

# PLANNING COMMITTEE REPORT

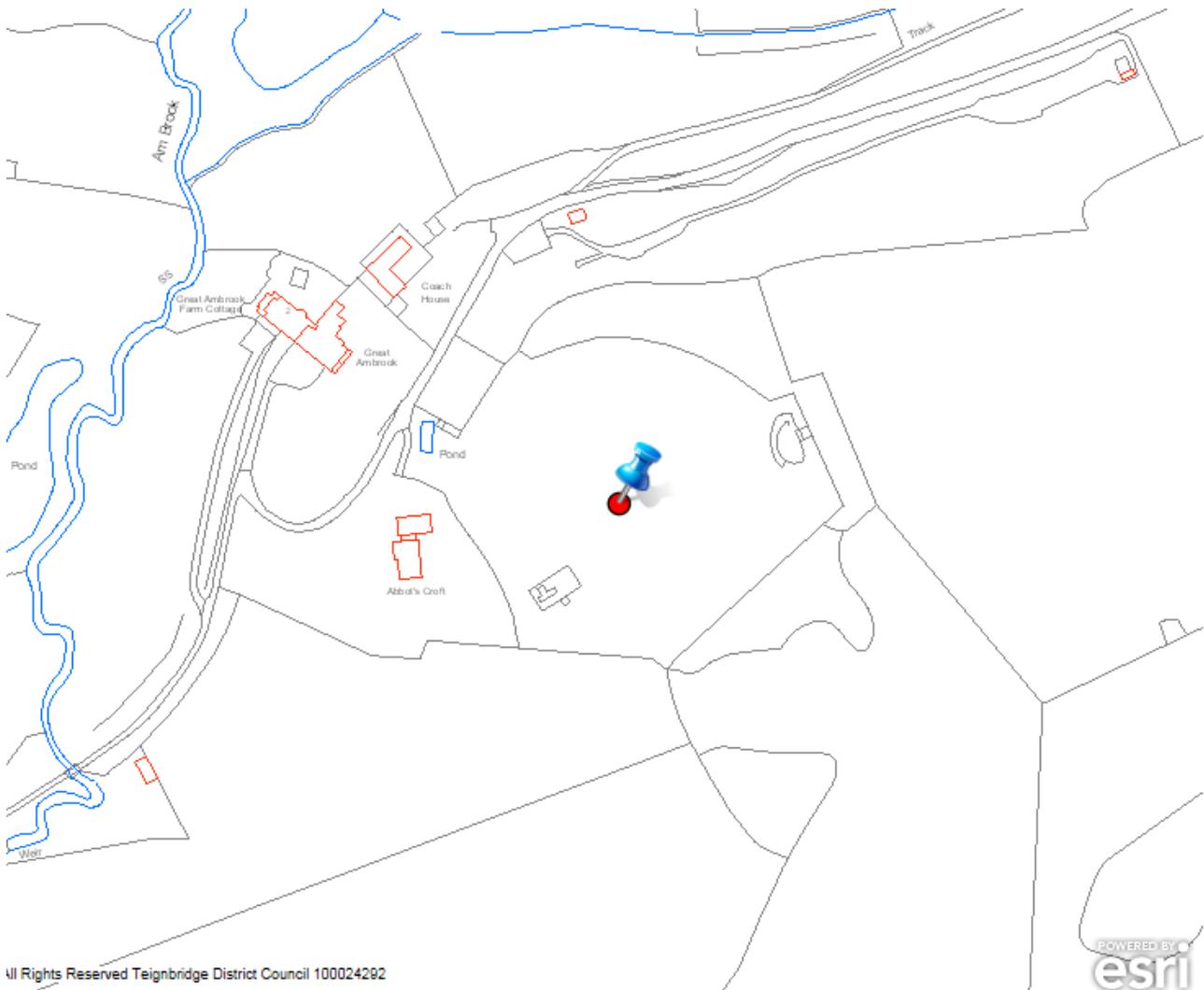
## 21 January 2020

CHAIRMAN: Cllr Mike Haines



Teignbridge  
DISTRICT COUNCIL  
South Devon

<b>APPLICATION FOR CONSIDERATION:</b>	<b>IPPLEPEN - 19/00976/LBC - The Italian Garden , Great Ambrook - Construction of building for use as holiday accommodation and associated works (description amended 08.08.2019)</b>	
<b>APPLICANT:</b>	<b>Mrs Berry &amp; Mrs Chapman</b>	
<b>CASE OFFICER</b>	<b>Gary Crawford</b>	
<b>WARD MEMBERS:</b>	<b>Cllr Alistair Dewhirst</b>	<b>Ipplepen</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=19/00976/LBC&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=19/00976/LBC&amp;MN</a>	





