



Appeal Decisions

Site visit made on 16 July 2024

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 25 July 2024

Appeal A Ref: APP/P1133/Y/23/3324650

15 Powderham Terrace, Teignmouth TQ14 8BL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by B Jones against the decision of Teignbridge District Council.
 - The application Ref is 22/02245/LBC.
 - The works proposed are internal alterations to refurbish and remodel the existing hotel into an apart hotel comprising of 8 apartments.
-

Appeal B Ref: APP/P1133/Y/23/3325797

15 Powderham Terrace, Teignmouth TQ14 8BL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) 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 B Jones against Teignbridge District Council.
 - The application Ref is 23/00862/LBC.
 - The works proposed are internal alterations to refurbish and remodel the existing hotel into an apart hotel comprising of 7 apartments.
-

Appeal C Ref: APP/P1133/Y/24/3337654

15 Powderham Terrace, Teignmouth TQ14 8BL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) 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 B Jones against Teignbridge District Council.
 - The application Ref is 23/01390/LBC.
 - The works proposed are internal alterations to refurbish and remodel the existing hotel into an apart hotel comprising of 7 apartments.
-

Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed and listed building consent is refused for internal alterations to refurbish and remodel the existing hotel into an apart hotel comprising of 7 apartments.

Decision – Appeal C

3. The appeal is dismissed and listed building consent is refused for internal alterations to refurbish and remodel the existing hotel into an apart hotel comprising of 7 apartments.

Applications for Costs

4. Applications for costs for all appeals were made by B Jones against Teignbridge District Council. The applications are the subject of separate decisions.

Preliminary Matters

5. The Appeal A proposal was originally for 8 apartments. This was reduced to 7 before the Council made its decision and it is on that basis that I will consider the appeal, however I have used the original description in the banner heading above.
6. The three appeals have been submitted by the same appellant. They relate to very similar proposals for the same building, and all turn on the same main issue. Accordingly, I have dealt with all three together.
7. All the appeals are for listed building consent only. No external changes are proposed, and the appellant is of the view that planning permission is not required to change the way the building would operate. Although the Council does not agree with this position, this is not a matter that I should consider further in my determination of these listed building consent appeals.
8. Amended plans are before me for Appeal B. The Council did not accept these or process them formally as amended plans. However, the changes are minor. I am satisfied that I should take these into account in my determination of this appeal, and that no party would be prejudiced by my doing so.

Main Issue

9. The effect of the proposals upon the significance of the grade II listed building known as Nos. 1-15 Powderham Terrace, Marina Court and Bay Hotel¹.

Reasons

10. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
11. The appeal building is at one end of a symmetrical terrace of 15 buildings dating from the mid-19th century. The terrace is built in the Italianate style. It is richly detailed and prominently positioned on the seafront. The appeal building, the building at the opposite end and those at the centre are three storeys and thus rise above the adjacent two storey buildings, and serve to emphasise its symmetry to be enjoyed as a single composition from the Promenade. These characteristics are primary contributors to the special interest of the terrace. Additional interest is derived from remaining elements of original plan form and surviving interior fabric.
12. The appeal building includes a basement level, with a large single space served by a chimney breast at one end. It is plain and lacks the careful planning of the floors above. Appeals A and B would see it divided up. Whilst the space would appear to have limited significance, dividing it up would cause a modest degree of harm, particularly in relation to how the proposed partitions would intersect with the existing fireplace.

