

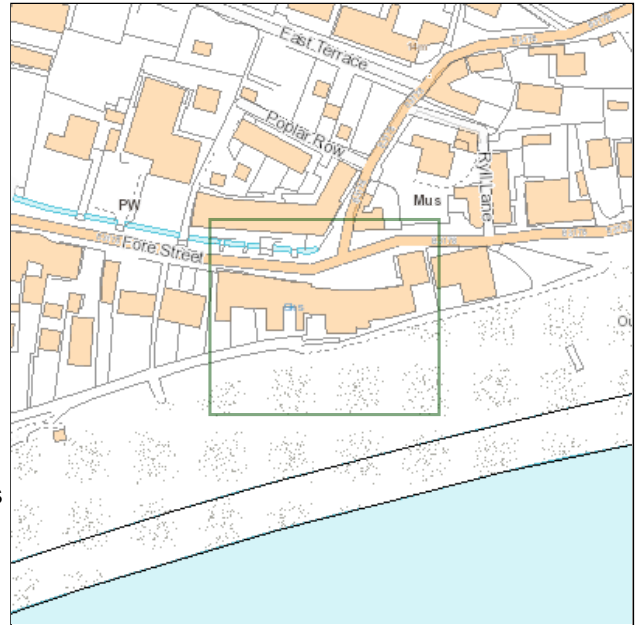
Ward Budleigh And Raleigh

Reference 22/0864/FUL

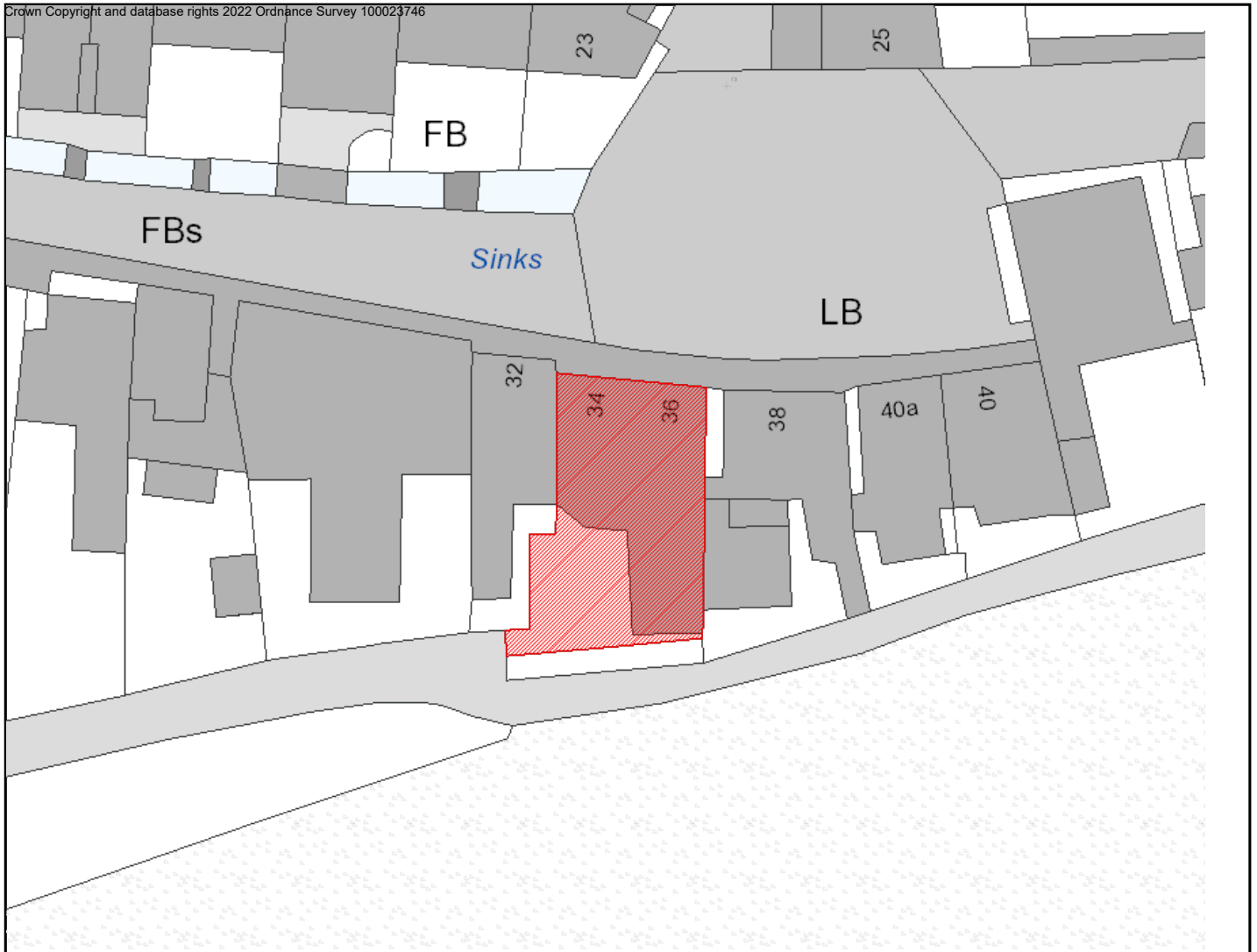
Applicant Dr Ros Debenham

Location 34 The Creamery Fore Street Budleigh
Salterton Devon EX9 6NH

Proposal Conversion of Fore Street No 34 and No 34A to a single 5 x bed dwelling house with a single storey rear extension and reduction of stone wall, installation of passenger lift and alterations to fenestration.



RECOMMENDATION: Refusal



		Committee Date:29.11.22
Budleigh And Raleigh (Budleigh Salterton)	22/0864/FUL	Target Date: 18.07.2022
Applicant:	Dr Ros Debenham	
Location:	34 The Creamery Fore Street	
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EXECUTIVE SUMMARY

This application is before members as the officer recommendation differs from the view of a Local Ward Member.

The application seeks permission to convert 34 and 34a Fore Street into a single dwelling whilst making various external alterations to the front and rear. The existing commercial unit is to be retained at ground floor level albeit with a reduced floor area owing to the loss of a store room. An entrance door would be relocated on the principal elevation replacing an existing window with a pair of timber doors.

The most notable exterior alterations relate to the rear of the property on the southern elevation. The existing two storey rear gable end would be extended to provide a second floor balcony. The three storey extension would be largely clad in dark timber boarding at first and second floor level with stone cladding at ground floor level. A series of timber windows are shown to be provided some of which are new and others are replacements. A single storey extension would also be constructed to provide a sun room with the rear stone wall being reduced in height to provide line of sight down to the beach.

Initial concerns were raised by the Local Authority's conservation officer over the development's impact on the character of the existing building and the appearance of the Budleigh Salterton Conservation Area. These were relayed to the applicant who amended the scheme with revised drawings, these are dated the 10.10.22.

With regards to the principal elevation, it is accepted that the awkward spacing and scale of the existing doors do not make a positive contribution to the principal elevation. As such, the proposals as communicated on DWNG 3_100005, that show the retention of the existing fan light above a pair of decorative timber doors and to replace the existing single door with a timber sash window has the potential to provide some minor benefits to the character of the façade and wider Conservation Area.

The alterations to the rear boundary wall that runs parallel to the adjacent coastal footpath would integrate a ‘transitional zone’ to replicate the form of the wall that encloses the rear of The Old Clink. The single storey extension to provide the sun room is modest in scale and considered to be of minimal concern.