**19/00976/LBC - The Italian Garden, Great Ambrook,  
Ipplepen, TQ12 5UL**

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## 1. REASON FOR REPORT

Councillor Dewhirst, as local Ward Member, requested Committee determination for associated full planning application 19/00672/FUL at Great Ambrook as the proposal is in close proximity to the Grade II listed Great Ambrook House and due to recent planning decisions, Councillor Dewhirst considers that this proximity should be tested by the Planning Committee. Subsequently, it is considered necessary that the associated Listed Building Consent application is also referred to the Planning Committee for determination.

## 2. RECOMMENDATION

LISTED BUILDING CONSENT BE GRANTED subject to Conditions covering the following matters, the precise number and form of which to be determined by the Business Manager – Strategic Place:

1. Time limit for implementation (3 years);
  2. To be built in accordance with approved plans;
  3. Prior to the commencement of works a full mortar specification shall be submitted to and approved in writing by the Local Planning Authority;
  4. Prior to its first use on site, a stone sample must be submitted to and approved in writing by the Local Planning Authority;
  5. Prior to the building reaching DPC level, full details and or samples/colour scheme of the materials to be used on the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority;
  6. Prior to their installation on the building hereby permitted, sections and elevations (at scale 1:20) of the following building details shall be submitted to and approved in writing by the Local Planning Authority:
    - Doors
    - Windows, including cills
    - Gates and threshold
    - Timber lintels
    - Loggia
- The building details shall be installed in accordance with the approved drawings;

## 3. DESCRIPTION

### The Application Site

- 3.1 The application site relates to the walled garden within the Italian Garden at Great Ambrook, Ipplepen. The Grade II listed Great Ambrook House was listed in 1955 and at the time, the Italian Garden, walled garden and carriage drive formed an integral part of the listed building. The Italian Garden at Great Ambrook is designated as a Grade II listed Park and Garden.
- 3.2 Historic England detail that the Italian Garden at Great Ambrook is registered at Grade II listing for the following principal reasons:

*\* Design: for the unusual design of the garden, reflecting the early-C20 fashion for Italian style in gardens, but taking a more informal, picturesque approach suited to the Devon landscape within which it is set; \* Designer: as the only surviving garden*

*created by T H Lyon, a local architect with a more far-reaching role as first Director of the Cambridge School of Architecture, whose eclectic tastes are well represented in the garden design; \* Garden structures: the garden includes a number of buildings and structures of unusual design, which form an integral part of the layout and experience of the site; \* Survival and Documentation: despite decades of neglect, the garden remains remarkably close to its original design, as evidenced by contemporary documents and photographs; \* Planting: a number of mature trees and plants survive from the original planting scheme; \* Historic interest: for the socio-historical context in which the garden was produced, being commissioned, designed, and written about by men linked by homosexuality as well as by aesthetic interests; \* Group value: with Grade II-listed Great Ambrook House, to which Lyon added a music room extension contemporaneous with the garden.*

### History of the Italian Garden

#### 3.3 Historic England's website provides the following history on the Italian Garden at Great Ambrook:

*The garden at Great Ambrook was laid out between 1909 and 1912, for Arthur Smith Graham (1871-1928), on farmland lying to the east of Great Ambrook House, to which Graham had moved in 1899. The architect/designer employed for the work was Thomas Henry Lyon (1869-1953) of Ilington, Dartmoor, who also built a music room addition to Great Ambrook for Graham at the same time as creating the garden. Also contemporaneous was his large extension and remodelling of the chapel of Sidney Sussex College, Cambridge; Lyon served as first Director of Design at the new School of Architecture at Cambridge. His architectural output included work for the university, as well as ecclesiastical commissions, and a number of private houses in the Dartmoor area. Lyon worked on other garden designs, Great Ambrook being his largest commission of this kind, and the only one known to survive. The builder is thought to have been Lewis Bearne, who also worked at Castle Drogo.*

