



Appeal Decision

Site visit made on 3 February 2025

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 February 2025

Appeal Ref: APP/Y1138/Y/24/3350903

High Cross House, 3 Higher Town, Sampford Peverell, Tiverton, Devon, EX16 7BP.

- 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 Peter Bowers against the decision of Mid Devon District Council (the LPA).
 - The application reference is 24/00643/LBC.
 - The works proposed are the enlargement of the loft hatch.
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Decision

1. The appeal is allowed. Listed building consent is granted for the enlargement of the loft hatch at High Cross House, 3 Higher Town, Sampford Peverell, Tiverton, Devon, EX16 7BP. Consent is granted in accordance with the terms of the application reference 24/00643/LBC and the following conditions:
 1. The works hereby permitted shall begin no later than three years from the date of this decision.
 2. The works hereby permitted shall be undertaken in accordance with the following approved plans: unnumbered location plan showing the appeal site edged in red; 1:10 scale loft hatch plan (drawing ref. HXH 1).
 3. No works shall commence until details of the new bracing and strengthening of the existing roof joists, as shown on the approved loft hatch plan, have been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

Preliminary Matters

2. The above description is based on the wording in the LPA's decision notice. It is a more concise version of that specified within the application form.
3. The appeal site comprises a grade II listed building¹ within the Sampford Peverell Conservation Area (CA)².

Main Issue

4. The main issue is whether any harm to the significance of designated heritage assets³ would be outweighed by any public benefits of the proposed works.

¹ The provisions of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged.

² The provisions of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged.

³ The grade II listed appeal building and the CA.

Reasons

5. 3 and 5 Higher Town are adjoining houses that are circa 17th century in origin. The heritage interest (significance) of this listed building is primarily derived from its special architectural and historic qualities. These include its 'L'-shaped plan, plastered stone rubble and cob walls, slate roof, stone rubble stacks, painted stone mullion windows and much of the pre-20th century building fabric.
6. The CA comprises the historic core of the settlement. It is centred upon the grade I listed Church of St. John the Baptist that lies immediately to the south of the appeal site. The significance of the CA is also primarily derived from its special architectural and historic qualities. This includes the contribution made by the small number of listed buildings.
7. The existing loft hatch is located within the bathroom in the rear wing of 3 Higher Town. This part of the listed building appears to date from the mid to late 18th century. I understand that the bathroom was created in 1932 and the loft hatch is the only means of accessing the roof space within the appellant's house. As I saw during my visit, this is a narrow access⁴ into the roof space.
8. The proposed works would double the size of the loft hatch. This would entail the removal of some 20th century plaster ceiling and cutting a section of one of the roof joists. Some new bracing would be provided and two roof joists would be strengthened. The removal of this plaster ceiling would not involve the loss of any important historic fabric and subject to the submission of further details regarding the proposed bracing and strengthening of the roof joists, these elements of the proposed works would not harm the special qualities of the listed building.
9. However, the removal of a section⁵ of a circa 18th century roof joist would involve the loss of some important historic fabric. To a very limited extent, this would erode the historic interest/character of the listed building. When considering the CA as a whole, the effect of the proposed works upon the special qualities of this designated heritage asset would be negligible⁶. The proposal would preserve the character of the CA.
10. In the context of the provisions of the National Planning Policy Framework (the Framework), the loss of a section of roof joist from 3 Higher Town would comprise less than substantial harm to the significance of this listed building. If there is a sliding scale within this category of harm the proposal would be towards the lower end. Nevertheless, great weight must be given to the asset's conservation, irrespective of whether any potential adverse impact amounts to less than substantial harm to the significance of a listed building. It is also important to weigh such harm against any public benefits of a proposal⁷.
11. It is in the public interest for owners of listed dwellings to be able to conveniently access and maintain their properties. This ensures that these important buildings do not become unpleasant places in which to live. It also affords owners the opportunity of detecting and addressing any works of repair⁸ in a timely manner so

⁴ The appellant has calculated that it measures 570mm x 360mm.

⁵ The appellant has calculated that about 600mm of roof joist would be removed.

⁶ I note that the LPA did not find any harm to the character or appearance of the CA.

⁷ This is also recognised in policy DM25(d) of the Mid Devon Local Plan 2013-2033, which forms part of the development plan.

⁸ Such as that arising from holes or gaps in the roof, damaged pipes/cables, dampness, poor ventilation, structural issues, infestation.

as to reduce the risk of significant long term damage. Such buildings also have a part to play in contributing towards a greener future/reducing CO₂ emissions⁹.

12. The restricted width of the existing loft hatch makes it difficult and somewhat dangerous¹⁰ for the appellant to access the roof space. Monitoring the condition of this part of the listed building and undertaking any necessary repairs or improving the thermal efficiency of the property by enhanced loft insulation would, at best, be very awkward. The proposed works would enable safer and more convenient access to the loft space. This would allow for more regular inspection/monitoring of this part of the building and the detection/timely repair of any damage. It would also enable the appellant to undertake enhanced loft insulation¹¹. There would be a public benefit in carrying out the proposed works.
13. Although this issue is finely balanced, I find that the less than substantial harm to the significance of the listed building would be outweighed by the above noted public benefit of the proposed works. There would be no conflict with the provisions of the development plan.

Conditions

14. In addition to the 'standard' condition requiring works to commence within three years, for the avoidance of doubt, it would be necessary to attach a condition specifying the approved plans. To ensure the proposed bracing and strengthening of other roof joists did not harm the special qualities of the listed building, it would be necessary to attach a condition requiring further details of these works.

Conclusion

15. Given the above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Neil Pope

Inspector

⁹ Historic England Advice Note 18 'Adapting Historic Buildings for Energy and Carbon Efficiency'.

¹⁰ At present, accessing the loft space involves propping a ladder against the bathroom wall, turning near the top of the ladder and pushing up before attempting to squeeze through the loft hatch.

¹¹ I understand that at present, the insulation is only 140mm thick and the appellant is intending to increase this to 250mm in an attempt to reduce heat loss and carbon emissions from the property.