

STATEMENT TO SUPPORT A PLANNING APPLICATION FOR THE ERECTION OF A REPLACEMENT DWELLING AT OAK TREE HOUSE, OLD EBFORD LANE, EBFORD, DEVON EX3 0QR

1.0 BACKGROUND

1.1 This is the third application for planning permission to replace the existing dwelling at Oak Tree House with another. The first two having been refused. The first (ref: **22/0318/FUL**) was refused on 18th May 2022 for 4 alleging that:

- *The design, height, scale, bulk and its singular mass would introduce a visually dominant and intrusive built form into the immediate setting of Mount Ebford, a grade II listed building, blocking existing views of the listed building from Old Ebford Lane and further visually intrude into its setting. asset.*
- *In its elevated position it did not take account the topography of the site and would appear as unduly prominent contemporary building with a mix of materials and architectural styles that does not relate well to its context or respect the key characteristics and special qualities of the area.*
- *A proposed retaining wall on the opposite side of the road by reason of its length, height and material finish would introduce an overly urban style of boundary wall into the streetscene and would create a sense of further enclosure to this part of Lower Ebford Lane which would not relate well to its context or respect the key characteristics and special qualities of the area.*
- *In the absence of an ecological survey, in the opinion of the Local Planning Authority insufficient information has been provided to demonstrate that the proposed development would not adversely affect species which are protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017.*

1.2 A written appeal was lodged against this decision and by decision letter dated 19th December 2022 the appeal was dismissed. In making that decision the Inspector noted that the main issues were:

“firstly, the effect of the dwelling on the character and appearance of the area, having particular regard to the impact upon the setting of a nearby listed building; and

secondly, the effect of the proposal upon protected species within the area”.

- 1.3 The outcome of the appeal led the applicant to reconsider the contemporary design approach of the replacement dwelling and a second application was submitted which involved an entirely different and more traditional design approach to the replacement dwelling, The applicant had also decided not to proceed with the new retaining wall as part of the revised application.
- 1.4 This second application (ref: **23/1185/FUL**) was refused on 14th September 2023 for the following two reasons:
 1. *The proposed replacement dwelling by reason of its footprint, height, scale and massing would introduce a visually dominant and intrusive built form into the immediate setting of Mount Ebford, a grade II listed building. The proposal fails to respond to the aesthetic hierarchy of Mount Ebford and the other listed buildings to the North of the site. The proposal does not preserve the setting of Mount Ebford, by virtue of failing to enhance or better reveal its significance and would result in less than substantial harm to the significance of the grade II listed building. The less than substantial harm to the significance of the heritage asset would not be outweighed by any public benefits of the scheme or by better revealing the significance of the heritage asset. The proposal is considered to be contrary to policy EN9- Development Affecting the Setting of a Designated Heritage Asset of the East Devon Local Plan, policy CSG8 of the 'made' Clyst St George Neighbourhood Plan and paragraphs 199 and 202 of the National Planning Policy Framework.*
 2. *The proposed replacement dwelling by reason of its footprint height, scale and massing would introduce a visually dominant and intrusive built form in an elevated position that would be out of keeping with the local character of neighbouring buildings and which would not relate well to its context or respect the key characteristics and special qualities of the area. The proposal is considered to be contrary to policy D1- Design and Local*

Distinctiveness of the East Devon Local Plan 2013-2031 and policy CSG9 of the 'made' Clyst St George Neighbourhood Plan.

- 1.5 No appeal has been lodged against this decision, in favour of a further reconsideration of the footprint, height, scale and massing of the proposed replacement dwelling. This third application is being submitted accordingly. The application is accompanied by this supporting statement which includes a series of photographic images illustrating the character and appearance of the area in views along Old Ebford Lane, the setting of the Grade II listed building and the physical and visual relationship of the revised dwelling to both Mount Ebford and its immediate surroundings.

