



## Appeal Decision

Hearing Held on 25 February 2021

Site Visit made on 26 February 2021

**by Nick Davies BSc(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 March 2021**

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### **Appeal Ref: APP/X1118/W/20/3258340**

#### **Gonville House Hotel, The Esplanade, Woolacombe EX34 7DJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms Patricia Tosi (Forsa Developments Ltd) against the decision of North Devon District Council.
  - The application Ref 71363, dated 25 March 2020, was refused by notice dated 21 May 2020.
  - The development proposed is demolition of Gonville House and erection of 5 flats with revised access and creation of 10 parking spaces to the rear.
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#### **Decision**

1. The appeal is allowed and planning permission is granted for demolition of Gonville House and erection of 5 flats with revised access and creation of 10 parking spaces to the rear at Gonville House Hotel, The Esplanade, Woolacombe EX34 7DJ in accordance with the terms of the application, Ref 71363, dated 25 March 2020, and the plans submitted with it, subject to the conditions in the attached schedule.

#### **Preliminary Matter**

2. The application was refused by the Council for two reasons. The first reason related to the less than substantial harm that would be caused to the character and appearance of the Conservation Area through the demolition of Gonville House. However, planning permission was subsequently granted<sup>1</sup> for the demolition of the building and erection of four flats. It is agreed between the parties, in the Statement of Common Ground, that this permission establishes the principle of the demolition of Gonville House and its replacement with a different form of development. The Council agreed at the Hearing that the first reason for refusal had, therefore, fallen away.

#### **Main Issue**

3. The main issue is whether the development would preserve or enhance the character or appearance of the Woolacombe Conservation Area.

#### **Reasons**

4. Gonville House lies on the eastern side of The Esplanade, which extends northwards from the core of Woolacombe, and overlooks the spectacular coastal scenery to the west. It is a detached building of early 20th century origin, and has three storeys of accommodation, the second floor being largely

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<sup>1</sup> Local Planning Authority ref: 72000

in the roofspace. It is constructed of buff brick with red brick detailing, and it has two projecting bays on the front elevation. The building is in a poor state of repair, and it is proposed to demolish it and construct a building containing five flats, over three floors, in its place.

5. The appeal site lies in the Woolacombe Conservation Area (the CA). The Woolacombe Conservation Area Character Appraisal (the CACA) identifies that the special interest of the CA lies in its mixture of architectural styles, executed to a high quality, combined with its setting and its planned layout, designed to make the most of impressive views and walks along the shoreline to the north of the historic core of the town. The site lies within The Esplanade & The Beach Character Zone, which is characterised by one-sided development of Victorian and Edwardian buildings set back from the road behind a boundary wall. The CACA emphasises that the open spaces along the shoreline, and between the existing buildings, are vital parts of the character of this zone, as is the very architecturally mixed nature of the developments along its length.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
7. It is agreed in the SOCG that Gonville House is not of any particular architectural merit or historic interest. Its winding driveway results in an uncharacteristic level of hard-surfacing in front of the building, and the rear extensions and outbuildings are not sympathetic to the character of the area. Nevertheless, the main building conforms with the key characteristics of the CA in terms of its scale, form, architecture, and materials. It is set back from the road, on the common building line which follows the curve of The Esplanade and, although overgrown, it has a stone front boundary wall. It also sits centrally on its large plot, so that views of the topography and landscape can be obtained through the gaps between the buildings, both looking into, and out of, the CA. Overall, therefore, it reinforces the special interest of the CA, so makes a positive contribution to its character.
8. The proposed building would be built largely on the footprint of Gonville House and its outbuildings. The front façade would be of a similar width to the existing roadside elevation, and would have projecting bays on the same building line. The eaves and ridge height would be only marginally higher than the existing building, although the ridge would be a little wider, as it would have a steeper pitch. The three projecting bay windows, on each of the side elevations, would result in a small increase in the overall width of the building. However, they would be set well back from the front façade, and would not extend above eaves level. Therefore, when seen from viewpoints directly in front of the building, from The Esplanade or the beach, the overall form, scale, and massing of the building would not have a discernible impact on the general character or appearance of the CA.
9. The most significant increase in bulk would be to the rear, where the full height of the proposed building would project to the extent of the existing single storey extensions and outbuildings. This rearward projection would be apparent in oblique views, when approaching the site along The Esplanade from either direction. In these approaches there would be a slight reduction in diagonal views between, and behind the buildings, to the landscape beyond. However, there would still be a significant gap between the buildings to either side, which

would allow an appreciation of the landscape and topography behind the building. It is part of the character of the CA that views between the buildings open and close as an observer proceeds along the curve of The Esplanade, and the proposal would not be harmful to that experience.