However there are outstanding concerns to the alterations to the south elevation’s fenestration and addition of the second floor balcony. The plans communicate the provision of three consecutive traditional sash windows at second floor level to serve the kitchen and living space with a southerly outlook. Despite the use of timber being considered an improvement on the plastic counterparts, the subsequent impact of the additional window here undermines the prevailing character of the rear elevation where windows are consistently spaced apart and vertically aligned. Owing to the prominence of the rear elevation in public views on the beach and coastal footpath it is considered that this loss of character would be visible and therefore harm can be attributed here.

Additionally the proposed balcony extension to the application building would significantly increase the scale and bulk of the existing rear extension. The chosen palette of materials which include the use of timber cladding, stone walling and coreten steel panels, whilst contrasting with the prevailing use of painted render, is considered acceptable. However, the overall form, mass and extent of the balcony structure lacks subservience, physically dominates the adjacent listed building and fails to respond to local context.

The subsequent impact on the adjacent listed building and conservation area is considered to be less than substantial. Policy E9 (Development Affecting a Designated Heritage Asset) and Paragraph 202 require any harm to the heritage asset to be weighed against the public benefits. Whilst some benefits to prospective occupiers have been highlighted due to improved internal access through provision of the internal stair lift and raising of the floor level of the second floor rear wing, these are considered to have limited weight and are not wider public benefits.

Overall, with regards to the balancing exercise required by paragraph 202 of the NPPF and Policy EN9 (Development Affecting a Designated Heritage Asset) of the Local Plan, the identified harm, albeit less than substantial, is not considered to be outweighed by any public benefit. As such the application is considered unacceptable and therefore recommended for refusal.

CONSULTATIONS

Technical Consultations

Local Consultations

Parish/Town Council

This Council supports the application

Councillor Tom Wright

Email in response to the application going before Chair Delegation (13/10/2022).

Thank you for sight of this report. I agree with the concerns about the front, north facing aspect. This has many, interesting, attractive and unusual architectural features and should not be altered. I totally agree about the curved window and double door.

However I hand no adverse comments about the rear plans. At the moment the southern aspect is just about the ugliest slab of rendering imaginable. It is a feature that many of the properties have balconies, overlooking windows which are feature of beach fronted properties anywhere. I also have no problem with the change to the wall.

These are my views but I do think there will be any benefit in attending the meeting.

Conservation

These comments are based on an assessment of the impact of the proposal on the significance of the conservation area and setting of adjacent listed buildings.

There are as follows;

This building is one of the, if not the most, significant buildings in the conservation area. This is by virtue of not only by its height, with its architectural features such as the decorative gables looking down on the surrounding buildings, but also by virtue of its architectural interest and quality of materials. The conservation area appraisal specifically highlights the very high quality carved brickwork in the principle elevation. This is also evidenced in the Devon Historic Environment Record as being carved by visiting Italian craftsmen. The architectural detail is very fine and all should be sympathetically conserved.

Ground floor principle elevation (and shop front) - there is a gradual erosion or rather potential permanent loss of traditional features such as the arched window display and traditional shop window stall risers. The proposal changes to the curved shop window (with decorative fanlight), to another door. This creates a cumulative negative impact due to the unusually excessive number of doors on this shop front. It is strongly recommended that the curved shop window with its fanlight is retained, but the internal space behind it could be retained as a hallway. The front door could remain as the existing (on the far left side) inclusive of its traditional fanlight.

The drawings if this section of the elevation of the existing and proposed lack some detailing and consistency. There are also a few errors with the annotation of these

details. Any replacement doors or windows (including the shop front should be in timber only.

Rear GF - isn't that a separate flat? Wouldn't there be privacy issues from overlooking or rather looking into the bedroom glazed roof light from upper floors?

Rear boundary stone wall - this is an element of high aesthetic and historic interest to the significance of the conservation area. Any reduction in height has a negative cumulative impact in the traditional boundary treatments in this area. It is also very practical retaining its existing height as it acts as a protective barrier from the sea, flooding, privacy and when the beach stones are thrown during heavy storms.

The FF rear large study, balcony overhangs outside of the red line ownership line.

