

**ARCHAEOLOGICAL ASSESSMENT
OF 5-7 SUNBURY ROAD
PAIGNTON**

**Prepared for
Christopher Curtis Associates**

Exeter Archaeology

Report No. 04.01

January 2004

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1. INTRODUCTION

This report has been prepared by Exeter Archaeology (EA) at the request of Christopher Curtis Associates, to assess the archaeological implications of the proposed erection of a dwelling on land between Nos 5 (Pixie Cottage) and 7 Sunbury Road, Paignton (NGR SX 88675 60175).¹ The site lies at the southern periphery of medieval Paignton. The possibility therefore exists that buried archaeological deposits survive within the development site.

1.1 The site and geology (Figs 1, 2)

The site currently comprises a butcher's shop incorporating a refrigeration area and a larger open yard behind. Although the name of Sunbury Road appears to only date from the 20th century, unlike many roads in the vicinity it is a historic routeway that linked Fisher Street with the high road to Totnes, and the houses adjoining the site on the north have been regarded as dating from the 18th century if not earlier.

The geology underlying the site is the Permian Conglomerate, Breccia and Sandstone, that outcrops in the distinctive red cliffs 1km to the east.²

1.2 The proposed development

It is understood that the development will entail the extension of the existing property for a distance of 3.20m to the east. The greater part of the existing property is to be retained although its east wall is to be demolished. The development will entail demolition of the cold store and the excavation of trenches for foundations and services. The final service layout has yet to be determined but will link into existing service runs within the application area.

1.3 Aims and objectives of the assessment

The aims of this desktop survey are to identify as far as possible the archaeological potential of the application site and to determine the impact (if any) of the proposed development. The results of this assessment will be used to inform the planning process; further recommendations may be made in respect of any archaeological mitigation. The assessment has been undertaken in accordance with a brief supplied by Torbay Council's Archaeology Officer.³

1.4 Method and sources utilised

The desktop assessment consisted of the examination of material at the following locations:

- The Westcountry Studies Library (WCSL)
- The Devon Record Office (DRO)
- The Devon & Exeter Institution (DEI)
- Archive material held by Exeter Archaeology (EA)

The Torbay Sites and Monuments Register (SMR) was also consulted.

1.5 Statutory and other designations

The site adjoins No. 5 Sunbury Road, Pixie Cottage, which is listed Grade II; successively to the east of No. 5 are No. 3, No. 1, and the Torbay Inn, all also listed Grade II.⁴

¹ Planning Application No. 03/1511 PA.

² Geological Survey of Great Britain (England and Wales) 1:50 000 Drift Sheet 350, Torquay, 1976.

³ Bishop, 18 September 2003.

⁴ DoNH 1993, 46, 113–114.

The area lies within the Old Paignton Conservation Area.

2. ARCHAEOLOGICAL AND HISTORICAL BACKGROUND

2.1 Archaeological background

No structured archaeological investigations are known to have taken place in the immediate vicinity of the site.

The extent of Saxon or post-Conquest settlement within the town is still uncertain but recent investigations have shed some light on aspects of the town's early history. In 1999 an archaeological evaluation on the site of a proposed extension to Paignton Hospital in Church Road (at SX887608) revealed two ditches, one dating from the 11th or 12th century.⁵ In Well Street (SX88526086) a medieval pit containing pottery dating from between the 11th and 15th centuries was recorded during the construction of residential buildings in 2001.⁶ Recent investigations in 2003 at the site of Paignton Parish Hall produced pottery sherds of Iron Age date.

The properties immediately to the north and east of the site have been dated to the 18th century or earlier,⁷ although the interiors were not inspected. The Torbay Inn is regarded as probably 17th century in date, although its date plaque of 1647 is modern.

2.2 Historical background

2.2.1 *The manor of Paignton*

The large and fertile Saxon manor of Paignton was acquired by the bishops of Exeter and at the time of the Conquest was held by Bishop Leofric.⁸ The Domesday Survey shows it to have been the second wealthiest of the 24 manors then owned by Bishop Osbern,⁹ and it was to remain one of the bishops' richest manors until the Reformation.¹⁰ The survey records that its value had increased under Osbern from £13 to £50, a remarkable increase in the 13 years since his consecration in 1073,¹¹ and this suggests substantial improvement, perhaps involving the formation of the nucleated village and communal open-field agriculture (the most productive method at that period).

However, the extent of the core settlement remains unknown. The church of St John the Baptist, to the north of the site, contains 12th-century fabric, although it was extensively rebuilt in the 15th century.¹² It is possible that there was an earlier church on the site. To the east of the site are the remains of the Bishop's Palace, a Scheduled Ancient Monument,¹³ of which the enclosing wall and corner tower survive. These features are possibly of 14th-century date,¹⁴ although the palace may have originated in the 11th century.