*Arthur Graham, whose parents came from wealthy merchant families, grew up in Surrey and Kent. He moved to Devon, having read classics at Christ Church, Oxford, without graduating, buying Great Ambrook together with the adjacent farm of Newhouse Barton. It may be that his move to the secluded Devon property, and his creation of the enclosed garden there, was connected with his homosexuality. Graham appears, his identity thinly veiled, in the novel 'Nicholas Crabbe: A Romance' by the cult author Frederick Rolfe (or 'Baron Corvo'). The novel sees Theophanes Clayfoot (Graham) steal the affections of Robert Kemp (Graham's close friend, the poet and author Sholto Douglas) from Crabbe (Rolfe), and transport him to Sonorusciello, the idyllic Cornish estate which represents Great Ambrook. Evidence regarding Graham's life at Great Ambrook, and the form and features of the garden itself, appear consistent with the idea that the garden was created as a setting for a form of social life and recreation which would not otherwise have been possible in the early years of the C20.*

*The garden, known from early on as the 'Italian Garden', was created across the boundary of two existing fields, taking advantage of the dramatic possibilities of the sloping site; near the centre, a former quarry, thought to have been used as a carrion pit in the C19, was dug out to make the feature of the garden known as 'The Dell'. The hard landscaping, consisting of steep paths of Portland stone, leading between garden buildings and sporting facilities, was largely complete by 1912. The*

*raised terraces and summerhouse provide early examples of the use of reinforced concrete slabs – Lyon was later cited for his use of Truscon flooring by the Trussed Concrete Steel Company in its advertising. The planting too was largely established by 1912; there is evidence that Graham bought from the renowned nursery of the Rovelli brothers on the banks of Lake Maggiore.*

*Following Graham's death in 1928, Great Ambrook House and its garden were occupied for five years by Thomas Cuthbert Shaw, before coming into the ownership of Enid Milner, whose family remained until 1963. In the 1930s and 1940s Great Ambrook was noted in Kelly's Directory for its 'Italian garden with many rare and unusual trees and shrubs'. During the 1950s and early 1960s, however, the garden fell into neglect and was so thoroughly overgrown at the time of the 1963 sale, when then estate was broken up, that its existence appears not to have been known of. The garden was rediscovered by its owners, Mr and Mrs Kenneth Rees, in 1988, and since that time has been gradually uncovered and restored. Much of the undergrowth which had obscured the garden has been cut back, though those trees and plants which survive from Arthur Graham's time are now mature and the overall appearance is considerably more shady and verdant than is shown in early photographs.*

- 3.4 Although the walled garden lies outside of the registered park and garden, the walled garden is part of the same designed garden to Great Ambrook. As such, the walled garden is considered to be part of the curtilage of Great Ambrook House and therefore the walled garden is listed protected.
- 3.5 The Italian Garden is accessed from the public highway to the east via Great Ambrook Avenue, a single track private driveway approximately 0.9 km in length which also provides access to four residential properties. Two of the residential properties, Great Ambrook House and Great Ambrook Cottage, can also be accessed via a second access point from the public highway approximately 320m to the south west of Great Ambrook House. The application site is located within designated open countryside. The trees within the Italian Garden and adjacent to Great Ambrook Avenue are subject to a group Tree Preservation Order.

### The Application

- 3.6 The application seeks listed building consent for the construction of a building within the walled garden at Great Ambrook for use as holiday accommodation. The building would be of a contemporary design with larch clad walls and a sedum roof. The proposal involves the reinstatement of the south eastern wall of the walled garden which was removed at some time in the past. The intention is to reinstate the limestone wall with the new building positioned up against this wall. It is proposed that solar PV generators would be positioned on the roof of the proposed new building. The proposal also includes repairs and preservations of the existing walled garden. Parking for the proposed holiday accommodation would be provided on the existing hardcore parking area within the Italian Garden and it is proposed to install a new gated entrance to the Italian Garden. It is proposed that the income generated from the proposed holiday accommodation would be used to help fund the restoration of the Italian Garden.
- 3.7 The application originally sought permission for the use of the new building to provide visitor facilities, in addition to the holiday accommodation. However, officers raised concerns about the increase in the amount of traffic that would be using

Great Ambrook Avenue to access both the holiday accommodation and the visitor facilities and the nuisance that this would cause upon the residential properties at Great Ambrook. Consequently, revised plans were received during the course of the application which removed the visitor facilities element from the proposal.