There does not seem to be provision for any bathrooms? Are they any associated flues or external fixings with this?

The rear 2F terrace - it is an interesting design, however it fails to respond to the local context. The existing gable feature of this rear wing and decorative roof gables on this rear, elevation form strong part of the architectural interest of not only this historic building but of a larger group including the adjoining listed buildings. The group form a pleasing rhythm of these gables and form one of the principle features of the aesthetic interest of the conservation area. There may be scope for creative design within the roof space but it is important to retain the main gable element.

o Windows - in general the use of Upvc windows and doors is not supported. It is very unfortunate that this building has many existing windows of this modern material that have clearly replaced the traditional timber sliding sash. The proposed alteration of the 2F rear kitchen/living room windows is not supported. The proposed single window is unsympathetic to the traditional vertical emphasis of the traditional openings. There would be permanent loss of the original architectural style of this building. The proposed window detracts from the aesthetic interest of the significance of the conservation area. It would be a dangerous precedent. The proposal materials for the window are not sympathetic or of a traditional material.

It is further suggested that proposed materials respect the local vernacular and use more timber. Timber and stainless steel fixings are best suited for this extreme marine environment. Aluminium and Upvc frames can get pitted from the coastal elements as well as warping and twisting of the Upvc. Standard fixings can rapidly corrode.

o In conclusion - as the proposal stands it is not supported due to the unsympathetic materials and alterations to the architectural interest that forms part of the significance of the conservation area and the setting of the listed buildings. There is less than substantial harm in accordance with the NPPF 21, s.16, paras 200 a), 202 and 207.

Other Representations

One third party has made a representation concerning inaccuracies in the Design and Access Statement relating to:

- Consultation with them as a neighbour which did not take place as described in the design and access statement;
- Comments about bins being left out permanently when this is not the case.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)

EN10 (Conservation Areas)

EN14 (Control of Pollution)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

Budleigh Salterton Neighbourhood Plan (Made)

Policy H2 (Maintaining Local Character)

Policy H3 (Infill Developments and Extensions)

ASSESSMENT

Site Location and Description

The application site is located on the eastern end of Fore Street, the main arterial route through Budleigh Salterton. The principal elevation is north facing and retains a traditional shop front and ornate brick panels, corbels and reliefs. Whilst the property is not listed, the building makes a positive contribution to the character and appearance of the Budleigh Salterton Conservation Area. Budleigh Salterton and the site is located entirely within the East Devon Area of Outstanding Natural Beauty.

Proposed Development

The submitted drawings communicate various internal works including the installation of a passenger lift and the reconfiguration of floor levels within the rear wing extension. 34 and 34A would be amalgamated into one property with 36 Fore Street, the existing commercial unit retained at ground floor level albeit with reduced floor space owing to the change of use of a store room. An entrance door would be relocated on the principal elevation replacing an existing window with a pair of timber doors.

The most notable exterior alterations relate to the rear of the property. The existing two storey rear gable end would be extended to provide a second floor balcony. The three storey extension would be largely clad in dark timber boarding at first floor and second floor level with stone cladding at ground floor level. A series of timber windows are shown to be provided some of which are new and others are replacements. A single storey extension would also be constructed to provide a sun room with the rear stone wall being reduced in height to provide line of sight down to the beach.

Issues with the application predominantly concern the impact of the works on the character of the building, the wider Conservation Area, setting of an adjacent listed building and the East Devon Area of Outstanding Natural Beauty. Secondary considerations concern the impact upon the amenity of adjacent neighbours.

Character and Appearance of the Area

Owing to the building's height, architectural detailing, quality of materials and prominence in views from Fore Street, Marine Parade and the adjacent coastal footpath, it is considered one of the most important buildings within the Conservation Area. The conservation area appraisal specifically emphasises the significance of the high quality carved brickwork in the principal elevation, which is also designated as 'unspoilt frontage', and the group value shared with The Clink, a Grade II listed building, No. 36, 38, 40 and 40a.