10. The views through the gaps between the buildings are particularly important from the higher land to the rear. From Rockfield Road, there are views through the gaps and over the buildings to the spectacular coastal scenery that is so important to the character of the CA. The view to Morte Point from this location is recognised at paragraph 6.5 of the CACA. Looking down from this elevated position, the side bays would not interrupt views to the sea, or the beach. The rear projection would have sloping roofs on both sides, so there would be little intrusion into the gaps between the buildings. Consequently, the views to the beach, sea and headland would be barely affected. The projecting bays and rearward extension would not, therefore, have a harmful impact on the ability to appreciate the coastal landscape setting of the CA from here.
11. As a result of the rearward projection, the longer axis of the building would be perpendicular to the road, rather than parallel to it. Most of the surrounding buildings are orientated so that their wider elevations face the road, and the sea views beyond. However, this is not always the case, and it is not a characteristic that is noted in the CACA, or is readily evident when walking through the CA. Viewed from the higher land to the north, beyond the Watersmeet Hotel, the existing building is seen in the curved sweep of buildings fronting The Esplanade, some of which appear to extend much further back from the road than Gonville House. From this viewpoint, the rear projection would be largely hidden behind the much higher and bulkier form of Hillbury House. The change in the depth of the building would not, therefore, result in it appearing as an uncharacteristic feature in the CA.
12. The proposed building would include some design features that are not common to other buildings in the CA. These include the projecting side bays, inset dormer window on the front elevation, asymmetrical rear elevation, and flat roof. The side bays would be set well back from the frontage, so would be relatively unobtrusive, and would not challenge the traditional appearance of the front façade. Dormer windows of various designs and sizes are prevalent within the CA, including large flat roofed examples on the adjacent building to the north. In this context the proposed dormer would not appear as an incongruous feature in the roofscape of this part of the CA.
13. The asymmetry of the rear elevation would only be evident in views from the higher land behind. From here, various extensions and outbuildings can be seen at the back of the buildings that front The Esplanade. The design approach taken seeks to interpret the organic evolution of these surrounding structures. The central flat roof section of the main building would also be visible, and, together with the rear elevation and side bays, it would give the rear of the building a somewhat contemporary appearance. However, it would only be seen in the context of the disparate rear elevations of the adjacent buildings, so there would be no harm to any established architectural order within this part of the CA from this viewpoint.
14. Notwithstanding some of the architectural details, when viewed from The Esplanade and wider viewpoints to the north, west, and south, the building would still be broadly traditional in its overall design, with rendered walls, a

sloping slate roof, vertically proportioned windows, and bays to either side of the front elevation that replicate those on the existing building. It would therefore sit comfortably alongside the Victorian and Edwardian buildings that characterise this part of the CA.

15. Therefore, although the building would be larger than Gonville House, particularly at the rear, its location on the plot would preserve the important gaps between the buildings, and its general form, mass and design would be consistent with the key characteristics of the CA. Furthermore, the proposals would reposition the access, so that the driveway could be realigned to the northern side of the plot, allowing the area in front of the building to be landscaped, and a slate wall to be reinstated along the site frontage, both of which would reinforce the character of the CA.
16. Overall, therefore, I conclude that the development would conserve the character and appearance of the CA as a heritage asset, and thereby satisfy the statutory duty of s72(1) of the Act as previously set out. Consequently, the proposal would accord with Policies ST15, DM04 and DM07 of the North Devon and Torridge Local Plan 2011-2031 (adopted 2018) (the Local Plan), which seek to conserve and enhance heritage assets, and reinforce the key characteristics and special qualities of the area in which the development is proposed. The development would also align with the aims of section 16 of the National Planning Policy Framework (the Framework) to conserve and enhance the historic environment. As I have concluded that there would be no harm to the heritage asset, there is no need to consider the public benefits of the proposal as set out in paragraph 196 of the Framework.