2.0 THE APPLICATION SITE

- 2.2 Oak Tree House is a detached house positioned within a generous garden that is close to the top of a ridge of high land. Set back from Old Ebford Lane behind a parking and turning area, this two storey house and its detached garage are near to one end of the line of houses and bungalows that are positioned either side of the lane.
- 2.3 To the south of the appeal property is Mount Ebford. The Grade II building was listed in 1952 and is described on the list as:

Detached house now in multiple occupation. Early C19. Built by Thomas Huckell Lea for his widowed mother on the site of his father's pleasure house. Stuccoed brick; hipped slate roof concealed behind parapet. Single depth plan with principal room to either side of central entrance hall with rear wing, with stair turret in internal angle of L-shape thus formed. 3 storeys. Moulded cornice and parapet extends around main range. Hornless sash windows throughout, of 12 panes to ground and 1st floors; 2nd floor with 3 panes, 6 down.

Front: symmetrical 2:1:2 bays, the central bay projecting; central porch with Tuscan columns, pilasters, pediment and cornice with paterae in frieze; half-glazed door. Right-hand end with 3 storey bow, each floor with tripartite sash window. Left-hand side elevation with 5 window range; sash windows survive to rear wing. Later lean- to and late-C20 conservatory to rear.

2.3 As the list describes it, the building is in multiple occupation. It does not however mention its setting in the context of its surroundings. Some photographs of its immediate setting will be included later in this statement. The application site is not within a Conservation Area.

3.0 THE PROPOSED DEVELOPMENT

3.1 Drawing 277:1;01 Rev G shows the site of the new dwelling in relation to the existing. Drawing 1:02 Rev L shows the ground floor plan, 1:03 Rev M the first floor plan and drawings 04:10 Rev D and 04.11 Rev C the elevations.

3.2 It is a traditionally designed 2 storey dwelling incorporating a series of connecting hips and half-hips (shown on drawing 1.01 Rev G). It would be built in Wienerberger Kenilworth Antique facing brickwork beneath a Natural Spanish slate roof.

3.3 The existing access onto Old Ebford Lane will remain as will existing trees within the site. New semi-mature planting is shown on the site plan around the rear and side of the existing garage.

3.4 The graphically produced image below shows the front view of the new dwelling from inside the site.



3.5 Further images of the new dwelling in relation to its surroundings and public views of Mount Ebford are incorporated into this statement, when looking at the policy issues.

4.0 THE POLICY CONTEXT

4.1 **Policy H6** of adopted Local Plan deals with replacement dwellings in the countryside and states:

Proposals for the replacement of an existing dwelling outside the defined Built-up Area Boundaries will be permitted, provided that all the following criteria are satisfied:

- 1. There is an existing, permanent, habitable dwelling located on the site, which is not a dwelling specifically granted planning permission under the agricultural or forestry exceptions policy.*
- 2. The replacement dwelling is located on, or adjacent to, the footprint of the existing dwelling, or elsewhere within the curtilage of the building where a clear planning or environmental benefit will be achieved.*
- 4. The replacement dwelling does not detract from the appearance and character of the landscape, and within the East Devon and Blackdown Hills Areas of Outstanding Natural Beauty harm the natural beauty of the landscape.*
- 5. The dwelling to be replaced is not of architectural importance (whether Listed or not) or important in terms of contributing to landscape character or quality or local distinctiveness.*

A condition will be attached to any planning permission granted, which requires the demolition of the existing dwelling prior to the occupancy of the replacement dwelling, should an alternative location for the replacement dwelling be agreed.

4.2 In arriving at the decision to dismiss the appeal in respect of the first proposal the Inspector did not address the provisions of this Local Plan Policy against which the development needed to be assessed. It is safe to assume however that there is still no objection to the principle of replacing Oak Tree House with another dwelling, complying with the tests of Policy H6.

4.3 **Policy EN9** of the Local Plan deals with Development Affecting a Designated Heritage Asset and states that the Council will not grant permission for developments involving substantial harm or total loss of significance of a designated heritage asset Oak Tree House is

not a designated heritage asset. It is only the final sentence of this Policy that deals with development within the setting of a heritage asset.

- 4.4 Mount Ebford is a Grade II listed building. This being so the Inspector dealing with the appeal proposal cited the requirement of the **Planning (Listed Buildings and Conservation Areas) Act 1990** that special regard had to be paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. In this case that building was Mount Ebford and the Inspector identified the various aspects of the development in the context of this requirement.
- 4.5 The Glossary to the NPPF describes the significance (for heritage policy) as the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.
- 4.6 The NPPF then describes the setting of a heritage asset as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. The list description for Mount Ebford does not indicate that its significance is derived from its setting.
- 4.7 **Policy No. CSG8** - Local Heritage Assets of the Clyst St George Neighbourhood Plan states that development proposals will be supported that maintain or enhance the character and setting of a heritage asset. Development proposals in proximity to a designated heritage asset should provide a clear assessment of the significance and impact of the proposal on the asset and its setting and justify the design approach taken.