### Planning History

#### 3.8 Relevant site history:

- 18/01033/PE: One unit of holiday accommodation. Advised on 7/9/2018 that the principle of the development was likely to be acceptable.
- 19/00672/FUL: Construction of building for use as holiday accommodation. Awaiting determination.

### Impact upon heritage assets

#### 3.9 One of the main issues of this proposed development is its impact on designated heritage assets. These include:

- The Italian Garden - Grade II, Registered Park and Garden; and
- Great Ambrook House - Grade II, Listed Building.

#### 3.10 Policy S2 (Quality Development) of the Local Plan details that new development should integrate with and, where possible, enhance the character of the adjoining built and natural environment, particularly affected heritage assets.

#### 3.11 Policy EN5 (Heritage Assets) of the Local Plan states that:

*To protect and enhance the area's heritage, consideration of development proposals will take account of the significance, character, setting and local distinctiveness of any affected heritage asset, including Scheduled Monuments, Listed Buildings, Conservation Areas, Historic Parks and Gardens, other archaeological sites and other assets on the Register of Local Assets, particularly those of national importance.*

#### 3.12 Paragraph 192 of the NPPF is relevant to this proposal and it requires local planning authorities to take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

#### 3.13 Furthermore, Paragraph 193 of the NPPF details that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In addition, Paragraph 196 specifies that where a development proposal will lead to less than substantial

harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 3.14 Although the walled garden is located outside of the registered park and garden, the walled garden is part of the same designed garden to Great Ambrook and is considered to be part of the curtilage of the house and is therefore listed protected. The Italian Garden and its structures are important to maintain and restore and are unique to Teignbridge. As such, the proposal is supported in principle as it is a means to bring income into the project for its restoration
- 3.15 In terms of the impact of the proposal on the registered Park and Garden and the curtilage listed walled garden, the proposal is for a well-designed, high quality building and the design includes the reinstatement of the south eastern wall of the walled garden which was removed at some time in the past. The intention is to reinstate the limestone wall with the new building positioned up against this wall. As such, the new building would be in a discreet position, modest in scale and form and has a character that relates to the kitchen garden language. The new building would feature a flat roof and would be of a height which means that it will sit below the top of the garden walls.
- 3.16 It should be acknowledged that the introduction of holiday accommodation to the site will have an impact on the registered Park and Garden. However, the proposal is relatively modest in scale, pays high regard to the historic, designed context of the area and shows a well-designed, high quality building that will impinge only very slightly upon the character of the historic, designed setting.
- 3.17 Furthermore, the proposed development will also benefit the registered Park and Garden in the following ways:
- in rebuilding the garden wall, it will restore the separation between the utilitarian aspects of the walled garden and the design aspects of the Italian Garden;
  - through letting the holiday unit, the proposal would provide a revenue source that will help to sustain the continued maintenance of the Italian Garden; and
  - replacing the gate at the entrance of the Italian Garden, would help secure the site and make the entrance more legible to visitors.
- 3.18 It is considered that the development proposal would result in less than substantial harm to the registered Park and Garden and the curtilage listed walled garden. However, this harm is outweighed by the public benefits of the proposal in the form of rebuilding the garden wall to restore the separation between the utilitarian aspects of the walled garden and the design aspects of the Italian Garden, providing a unit of holiday accommodation in a unique location and providing a revenue source that would help to sustain the continued maintenance of the Italian Garden. As such, it is deemed that the proposal would comply with Paragraph 196 of the NPPF.
- 3.19 The new building would be concealed behind the walls of the walled garden and would not be visible from the Italian Garden. Due to the proposed flat roof, the new

building would not be visible from Great Ambrook House or any part of the immediate landscape.

- 3.20 In addition to the proposed new building within the walled garden and the installation of new gates to the Italian Garden, the proposal also involves repointing and repairing the existing stone walls of the walled garden, removing the brick and concrete boiler room, stabilising the glass house wall on the outside of the walled garden and preserving an existing opening in the south western wall of the walled garden. All of these proposed alterations are considered to be acceptable and they would help to preserve and enhance the curtilage listed structure, in accordance with Policy EN5.
- 3.21 The Local Planning Authority is mindful of the duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to give great weight to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. It is considered that the proposed works would preserve and enhance the special character of the listed building.

#### Conclusion

- 3.22 It is considered that the development proposal would result in less than substantial harm to the registered Park and Garden and the curtilage listed walled garden. However, it is deemed that this harm is outweighed by the public benefits of the proposal. Subject to the conditions stated at the beginning of this report, the officer recommendation is one of approval.

