



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: 06 February 2025

Appeal Ref: APP/U1105/Y/24/3350909

2 School Cottages, Woodbury Salterton, Exeter, Devon, EX5 1PG.

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against the grant of listed building consent subject to conditions.
 - The appeal is made by Mr Charles Smith against the decision of East Devon District Council.
 - Listed building consent reference 24/0320/LBC was granted on 22 April 2024, subject to conditions.
 - The works proposed are described as *"Replace current roof window (like for like) located on the rear of the property. The current window was installed more than 40 years ago and prior to listing."*
 - The condition in dispute is No.3 which states that: *Prior to installation on site, full details and drawings of the rooflight shall be submitted and approved by the Local Planning Authority; the details shall include a section showing the flashing installation and manufacturers reference numbers and size. Thereafter the work shall be carried out in accordance with the approved detail.*
 - The reason for the condition is: *To ensure that the proposed development does not harm the character and appearance of the building and conservation area.*
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Decision

1. The appeal is allowed. Listed building consent, reference 24/0320/LBC, to replace 1 rooflight with a Fakro rooflight on the rear north west elevation of 2 School Cottages, Woodbury Salterton, Exeter, Devon, EX5 1PG, granted by the Council on 22 April 2024, is varied by deleting condition No.3 and substituting it for the following condition No.3:

The replacement rooflight shall comprise a Fakro FPP-V preSelect Max, top hung and pivot window, measuring 94cm x 118cm with aluminium flashing.

Preliminary Matters

2. The row of three cottages known as 1, 2 & 3 School Cottages is a grade II listed building. In response to my query, the Council has clarified that the site does not lie within a conservation area.
3. The description of the proposal set out within the Council's decision notice is a more concise version of that contained within the application. I shall use the description in the Council's decision notice.

Main Issue

4. The main issue is whether condition No.3 is reasonable and necessary for preserving the special architectural or historic interest of the listed row of cottages.

Reasons

5. 1-3 School Cottages date from about 1600 and were formerly a single house. The heritage interest (significance) of this listed building is primarily derived from its special architectural and historic qualities. This includes its roughcast cob walls,

chimney stacks, front window arrangement, surviving 19th century casements, and its jointed cruck roof with morticed and pegged collar.

6. Over time, this listed building has been subject to numerous alterations. These include the use of artificial roof slates and the insertion of some 20th century openings in the rear, such as the dormer window on No.3 and a rooflight on No.2.
7. The appellant used to reside within part of the building and other parts were previously owned by his family. I understand that the rooflight was installed many years ago and prior to the building being listed. I also note that in recent years the dormer window in No.3 has been repaired/altered. The roof slates, rooflight and dormer window do not contribute to the significance of this listed row and are somewhat unfortunate additions to this important building. Nevertheless, these modern elements all appear¹ to have been in situ prior to listing.
8. The existing rooflight is a middle-hung, double glazed unit that serves a small bedroom. As I saw during my visit, there is limited headroom inside this part of the cottage and after 40 years the rooflight is failing and causing some water ingress.
9. In support of the application, the appellant provided manufacturers details and other information. This explains that the replacement rooflight would be a Fakro FPP-V preselect Max top hung pivot window measuring 94cm x 118cm. It would be the same size as the existing rooflight and have aluminium flashing. This comprises adequate information, along with the application forms and plans, to safeguard the special architectural and historic qualities of the listed building.
10. I understand the Council's intentions in trying to persuade the appellant to install an alternative 'conservation style' rooflight with a central dividing bar. This type of rooflight would sit lower in the roofline with better proportioned glazing. In my opinion, this would be more visually pleasing than the existing rooflight.
11. However, the appellant explained to the Council at the time why he does not wish to install such a rooflight. In particular, it would restrict the headroom inside the bedroom. As the existing rooflight appears to have been lawfully installed and a like-for-like replacement is proposed, the Council's condition No.3 is a somewhat unreasonable² attempt to insist upon the installation of a different style rooflight.
12. As adequate information was already before the Council when it determined the application, the disputed condition is neither necessary nor reasonable. The Council's condition No.3 should therefore be deleted. However, for the avoidance of doubt, it should be replaced with another condition that contains the details already provided, but not referred to elsewhere within the consent.
13. Given all of the above, I conclude that condition No.3 attached to the consent issued by the Council is not reasonable or necessary for preserving the special architectural or historic interest of the listed row of cottages. The appeal should therefore succeed.

Neil Pope
Inspector

¹ In support of the application, the appellant informed the Council (both in an email and in the Statement of Significance & Justification) that the rooflight was in place before the cottages were listed. This has not been disputed.

² As an aside, given the provisions of section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is unclear to me how a like-for-like replacement of a seemingly lawful rooflight affects the character of this listed building.