⁵ Dyer 1999.

⁶ Collings and Passmore 2001a.

⁷ DoHN 1993.

⁸ Thorn & Thorn 1985, Exon Notes 2.16–22.

⁹ *ibid.*, 2, 18.

¹⁰ Cherry & Pevsner 1989, 836.

¹¹ Oliver 1861, 12.

¹² Hoskins 1992, 449–50.

¹³ Devon No. 240.

¹⁴ *ibid.*, 449.

A weekly market and a three-day fair held during the festival of the Holy Trinity were granted to Paignton in 1295. A borough appears to have been set up at about the same time.¹⁵ During the medieval and post-medieval periods the settlement focus of Paignton was along Winner Street and around Church Street, as is still evident on Donn's map of 1765 (Fig. 3).

In 1557 the manor was granted to William Herbert, first Earl of Pembroke, who commissioned a detailed survey of his lands in 1567.¹⁶ The manor extended into what later became the separate parishes of Stoke Gabriel and Marldon, but appears to have excluded Goodrington, Preston and Collaton. The survey listed the individual tenants with a brief description (in Latin) of their holdings. The total rental was then £176 6s 10³/₄d, 'derived from freeholds in knight service, copyholds, free burgage tenures, freeholds in socage, barton lands, "new rents" and the rents of woodland, pasture, mills and cellars'.¹⁷ However, the normal shape of burgage plots, with their narrow frontage onto a main street and extension for a much greater distance rearwards to a back lane, are absent from early maps of Paignton.

In Fisher Street the survey recorded two properties held by customary tenants paying rents totalling 20s 8¹/₂d and 45 held by free tenants paying rents totalling £6 8s 8d.¹⁸ The custom of the manor required even the free tenants, on a change of ownership, to surrender their holding to the lord of the manor and to pay a fine equal to the annual rent. The new owner was required to do fealty (swear an oath of fidelity) before he could be admitted as a tenant, as all tenures were held 'at the will of the lord'.¹⁹

In 1644 the manor was sold to Sir Henry Cary of Cockington, but financial pressures resulting from his support of the Crown during the Civil War led to the manor being sold to Samuel Kelland Esq. in 1654.²⁰ By the later 18th century the manor had been purchased by the Templer family.

Dr Richard Polwhele, writing around the turn of the 19th century, did not regard the main settlement as a town: 'The parish consists of one village, that of Paignton, and five or six hamlets' and added that the 'greater part of the houses are built of mud walls and covered with thatch but not remarkable for neatness or commodiousness'.²¹ A directory of 1857 still refers to it as a village, although 'fast rising into note as a fashionable watering place' and still famed for its cider and cabbages.²² The arrival of the railway in 1859²³ appears to have been the main impetus for the development of the town as a seaside resort and the censuses show a trebling of population in the ensuing 40 years.²⁴ Paignton Urban District Council was formed in 1895, but one archaic feature remained in existence – the manor court. Even when townspeople took out a mortgage the mortgagee was required to do fealty, and this remained the case 'at any rate, in theory until the coming into force of the Law of Property Act 1922' which meant that from 1 January 1925 'the ancient title of "Lord of the Manor" virtually ceased to exist'.²⁵ Several generations of the Eastley family of solicitors had acted as

¹⁵ Hoskins 1992, 449–50; Beresford & Finberg 1973, 96.

¹⁶ Straton (ed.) 1909; Patterson 1952, 54–55.

¹⁷ Churchward 1932, 240.

¹⁸ Straton (ed.) 1909, 328–9; 376–9.

¹⁹ *ibid.*, 385; Patterson 1952, 57.

²⁰ Patterson 1952, 62.

²¹ Polwhele 1793–1806, 490.

²² Billing, M. 1857, 525.

²³ Thomas 1981, 78.

²⁴ Hoskins 1992, 449.

²⁵ Patterson 1952, 57–8.

stewards during the latter years and the court books extending back to 1664 were subsequently deposited in the Devon Record Office. They enable the histories of many Paignton properties to be traced back over several centuries.

2.2.2 *The proposal site*

The earliest reference so far located to the property that included the site under discussion comes from 1780 when John Tapley, referred to as a carpenter of St Marychurch, surrendered into the lord of the manor's hands what was described as 'one Dwelling house now converted into two Dwellings, two Herbgardens and one Orchard thereunto adjoining ... at Fisher Street ... Burgage'.²⁶ While no description of the bounds was given, the property can be identified from its subsequent history as a roughly triangular area of just over one acre on the south-west side of Fisher Street, with the dwelling house being represented by today's Torbay Inn. In the 1830s it was divided into four parts which were subsequently given the plot numbers 1108 to 1111 on the 1840 Tithe Map (Fig. 5).

