserve the setting of the cottage and in turn the contribution the setting makes to the significance of the heritage asset. Notwithstanding this, its current scale and massing is close to

the limit of acceptability in terms of the potential impact any enlargement would have on the setting of the listed building and its relationship with it.

6. The proposed works as shown on drawing 7735-02B would widen the garage within its current footprint by the removal of the staircase and incorporating it as part of the internal garage space through the construction of a new side wall. The loft space would be enlarged to provide additional bedroom and bathroom space and would be accessed via a new external metal stair at the rear of the garage. The stairway is designed to return on itself via a half landing, bridging over the pathway to the rear of the building to an external door to the upper floor. The staircase structure would extend considerably beyond the rear of the garage due to the nature of its design.
7. I note that the Council raises no objection to the principle of enclosing part of the ground floor currently occupied by the staircase although, in my view, such enclosure with the loss of the timber support posts to the roof space would diminish the quality and uniqueness of the existing building. More importantly however, would be the impact of the proposed extension to create additional space on the upper floor coupled with the impact that the installation of an uncharacteristic intrusive metal staircase would have on the host building and consequently on the setting of the cottage. Although these significant alterations would be at the rear of the garage and would not be noticeable in public views of the site, they would nevertheless cause harm to the setting of the listed building, the significance of which is experienced from both public and private vantage points. It would compete with the cottage and diminish its role as the principal building on the site.
8. The proposed development would lead to less than substantial harm to the significance of the listed building although paragraph 205 of the National Planning Policy Framework (the Framework) indicates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation irrespective of the amount of potential harm caused.
9. Paragraph 208 indicates that where less than substantial harm would be caused, this should be weighed against the public benefits of the proposal, including securing its optimum viable use. The appellant suggests that the public benefit is for the cottage to remain in residential use but there is no indication that this is unlikely to happen. In this case there are no public benefits arising as the proposed development is required only to benefit the personal and family needs of the appellant.
10. I note that the appellant has sought to overcome the concerns of the Council through revisions to the scheme. However I conclude that the bulk, form and appearance of the proposal would cause harm to the significance of the listed building by competing with it and failing to preserve or enhance the special historic value of the cottage and setting. The proposed development would not accord with the Framework or with policies in the adopted East Devon Local Plan, particularly Policies EN8 and EN9 regarding heritage assets.
11. The Council has referred to the absence of any ecological assessment to accompany the application the subject of this appeal and points out that in respect of any future applications, a Preliminary Ecological Assessment will need to be submitted, possibly also with wildlife surveys and mitigation measures to limit harm to protected species.

Conclusion

12. For the reasons given above the appeal should be dismissed.

P N Jarratt

INSPECTOR