5.0 MATERIAL CONSIDERATIONS

- 5.1 It is clear from the reasons for refusal of the second application that the issue in this case remains as identified by the Inspector who dealt with the first, namely: The effect of the dwelling on the

character and appearance of the area, having particular regard to the impact upon the setting of a nearby listed building.

5.2 In this revised application the position and design of the proposed dwelling has changed significantly. It has been set back further into the site and occupies less width than the previous proposal. The large forward projecting two storey half hipped triple garage with rooms above has been removed. The result of these changes maintains views of the listed building from Old Ebford Lane. This is demonstrated in the 4 side-by-side comparison images below:



Existing public views



Proposed public views



5.3 It is clear from these images that the enhanced siting and appearance of the new dwelling would not be prominently visible in views into the site and the existing views of Mount Ebford would be retained.

5.4 In terms of the effect of the dwelling on the character and appearance of the area, the following sequence of photos have been taken from along Old Ebford Lane from north to south, starting at the access to Limosa and ending at its junction with the A376.



5.5 In only the centre photo is it possible to see Mount Ebford along Old Ebford Lane from a public viewpoint. The previous comparison images in paragraph 5.2 demonstrate that that will not change if the replacement dwelling was built. In this case then it would not have a harmful effect on the character and appearance of the area, and thus not conflict with Policy D1- Design and Local Distinctiveness of the East Devon Local Plan 2013-2031 or Policy CSG9 of the 'made' Clyst St George Neighbourhood Plan.

5.6 The setting of Mount Ebford

5.6.1 It has already been mentioned that there is no evidence to suggest that the archaeological, architectural, artistic or historic significance of the listed building contribute to its setting, and the photos in this statement demonstrate that its physical presence is not a major contributor to the character and appearance of Old Ebford Lane.

5.6.2 The building is now occupied as flats, and its historic connection with Thomas Huckell Lea's widowed mother has been lost, probably forever. The next series of photos have been produced to show the consequences of its use as multiple occupation upon the setting of the building:



- 5.6.3 It is unreasonable of the Local Planning Authority to suggest that this replacement dwelling, outside of the curtilage of Mount Ebford and not contributing to the setting of the heritage asset when it is clear that development has and is occurring within its setting that is having a profound effect upon its character and appearance.
- 5.6.4 The requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 is that special regard has to be paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. In this case it is submitted that the preservation of the setting of Mount Ebford will be secured through this revised size, location and design of the replacement dwelling.
- 5.6.5 As the revised proposal would preserve, and thus have a neutral effect on the heritage asset and its setting, the public benefits of the proposal do not need to be weighed in the balance as ordinarily required under what is now paragraph 208 of the National Planning Policy Framework (December 2023),

6.0 SUMMARY

- 6.1 This application is to replace Oak Tree House with another dwelling. It is a resubmission following two earlier unsuccessful applications. On this occasion the dwelling has been moved further into the site, reduced in mass and bulk and covers less of the plot than before.
- 6.2 Photographic evidence within this statement shows how little of the replacement dwelling would be seen in public views along Old Ebford Lane, ensuring that it would not impact upon the character or appearance of its site or its surroundings.
- 6.3 In its revised form it ensures that views of Mount Ebford and its immediate setting are not compromised. Photos of structures within its curtilage show that they have a far greater and damaging impact upon its setting than would be the case with this replacement dwelling. Having regard to the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990, the development fulfils the desirability of preserving the significance of the setting of Mount Ebford as a listed building and the effect upon that setting would be neutral, and therefore preserved from harm.

6.4 The development would not now conflict with either local or national planning Policies and on this on this basis the Council should agree with the latest revised approach, both in principle and in detail, and grant planning permission for the development accordingly. However, should any further information or clarification of any aspect of the application be required then we would be happy to provide it prior to a decision being taken.