## **4. POLICY DOCUMENTS**

### Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

EN2A Landscape Protection and Enhancement

EN5 Heritage Assets

### National Planning Policy Framework

### National Planning Practice Guidance

## **5. CONSULTEES**

### **TDC Team Leader for Design and Heritage in response to Preliminary Enquiry 18/01033/PE at Great Ambrook:**

Great Ambrook House was listed in 1955 and at the time the garden, walled garden and carriage drive formed an integral part of the listed building. It was in the same ownership and as a garden had a supporting functional relationship the listed Great Ambrook House. The garden is ancillary to Great Ambrook House and is curtilage

listed. The heritage statement has said it was sold separately in 1963 but this would not affect its listing protection.

Although outside the registered park and garden the walled garden is part of the same designed garden to Great Ambrook and I would consider it to be part of the curtilage of the house and listed protected despite the heritage statement by the Architect. It suggests the boundaries of the registered park and garden have not been well considered and should have included the house and grounds.

The garden and its structures are important to maintain and restore and are unique to Teignbridge. I would support the proposals as they are a means to bring income into the project for its restoration. Any 106 agreement should be strictly controlled to ensure this area is not sold off separately and the income stream lost to the garden.

The design of the building and location within the walled garden is acceptable in principle.

### **DCC Archaeology:**

The site lies partly within the curtilage the Italian Garden, a Grade II Registered Park and Garden which was created in the early 20<sup>th</sup> century for Arthur Smith Graham who had moved to Great Ambrook House in 1899. That part of the site outside the curtilage is that of the 'New Garden' recorded on the 19<sup>th</sup> century Ipplepen Tithe Map which was also formerly part of the Great Ambrook Estate. As a garden it is, therefore, at least 60-70 years older than the Italian Garden. Great Ambrook House is a Grade II listed building, the main block of which dates to the 18<sup>th</sup> century.

Assessment of the Historic Environment Record (HER) and the details submitted by the applicant suggest that there is little potential for the survival of below-ground archaeological remains within the proposal site. However, although the restoration of the garden is to be welcomed we are concerned with the proposed introduction of residential accommodation into a sensitive location adjacent to a Grade II Registered Park and Garden and within the setting of a Grade II listed house. Given the proximity of the site to two nationally important designated heritage assets we would advise that Historic England are consulted with regard to any comments they may have on the proposed development and the setting of the monuments. We note the response of the Devon Gardens Trust.

### **Historic England:**

No comments.

### **Devon Gardens Trust:**

We do not wish to comment on the merits of this application but we would emphasise that this does not in any way signify either our approval or disapproval of the proposal.

If your Council is minded to grant planning permission we would suggest that it is linked to a Section 106 Agreement to prevent the proposed holiday accommodation being sold separate from the garden.

## **6. REPRESENTATIONS**

A site notice was erected at the entrance to Great Ambrook Avenue and six letters of objection have been received which raised the following relevant issues:

- The proposal does not comply with Policies EN2A, EN5 and S22 of the Teignbridge Local Plan.
- Construction traffic will damage the driveway.
- Harm to the setting of heritage assets.
- Size of the proposed building.

## **7. TOWN / PARISH COUNCIL'S COMMENTS**

The following comments were received from Ipplepen Parish Council in response to associated planning application 19/00672/FUL:

Ipplepen Parish Council object to this application as although they appreciate the efforts being made to restore the Italian Gardens and understand the enormity of this commitment by the present owners, they do not see a need for holiday accommodation on site as having been proved. Perhaps a much smaller development to provide basic amenities for the limited number of people that visit along with the maintenance workers would be more appropriate. They would also like to point out that part of this development appears to fall within the boundary of the Historic England Grade II Park and Garden listing Entry Number 1419269 and the application would therefore need to have an application covering Listed Building Consent. If Teignbridge were to grant this application the Parish Council would reiterate the owners comments that "were this to be a full-time dwelling, the proposal would be in conflict with policy S22 of the local plan. However, the owners have made it clear that this is not their intention and will actively seek, with Teignbridge, to negotiate conditions preventing this building becoming a full-time residence".

## **8. COMMUNITY INFRASTRUCTURE LEVY**

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

## **9. ENVIRONMENTAL IMPACT ASSESSMENT**

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

## **10. HUMAN RIGHTS ACT**

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been

balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

## **Business Manager – Strategic Place**