The application has been reviewed by the Conservation Officer who has raised concerns regarding various elements of the scheme as originally submitted. Amended drawings have since been submitted that have improved the acceptability of the scheme regarding the visual harm to the character of the application building and wider Conservation Area. However for reasons that will be expanded on below, these have not overcome all of the concerns that were originally raised. The various alterations are considered in turn below;

- Principal Elevation

The main point for consideration regarding the principal elevation is the replacement of an existing arched window for a double timber door which would provide independent access into a hallway that would serve the residential property. This is annotated '15' on drawing 3_100005 (Proposed Elevations).

Initial concerns were raised regarding the cumulative negative impact of too many doors. In response sketch 18255_SK002 was put before officers that details retention of the fanlight and replacement of the adjacent single door to a 4x 2 timber casement window and using reclaimed bricks below.

It is accepted that the awkward spacing and scale of the existing doors do not make a positive contribution to the principal elevation. As such, the proposals as communicated on DWNG 3_100005 have the potential to provide some minor benefits to the character of the façade and wider Conservation Area. However, if permission is to be granted, then further details securing the decorative design and sections would be sought via condition.

- *Rear Boundary Wall*

The proposals seek to reduce the height of the rear boundary stone wall and implement a 'transitional zone' to replicate the form of the wall that encloses the rear of The Old Clink. Whilst the existing boundary wall is visible from the coastal footpath, it is partially obscured by existing shrubs planted at its base. The proposal to reduce the height of the wall and reflect the form of the rear walls of properties immediately to the east is considered to have a neutral impact on the character and appearance of the Conservation Area. The agent has confirmed that reclaimed stone would be used to cap the wall and planting beds would be provided forward of the wall and the bi folding doors.

- *Additional and Replacement Windows on the Rear Elevation*

Despite the rear elevation having a number of plastic casement windows, the spacing and degree of vertical emphasis does contribute to the character of the building. The submitted drawings communicate a number of new westerly facing windows on the proposed extension and a number of replacement windows on the eastern elevation to ensure the openings align with the changes to internal floor levels. All new and replacement windows would be constructed of timber frames.

The plans communicate the provision of three consecutive traditional sash windows at second floor level to serve the kitchen and living space with a southerly outlook. The latest set of drawings in addition to further correspondence from the agent has sought to highlight and clarify that this involves the replacement of the existing UPVC windows with sliding sash timber units and addition of a single unit in-between.

Despite the use of timber being considered an improvement on the plastic counterparts, the subsequent impact of the additional window here undermines the prevailing character of the rear elevation where windows are consistently spaced apart and vertically aligned. Owing to the prominence of the rear elevation in public views on the beach and coastal footpath it is considered that this loss of character would be visible and therefore harm can be attributed here.

- *Second Floor Extension and Provision of Balcony*

The existing rear gable-end extension projects towards the southern boundary and, whilst of limited architectural merit, is of modest proportions, subservient to the principal building and is similar in scale and form to rear projections of The Clink, No. 40 and 40A which reinforces the group value shared by these buildings. This provides a sense of rhythm to the street scene here, which is particularly apparent along the coastal footpath and beach.

To the west of the site, 32A The Watch House and a number of flats within Foreshore House are served by balconies. However, assumedly owing to their age, the rear of these properties to the east share a different character type of building with flat roof projections, mansard style roofs and large extents of glazing. The balconies here are also smaller and sympathetic to the proportions of their respective principal buildings.

The proposed balcony extension to the application building would significantly increase the scale and bulk of the existing rear extension. The chosen palette of materials which include the use of timber cladding, stone walling and corten steel panels, whilst contrasting with the prevailing use of painted render, is considered acceptable. However, the overall form, mass and extent of the balcony structure lacks subservience, physically dominates the adjacent listed building and fails to respond to local context.