¹ List Entry Number: 1269044

13. The ground floor of the main part of the building is of considerable value, with retained internal details in the form of cornices, joinery, niches, and a fireplace. The Appeal A proposal includes the insertion of kitchen fittings in the two principal rooms. Within apartment 1 the fittings would be fixed along the wall where a fireplace is retained. Even if cut short to retain the fireplace, they would appear clumsy and ill-considered alongside this historic fitting. Additional fittings are included in the room that would become guests dining/lounge. These would also be poor additions, particularly where they would wrap around the front of the room and in front of the window.
14. Appeals B and C do not include such fittings in the guests dining/lounge. The kitchen fitting proposed for apartment 1 would be on the opposite wall and would thus be away from the fireplace. The room is of a substantial scale. A simple unit fitted to one part of the room could be acceptable subject to further details that could be secured by condition.
15. In all the proposals the large room would be divided back into two rooms by closing up the modern archway. This would improve the appearance of both rooms, as would removing the clumsy modern doorway and reinstating the original door between the hall and larger of the two rooms. The appellant is willing for the partition between the office and reception to not rise to the full height of the room; and details of this could be secured by condition if any of the appeals succeed.
16. The hallway features two niches that are likely to be original. They are not shown on the submitted drawings, but supporting information refers to the retention of these elements; if any of the appeals are allowed, a condition could be used to secure further details relating to this.
17. The proposals would secure considerable improvements to the second and third floor layout, by removing the bathrooms and reinstating the original arrangement of two rooms at the front, overlooking the sea. The proposals are however lacking in detail in relation to the existing joinery in this area; the doors to bedrooms 5 and 6 for example appear to be original and are shown in different positions on the proposed plans. It is not therefore clear exactly what is proposed here. Furthermore, even if fabric is re-used its relocation would incur a modest degree of harm.
18. All the proposals include the subdivision of the attic. This is a modest space of little significance. I do not consider the introduction of new partitions to be harmful. However, some harm would arise from the full removal of the already compromised king post truss, as proposed for Appeals A and B. The Appeal C proposal includes the retention of the truss and reinstatement of the missing element. It is not clear however how the proposed floor plan would be achieved as the reinstated member would prevent access from one side of the attic to the other.
19. In general terms the submissions include only a very basic level of detail. This is surprising for a large listed building with a significant interior and where considerable change and investment is proposed. Adding annotations to the drawings and section details would make the proposals clearer and give the decision maker a better understanding of the proposal's impact. Such additional information, including the input from a conservation professional, has been consistently suggested by the Council.

20. Supporting statements have been provided that give some additional detail and re-assurance, and further details relating to some of the interventions could be secured by conditions. However, and most crucially, I find the submitted plans to not be sufficient to allow me to know exactly what would be consented if any of the appeals succeed. There are considerable inconsistencies between the survey and proposed plans, particularly around the core of the building on the upper floors. The proposed plans show a seemingly unworkable solution at the bottom of the main stair at second floor level, and the suggestion that the attic truss would be retained does not align with the proposed floor plan for Appeal C.
21. Putting this to one side, I have identified various harms to the listed building that would arise from the proposals. With reference to Paragraph 208 of the Framework any harm should be weighed against the public benefits of the proposal.
22. It is reasonable to assume that the proposals would secure the repair and redecoration of the building if it is to succeed as holiday accommodation, although no details of this are provided. If carried out this would benefit its future conservation and enhance the character and appearance of the area. The Council has some doubt about the accuracy or reliability of the financial benefits suggested. However, re-using the building and reinstating its use for holiday guests would represent an economic benefit for the area as guests make use of local services and facilities, and from the staffing requirements and businesses that would be associated with running the building. These public benefits should attract considerable weight.
23. Various interventions proposed have the potential to enhance the significance of the listed building, beyond securing its repair and re-use. These include reinstating the original doorway between the hall and guests dining/lounge, blocking up the archway between this room and the next, reinstating the form of the front bedrooms to the two floors above, and removing the unsightly stair panelling and glass enclosures to the main staircase. These conservation related public benefits should also attract considerable weight.
24. Together the public benefits carry considerable weight. As far as can be ascertained from the plans before me the harms identified would be relatively modest, particularly those associated with Appeal C. However, I am mindful of Paragraph 205 of the Framework which states that great weight should be given to the conservation of a heritage asset, and without having the necessary information before me to allow me to make a robust decision I must conclude that all three appeals should fail.
25. In reaching this conclusion I have had special regard to the preservation of the building in accordance with the LBCA. Although development plan policies do not strictly apply to applications for listed building consent, they are referred to by the Council and in reaching my decisions I have had regard to Policy EN5 of the Teignbridge Local Plan 2013-2033, which seeks to protect and enhance the area's heritage.

Other Matters

26. The appeal building stands in the Teignmouth Town Centre Conservation Area. Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

All the proposals are only for internal work to the building that would have no impact on the character and appearance of the conservation area.

Conclusion

27. For the reasons given, the appeals should be dismissed, and with regard to appeals B and C listed building consent should also be refused.

A Tucker

INSPECTOR