The property had previously been held by John Tapley's father William, also a carpenter of St Marychurch, although no previous references to the property have been found using the index to the 'court rolls'. However, other Tapleys had held other property within the manor, and indeed a Hugh Tapley had been one of the 17 jurors present at the earliest recorded Court Baron in 1664.²⁷

The purpose of the 1780 surrender had been to record the transfer of the property, sold for £150 to a certain William Morris, described as a Paignton mariner. On Morris's payment of a fine of 4s 4d and doing fealty he was admitted 'tenant', 'according to the Custom of the Borough'. The amount of the fine was equal to the annual rent, but no such amount has been located for the Fisher Street properties in 1567 and the property may well have been combined with or divided from another during the 213-year interval, as was to happen in the 19th century.

In 1803 William Morris surrendered the property, in order that Matthias Symons, described as a Paignton builder, could acquire it, the latter being admitted tenant on paying the same fine and doing fealty.²⁸ The documentation suggests that it may have been Matthias Symons who first built on the particular site under discussion. By 1808 he was forced to mortgage the property, then described as 'All that Dwelling house and the new erected Dwelling house Stable and Cellar at the Western end herbgardens orchard and premises', which implies that the buildings at the western extremity of the original property date from the early 19th century.²⁹ In 1833 he sold the eastern property, the present Torbay Inn, to Samuel Reynolds, who was admitted tenant on payment of a fine of 1s 3d and doing fealty.³⁰

Matthias Symons died in 1834 and it appears that it was his trustees who further divided up the property, giving rise to the property boundary that today separates No. 5 Sunbury Road from No. 7 to its south. What later became the site of Nos 1, 3, 5 and 5A Sunbury Road was sold to the builder William Towell for £280, and a detailed description was copied into the court book:

²⁶ 'Court rolls' of the manor and borough of Paignton, 3, 88.

²⁷ Patterson 1952, 64.

²⁸ 'Court rolls' of the manor and borough of Paignton, 3, 406.

²⁹ *ibid.*, 4, 444.

³⁰ *ibid.*, 4, 447.

All that Messuage Dwellinghouse Workshop Cellar Stable and Garden situate in Fisher Street in Paington aforesaid and measuring from North to South 61 Feet and 5 inches and from East to West 70 feet and 6 inches bounded on the East by lands belonging to Samuel Reynolds, on the South by lands lately in the possession of the said Matthias Symons and on the West and North by a certain Road or Highway.³¹

Before being admitted tenant William Towell was required to pay a fine of 1s 5d. Later that year he appears to have sold the property to Maria Milman for £295.³²

The position shown by the tithe survey of 1840 (Fig. 5) was that Maria Milman was described as the owner and occupier of the 'House and Garden' (plot No. 1108); her property was bounded on the east by the Torbay Inn, owned and occupied by Samuel Reynolds (plot No. 1109) while to the south was the house and orchard of William Jerman (plot No. 1110), who had also bought the property from the Symons trustees in 1834, paying the lord a fine of 1s 2½d.³³ The final part of the original property, the eastern part of the orchard, had been sold by the trustees to John Eastley Codner, described as a gentleman,³⁴ whose fine of 5½d brought the total to the original 4s 4d. By 1840 Parkfield Cottage, owned and occupied by William Codner, was present on the site (Plot 1111 on Fig. 5).

The Tithe Map shows a similar extent of building on the site of what became Nos 1, 3 & 5 Sunbury Road to that which prevails today (apart from the cold store), but with no internal divisions (Fig. 5). The Ordnance Survey 1:2500 map sheet was published in the 1860s and this appeared to show three divisions along the curving frontage (Fig. 6), shown more clearly in the 1906 and 1913 revisions (Fig. 7).

Maria Milman died in 1878 but at some earlier date had been involved with further rebuilding, having 'caused certain portions of the buildings ... to be pulled down and erected in the place thereof four messuages or cottages'.³⁵ She left the property to her daughter Keturah and the court recorded the change of ownership with a somewhat different description from 1834:

All that piece or parcel of land situate in Paington aforesaid admeasuring from North to South 61 feet and 5 inches and from East to West 70 feet and 6 inches Together with the four Cottages store and premises erected thereon or on some part thereof All which said piece or parcel of land Cottages and premises are bounded on the East by the Torbay Inn on the South partly by property belonging to William Tozer and partly by property belonging to Christopher and Robert Elliott Drew and on the West and North by St Michaels Road.³⁶

A series of rate books survives from the later 19th century and in 1880 Miss Milman was shown as owning four houses in Fisher Street, of which she occupied the highest-rated, at £3. The subsequent entries were two houses rated at £2 10s, occupied by John Goodyear and Susan Sandford. The fourth property, rated at £2, was occupied by a certain 'Holmes'. It

³¹ 'Court rolls' of the manor and borough of Paington, 4, 450.

