

**Application Number**

P/2012/0567

**Site Address**

Rock House  
Rockhouse Lane  
Torquay  
Devon  
TQ1 4SX

**Case Officer**

Mrs Ruth Robinson

**Ward**

St Marychurch

**Description**

Construction of new dwelling in kitchen garden to South of Rock House and conversion and extension of existing stable block into dwelling house to North of Rock House including provision of independent access from road to the East

**Executive Summary/Key Outcomes**

This application involves the construction of 2 dwellings within the grounds of Rock House; a grade II listed building on Rock House Lane Maidencombe. The main house is in a state of disrepair and in urgent need of investment to repair the roof and halt further deterioration of the fabric of the building.

Rock House is located in a 'countryside zone' where 'sporadic' residential development is ordinarily resisted. Paragraph 55 of the NPPF does allow exceptions to exclusions to rural housing if development acts in a way to secure the future of heritage assets. In addition, the dwellings are to replace existing disused buildings within the grounds in order to minimise the impact of the new development.

The development is, now that a vehicular access across open fields and woodland has been deleted, acceptable in terms of its design and impact on the character of the listed building and wider protected landscape.

For this reason it is considered that the application should be supported subject to the receipt of additional information in respect of the impact on a specific tree, surface water drainage, conditions as detailed below and the conclusion of a

S106 agreement to secure implementation of an agreed schedule of works for essential repairs to the roof and associated remedial works to restore and retain the Listed building.

### **Recommendation**

Committee Site Visit; Conditional Approval (schedule of suggested conditions at end of report); Subject to the additional information in relation to trees, drainage and sewerage treatment, subject to the signing of a S106 agreement to secure investment in Rock House, specifically scheduled works to roof and associated damage to the Grade II listed building. The legal agreement is to be completed and signed within 3 months of the date of this committee meeting.

### **Statutory Determination Period**

8 weeks expiring on the 7th July. The delay in determination arises from awaiting revised plans deleting vehicular access to stable building.

### **Site Details**

Rock House is a Grade II listed building set in extensive grounds in a countryside location on the edge of Maidencombe village. The Listed building is in a dilapidated state with substantial sums required to be spent on roof repairs to weatherproof the structure in order to prevent further deterioration. There is a range of ancillary outbuildings within the grounds including stables, greenhouses, with cottages and garaging.

Rock House is within the defined Countryside Zone, and prominent within the Coastal Preservation Area and Area of Landscape Value. The cumulative impact of these polices is to resist sporadic residential development and to protect the landscape character of the area. There are also a range of protected trees on the site.

Rock House currently has 2 points of vehicular access, one via the main gated access and the second via a secondary access adjacent to the stable/garage building. Rock House Lane is a narrow and steep route with limited passing places.

In summary, the scheme involves the redevelopment of an existing stable building and a greenhouse within the walled garden to provide 2 new dwellings on the site, with the profits being secured through a S106 agreement and invested in essential repair works to the roof of Rock House.

### **Detailed Proposals**

The application is for the construction of 2 new dwellings within the grounds, one within the walled garden in the place of the existing glasshouse and the second to replace the existing stable/garage building.

The former involves the creation of a vehicular access via the main access to the site and the latter previously involved the creation of a new vehicular access across fields to the north of the site. This has now been deleted and the existing access from Rock House Lane is to be utilised instead.

### **Summary Of Consultation Responses**

*Conservation officer:* Satisfied that the proposed dwellings are acceptable from a design perspective and are needed as enabling development to secure the future of the listed building.

*Arboriculturalist:* Had concerns about the impact on mature trees of the now deleted vehicular access to serve the stable/garage building. Requires additional information about the impact of the dwelling within the walled garden on a large Lime Tree. Broad support is given for the proposals if certain safeguards can be achieved.

*Highways:* Require improvements to visibility and safety due to the increase in usage of the access road. Amended comments are awaited following deletion of the private drive which was of some concern in terms of visibility.

*Drainage:* Requires additional detail in respect of the means of disposing of surface water and the design of the private treatment plant designed to dispose of foul sewage.

*English Heritage:* Consider the matter should be determined in line with local policies.

### **Summary Of Representations**

There have been a number of objections to the scheme. The main areas of concern are as follows:

1. The access is unsuitable being narrow and steep.
2. It will adversely affect the setting of Rock House/Foxcombe Valley.
3. It will not meet local housing needs.
4. It will clutter site and set unfortunate precedent.
5. The use of an enabling development argument is inappropriate in this instance and could encourage other similar applications.

6. It will impact on wildlife.
7. Concerns about possible location of sewerage treatment plant in woodland area.
8. Impact on trees particularly from the proposed access to the stable dwelling.
9. Concern that scale of walled garden dwelling is out of character.
10. Flood risk arising from drive access and loss of trees.
11. Need to comply with EH criteria regarding enabling development.
12. Impact on views from/ viability of Orestone Manor Hotel.

The Maidencombe Residents Association and the Ashley Priors Amenity Association object to the application for reasons summarised above.

These representations have been reproduced and sent electronically for Members consideration.

### **Relevant Planning History**

Pre application discussions have taken place over several years in an attempt to identify an appropriate form of development that would secure the fabric of the listed building without harm to interests of acknowledged importance.