Whilst the architectural significance of the application building is primarily drawn from the principal elevation, the modest proportions of the rear gable end extension underpins the architectural interest of a wider building group that includes the adjoining listed buildings. The group form a pleasing rhythm of these gables and form one of the principal features of the aesthetic interest of the conservation area.

As such the rear balcony extension is considered harmful to the character of the existing building, setting of the adjacent listed building and appearance of the Conservation Area.

Impact on Neighbouring Amenity

A number of properties along the southern side of Fore Street, particularly those to the west of the application site, are served by balconies and windows with a southerly outlook to benefit from the sea views. A number of properties, including the application building, also have a number of windows on side elevations of rear extensions that overlook adjacent amenity areas. As such there is mutual overlooking between properties and this is part of the prevailing character of the area.

The plans communicate a number of replacement windows along the eastern elevation, however, none of these are anticipated to overlook the outdoor amenity areas or existing windows that serve The Clink. A small Juliette balcony would serve a study at first floor level with primary outlook to the south. The proposed terrace at second floor level would have a 1.7 metre slatted timber screen along its eastern side to avoid overlooking The Clink and properties further afield. Whilst prospective occupants using the second floor terrace would be able have outlook to the west towards 32 and 32A, these properties already overlook one another. The separation distances provided by the existing courtyard area ensure that the subsequent level of overlooking on the adjacent holiday accommodation of 32A and 32 is not unduly harmful.

Conclusion

In this case special regard has been given to the impact of the development upon the significance of the Conservation Area and an adjacent listed building, both of which are considered as heritage assets.

Paragraph 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires *'with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2),*

special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

Furthermore, paragraph 202 of the National Planning Policy Framework requires any harm to the heritage asset is to be weighed against the public benefits.

In this case the provision of the new entrance door on the principal elevation is considered to provide some minor benefits to the character and appearance of the Budleigh Salterton Conservation Area. However, the proposed alterations to the rear, most notably the second floor terrace extension and changes to the rear fenestration are considered to outweigh these benefits to result in less than substantial harm.

The Design and Access Statement highlights some benefits to prospective occupiers, particularly those with mobility difficulties, owing to the provision of the internal lift and altering internal floor levels to make the rear wing accessible. It is also suggested within the application that the proposal directly supports the creation of jobs by bringing a new business to the town. It is anticipated that this relates to the ground floor commercial unit albeit no further information is provided to support this statement and assumedly the ground floor unit is currently available to be occupied. As such, with regards to the planning balance, limited public benefits as a result of the development have been put forward.

Overall, with regards to the balancing exercise required by paragraph 202 of the NPPF and Policy EN9 (Development Affecting a Designated Heritage Asset) of the Local Plan, the identified harm, albeit less than substantial, is not considered to be outweighed by public benefit. As such the application is considered unacceptable and therefore recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed works, by virtue of the second floor terrace extension's scale, bulk, massing and incongruous form and alterations to the fenestration of the rear elevation would materially harm the character and appearance of the Budleigh Salterton Conservation Area and setting of an adjacent listed building known as 'The Clink'. In the absence of public benefits to outweigh the less than substantial harm identified, the proposal would be contrary to the provisions of Strategies 6 (Development within Built-up Area Boundaries) and Policies D1 (Design and Local Distinctiveness), EN10 (Conservation Areas) of the adopted East Devon Local Plan 2013 - 2031 and Policy H3 (Infill Developments and Extensions) of the Budleigh Salterton Neighbourhood Plan and guidance contained within the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Any queries regarding CIL, please telephone 01395 571585 or email cil@eastdevon.gov.uk.

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

3_100004 of 20	Proposed Floor Plans	10.10.22
3_100005 of 20 : floor/roof	Proposed Combined Plans	10.10.22
3_100006 of 20 : proposed floor/sections	Proposed Combined Plans	10.10.22
2-100000 OF 13	Location Plan	20.04.22

List of Background Papers

Application file, consultations and policy documents referred to in the report.