



Appeal Decisions

Site visit made on 18 June 2024

by J P Longmuir BA(Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2024

Appeal A Ref: APP/P1133/W/24/3338840

100 Queen Street, Newton Abbot, Devon, TQ12 2EU

- 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 T Furze against the decision of Teignbridge District Council.
 - The application Ref is 23/00293/FUL.
 - The development proposed is a new dwelling.
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Appeal B Ref: APP/P1133/Y/24/3338844

100 Queen Street, Newton Abbot, Devon, TQ12 2EU

- 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 Mr T Furze against the decision of Teignbridge District Council.
 - The application Ref is 23/00294/LBC.
 - The works proposed are demolition of curtilage building at rear of site.
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Decision

1. Appeal A: the appeal is dismissed.
2. Appeal B: the appeal is dismissed.

Preliminary Matters

3. The appeals concern works and development at the Grade II listed 100, Queen Street (List Entry Number: 1256833).
4. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require special regard is given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I am also mindful of the historic environment policies within the National Planning Policy Framework (the Framework) that relate to the significance of designated heritage assets and their settings.
5. These appeal decisions address both planning and listed building consent appeals for the same site and the same scheme. The remit of both regimes is different, and the main issues identified below relate to either planning appeal (Appeal A) or the listed building appeal (Appeal B) or both. To reduce repetition and the avoidance of doubt I have dealt with both appeals together within this single decision letter.

Main Issue

6. The main issue in both appeals is whether the proposed works and development would preserve the Grade II 100, Queen Street listed building or its setting or any features of special architectural or historic interest that it possesses.

Reasons

7. 100 Queen Street is part of a row of Georgian style buildings which form a curving frontage to one of the busy roads approaching the town centre. The building which is the subject of these appeals is to the rear, and the red line denoting the extent of the appeal site is tightly drawn around it.
8. The appeal site building has its own access from Oak Place, a rising side road off Queen Street. It has an elevation directly beside the road, in natural stone with workshop style timber doors. To its side it adjoins a house, fronting Oak Place.
9. The appeal site building has two floors; whilst it appears single storey from Oak Place, the lower ground floor is on the same level as Queen Street due to the differing land levels. The building also has a narrow footprint, effectively being compressed by the tapering adjoining boundaries. It is in dis-repair and the Design and Access Statement suggests it was used as a store.
10. The special interest and significance of the Queen Street building is largely derived from its frontage, of painted stucco walls and elaborate moulding around the door and windows. I find these attributes reflect the era of the building, which the list description dates as mid-19th century.
11. The rear of the Queen Street building is less formal than its front, lacking the same elaborate detailing and arrangement of fenestration. However, it nonetheless has status through its height.
12. I acknowledge that the appeal building is considered by the Council as within the historic grounds of 100 Queen Street¹ and is a curtilage listed building. No evidence has been submitted to the contrary. In addition, I noted on my site visit that they are experienced together, in close proximity, so the appeal building is part of the setting of the frontage building and vice versa.
13. The appeal building is rustic, simple, and modest in scale, which contributes to the setting of the elaborate frontage Queen Street building by offering a marked contrast and subservience. This relationship contributes to their special interest and significance. In addition, the special interest and significance of the appeal building is also derived from thick natural stone walls, suggesting that whilst functional it was nonetheless important.
14. The application form states the building is to be demolished. This would lead to the loss of the historic connection and relationship between the outbuilding and the main house, as well as the loss of historic fabric.
15. Whilst a replacement stone building is proposed, it does not replicate the nature of the original. It is higher, and indeed broadly at the same height² as

¹ Paragraph 1.3 of the Council Statement of Case

² Paragraph 2.3 of the Council's Statement suggests the host building is 8.3m high and the proposed 8.7m

- the frontage building, which would give it undue status and presence, particularly as they are in close proximity³ to each other.
16. In addition, the proposed roof would join into the adjacent house as a continuation. Consequently, it would be likely to appear directly associated with that building rather than 100 Queen Street, thereby further diminishing the historic connection that I have identified.
 17. The replacement building would also have extensive fenestration, facing 100 Queen Street. Such a large expanse of glazing would look modern, domestic, and disproportionate whereas the original walling appears simple and robust. The existence of one large existing opening does not justify its wholesale glazing. Furthermore, the vertically orientated rooflights proposed would disrupt the secondary relationship with the host building. The proposal would therefore undermine the building's special interest and significance.
 18. The Appellant's submitted heritage considerations and planning statement suggest that the building is beyond reasonable repair. However also submitted by the Appellant, is a February 2023 statement from a chartered engineer who inspected the building. This concluded: 'the building as a whole is in poor order and needs general attention and repair⁴', which is different from the necessity for wholesale removal.
 19. I found on my site visit that parts of the building visually appear to be more intact than others. The submitted evidence does not systematically and conclusively demonstrate the particular points of structural weakness, what can or cannot be repaired and by what methodology: I find its wholesale loss on structural grounds has not been categorically demonstrated or justified, being a last resort.
 20. Overall, I find that the degree of harm to the listed building would be less than substantial. Teignbridge Local Plan Policy EN5 requires proposals protect and enhance the area's heritage including listed buildings. Similarly, Policy S2 titled Quality Development, and providing widespread criteria to that effect, requires enhancement of the built environment particularly heritage assets. Policy NANDP11 of the Newton Abbot Neighbourhood Plan also requires protection of heritage assets. The proposal would conflict with all the above policies.

Other Matters

21. Reference is made to a previous permission for the demolition of the building. However, that has lapsed, and I am not fully informed of all of the circumstances and context of that time. This proposal needs to be considered on its own merits in relation to the particular planning and listed building policies and legislation.

Heritage and Planning Balances

22. Whilst the harm arising would be less than substantial; however, Paragraph 205 of the Framework advocates great weight to the asset's conservation. I therefore give considerable importance and weight to the harm I have identified in my balancing judgment below. In addition, Paragraph 206 of the

³ Appellant's Heritage Statement and Paragraph 2.2 Council Statement of Case suggest less than 10m away

⁴ Page 6 Structural Inspection dated 1 February 2023

- Framework emphasises that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification.
23. The proposal would be likely to lead to the beneficial use of a vacant brownfield site. In addition, the creation of an additional dwelling near the town centre, accessible to services/facilities without car dependence, would also be beneficial. The new building would also be likely to be energy efficient and adept at surface water management as indicated in the Design and Access Statement.
24. However, taking the public benefits together as a whole I conclude that they would not be of sufficient weight to outweigh the harm identified to the significance and special interest of the designated heritage asset.
25. In respect of Appeal B, I consider that the proposed works and development would fail to preserve the setting and special architectural or historic interest of the Grade II listed building. Consequently, the proposals would be contrary to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
26. I have found above the proposal would conflict with Teignbridge Local Plan Policies EN5 and S2 and Policy NANDP11 of the Newton Abbot Neighbourhood Plan in terms of the harm to the listed building. In terms of providing an additional and energy efficient dwelling, the proposal would not be contrary to Policy S14 on Newton Abbot which supports its growth, however I give greater weight to the policies relating to heritage.
27. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states determination must be made in accordance with the plan unless material considerations indicate otherwise. Paragraph 11(c) of the Framework states that decision taking means approving development proposals that accord with an up-to-date development plan without delay. In respect of Appeal A, the proposal would be contrary to the Development Plan when taken as a whole and material considerations do not indicate the proposals should be approved.

Conclusion

28. For the reasons given above and having regard to all other matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

John Longmuir

INSPECTOR