### **Planning Obligation**

17. A Unilateral Undertaking dated 21 January 2021 has been submitted, which would secure financial contributions towards meeting the need for additional facilities and services arising from the development. The contributions are towards primary and secondary education, school transport, and off-site public open space.
18. The amount requested for education and school transport is based on the Education Authority's established educational formulae (which relate to the number of primary and secondary age children that are likely to be living in this type of accommodation) and the costs of transporting children to Ilfracombe Academy. The off-site contribution to public open space is necessary to comply with Policy DM10 of the Local Plan.
19. I consider that the measures in the Undertaking are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. Consequently, they would accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010, and the tests for planning obligations set out in paragraph 56 of the Framework.

### **Conditions**

20. In accordance with the legislation, I have imposed a condition limiting the period within which the development must commence. I have also included a condition specifying the relevant plans, as this provides certainty. The council submitted a schedule of suggested conditions to cover other matters. I have

considered all the suggested conditions against the advice in the Planning Practice Guidance. I have agreed that the conditions are necessary, but I have altered some of them, in the interests of clarity and precision, to better reflect the guidance.

21. To preserve the character and appearance of the CA, conditions are necessary to ensure that suitable external materials are used, the front boundary wall is appropriately reinstated, and the landscaping scheme is implemented in accordance with the approved details.
22. The development must provide adequate car-parking space to comply with Policies DM05 and DM06 of the Local Plan. I have therefore imposed a condition to ensure that the proposed car-parking facilities are provided before the flats are occupied. In the interests of residential amenity and to protect the character and appearance of the area, the condition also requires provision of the bin storage facilities shown on the plans.
23. To ensure that the development achieves net gains for biodiversity, in accordance with Policy ST14 of the Local Plan, and paragraph 170 of the Framework, I have imposed a condition to ensure that bat tubes and sparrow terraces are installed on the building. However, in view of the recommendations of the submitted Ecological Impact Assessment, and the comments of the Council's Sustainability Officer, I have required the sparrow terraces to be installed on the northern elevation of the building, rather than the south, as shown on the submitted drawing.

### **Conclusion**

24. For the reasons given, I conclude that the appeal should succeed.

*Nick Davies*

INSPECTOR

### **APPEARANCES**

FOR THE APPELLANT:

Caroline Waller (Clarke Willmott LLP) – Agent  
Patricia Tosi (Forsa Developments Ltd) – Appellant  
Nigel Gale (RGP Architects Ltd) - Architect

FOR THE LOCAL PLANNING AUTHORITY:

Mary Pool – Senior Planning Officer, North Devon District Council  
Collette Hall – Conservation Officer, North Devon District Council

## **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 18124/L1 - Location Plan; 18124/P100A - Proposed Site Plan; 18124/P101 Floorplans; 18124/P102B - Floorplans & Elevations; 18124/P104A - Street & Site Elevations.
- 3) Development shall not proceed above damp-proof course level until samples or details of the painted render facing materials to be used on the external walls, and the natural slate for the roof, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the first occupation of any of the flats, the works to the front boundary wall to the Esplanade shall be completed, in accordance with details of the materials and method of construction that shall first have been submitted to and approved in writing by the local planning authority.
- 5) All planting, seeding or turfing comprised in the landscaping scheme shown on drawing no. 18124/P100A shall be carried out in the first planting and seeding seasons following the occupation or the substantial completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the local planning authority gives written consent to any variations.
- 6) Prior to the first occupation of any of the flats, the vehicle parking and manoeuvring areas, and the bin store, shall be completed in accordance with the details shown on drawing no. 18124/P100A. These facilities shall thereafter be kept permanently available for the parking and manoeuvring of vehicles, and the storage of bins respectively.
- 7) Prior to the first occupation of any of the flats, two bat tubes and two sparrow terraces shall be installed on the building. The installation shall accord with the details shown on drawing no. 18124/P105, except for the sparrow terraces, which shall be installed in equivalent positions on the north side of the building. These facilities shall be permanently retained thereafter.