### **Key Issues/Material Considerations**

There are a number of key issues. For the purposes of the report, these can be usefully summarised as below.

#### **1. Appropriateness of 'Enabling Development' concept**

The construction of new dwellings in this location would not ordinarily be acceptable due to the policy designation as 'Countryside Zone' in the adopted Local Plan. However, the NPPF, in considering the impact of rural housing, does allow for special circumstances where such development may be acceptable and this includes opportunities for 'enabling development' to secure the future of heritage assets.

Rock House is in a dilapidated state and the roof is in urgent need of repairs. It is unlikely that the current owner will be able to fund these works and the building is deteriorating. Whilst not strictly complying with EH criteria for enabling development, as the property has a value which could be realised if sold, the opportunities for low key well designed discrete development that would have minimal impact on the area, yet deliver the return to the owner to allow her to remain in her home have been explored. This exercise focused on 2 locations

where development could be accommodated with limited impact on the setting of the listed building, on the character of the wider valley and on neighbours. If it can be shown that proposed dwellings are of an exemplary design and do not adversely affect the character of this sensitive location, then it is considered that the development could qualify as an exception to the normal presumption against residential development in rural areas. This is because it will secure the future of this heritage asset through a S106 agreement which will ensure that any profit is ploughed back into the listed building.

Costings and a schedule of works have been supplied to show that this level of development can meet the refurbishment needs of the listed building and grounds.

## **2. Highway issues**

The most damaging aspect of the proposal, the inclusion of a wholly separate drive to serve the proposed stable building has now been deleted in preference to the use of the existing access point adjacent to this building. The new route would have cut across open fields and woodland, would have exacerbated the visual impact of the scheme on the landscape character of the area through loss of trees and exposure of the tarmac finish to a wider view, it would have increased flood risk and impact on wildlife and biodiversity and would have made vehicular access problems more acute. Reversion to use of the existing vehicular access was widely suggested in letters from neighbours to the site.

## **3. Quality of design/relationship to setting of Rock House and wider Foxcombe Valley**

The 2 sites were selected because of the ability to be sympathetically accommodated within the overall character of the site and the ability to replace existing built structures so as to minimise the additional built form in the landscape.

The stable/garage building is an existing structure which is not of any particular merit and is in a poor state of repair. Its conversion and extension to provide a well designed home on a similar footprint and to a similar scale and form arguably improves upon the existing situation. The design is well thought out and sits comfortably in its context using a palette of timber, render and stone.

The walled garden site is removed from the immediate setting of the listed building and involves replacement of a redundant and derelict green house which is set within a walled garden with a building of a similar design to the one described above. It is single storey and hugs the existing wall in a similar fashion to the existing greenhouse. It is well screened from views across the valley due to the position of the walls and the low level nature of the proposed dwelling.

The materials to be used, timber and stone help 'ground' the scheme into the overall character of the garden. Whilst it is close to the northernmost boundary of Orestone Manor Hotel, it is not considered that the impact of the proposed dwelling will be damaging to the future viability of the hotel as suggested in the letter of objection from the hotel owner.

The Arboriculturalist still requires some additional information to be supplied in relation to the impact on a large Lime Tree and this will need to be supplied before a decision can be issued.

#### **4. Impact on trees/wildlife**

With development confined to the existing stable building and the walled garden, the implications in respect of trees and wildlife is much reduced and is largely confined to the Lime Tree adjacent to the walled garden which should be resolved in line with the Arboriculturalists requirements.

#### **5. Floodrisk**

The deletion of the private drive reduces the concerns about surface water and flood risk, as trees are retained and impermeable materials reduced. It is likely that with an appropriate drainage strategy the development will not materially increase floodrisk in the area.

#### **6. Sewerage treatment/ drainage**

These details are also required in advance of permission being issued to ensure appropriate sustainable drainage methods are used where possible. It is also important to know that trees won't be affected by their construction.

#### **7. S106/CIL**

A S106 agreement will be required to ensure that the schedule of works agreed as being necessary to secure the fabric of the building are carried out in accordance with an agreed timetable.

#### **Conclusions**

Whilst ordinarily contrary to policy, the inclusion of 2 additional dwellings is now acceptable following deletion of the private drive across the adjacent fields.

This is because the profit from the development will be invested in securing the future of this dilapidated listed building through a S106 agreement requiring an agreed schedule of works to be carried out. The buildings are also discrete, well designed and do not affect the visual amenity of the area, the setting of the listed building, or the landscape character of Foxcombe Valley.

Additional information is required in relation to the tree works in the walled garden to demonstrate that the large Lime Tree is unaffected by the proposed

development, and in respect of surface water drainage and details of the private sewer plant and its location.

### **Recommendation**

Committee Site Visit; Conditional Approval; Subject to the additional information in relation to trees, drainage and sewerage treatment, subject to the signing of a S106 agreement to secure investment in Rock House, specifically scheduled works to roof and associated damage to the Grade II listed building. The legal agreement is to be completed and signed within 3 months of the date of this committee meeting.

Suggested conditions briefly itemised below:

1. 1:5 and 1:20 details of each elevation/key features.
2. Samples of materials/sample panel of stone.
3. Any outstanding tree information.
4. Implementation of drainage strategy
5. Detailed hard and soft landscape proposals.
6. Details of all fencing/boundary changes/gates.

### **Relevant Policies**

-