³² *ibid.*, 5, 25.

³³ Plot Nos 1108, 1109, 1110; 'Court rolls' of the manor and borough of Paington, 4, 459–461.

³⁴ 'Court rolls' of the manor and borough of Paington, 4, 470–2.

³⁵ *ibid.*, 11, 81.

³⁶ *ibid.*

appears from the 1917 plan (Fig. 8) that the listing was by value rather than in geographical order.

In 1910 a detailed land valuation was begun. The accompanying valuation book suggests no structural change, with Miss Keturah Milman still occupying the £3 property, while Phillip Shepherd and John Matthews occupied the £2 10s properties and Hannah Martin the £2 property.³⁷ Although the location was still said to be Fisher Street, there was potential for confusion in that the properties immediately to the south of the site (now Nos 7 to 13 Sunbury Road) owned by Christopher and Robert Elliott Drew, were said to be 1 to 4 Torbay Cottages, while the three cottages south-east of the Torbay Inn (now Nos 36, 38 & 40 Fisher Street), had been later amended to 1 to 3 Torbay Cottages.³⁸

Although Keturah Milman made her will in 1878, dividing her property between four relatives, she survived until 1916 without having altered her will, by which time three of those relatives had died.³⁹ This meant that three-quarters of the property escheated to the lord of the manor, John George Edmund Templer of Lyndridge in Bishopsteignton. This led to the property being partitioned between him and the sole surviving relative, Harrie Milman Rowe, or possibly Rave, and a detailed plan showing the line of division was drawn up (Fig. 8). This is the only plan located on which all four cottages have been shown, when they were also said to be Nos 1 to 4 Torbay Cottages (with No. 2 being the largest, and presumably the highest-rated), and situated in St Michael's Road. As well as the store to the south of No. 4 there were three gardens within the overall property and two water closets. Under the division, Mr Rowe received 'All that dwellinghouse and cottage store garden and premises now known as No. 4 Torbay Cottages', together with a right of way through the passage adjoining No. 1 to the pump.

It appears to have been a short-lived division. On 1 January 1918 the Manor Office recorded the sale of No. 4 by Mr Rowe to the house decorator Alfred William Hinson for £50 (for which he paid a fine of 4*d*) and also the sale to him of Nos 1 to 3 by John George Edmund Templer for £150 (plus a fine of 1*s* 1*d*). It may be that he immediately made alterations to the property. The rate book for 1919 (the last surviving of that series) initially shows him owning four houses, again said to be in Fisher Street, but all valued at £4, while an amendment suggests that the one he occupied was shortly afterwards sold to H.J. Tozer.⁴⁰

In 1920 Alfred Hinson sold to Miss Elizabeth Pearce of Palace Avenue for £350 'All those two dwellinghouses or cottages ... Nos 2 and 3 Torbay Cottages, St Michaels Road ... and All that dwellinghouse or cottage store garden and premises now collectively known as No. 4 Torbay Cottages, St Michael's Road', for which she paid fines of only 7*d* and 4*d*,⁴¹ which, along with the evidence of the rate book, suggests that Alfred Hinson had sold No. 1 without the transaction being recorded by the court. With the demise of the manor in 1925 it has not been possible to trace the subsequent history of the site in any detail. The only evidence for this period comes from maps and street directories, which appear to be sparse for the pre-war period.

³⁷ DRO 3201V/3/48, Nos 2449–2452, all included within 2449 on the accompanying map (Fig. 7).

³⁸ *ibid.*, Nos 2453–2456; 2459–2461.

³⁹ *ibid.*

⁴⁰ DRO 4582A add 8/PT61, page 118, Nos 2602–2605.

⁴¹ 'Court rolls' of the manor and borough of Paignton, 12, 20.

The road onto which the site fronted was unnamed on the 1935 revision of the 1:2500 map while a directory of that year listed the properties under St Michael's Road. No. 5 was occupied by Patrick O'Connor and No. 5A by James Osborne, a firewood dealer.⁴² This latter property was presumably the store on the 1917 plan. Sunbury Road has been first located in the 1946 directory, when Nos 3 and 5 were not listed as such, but Pixie Cottage was occupied by Mrs Lamb.⁴³ No. 5A reappeared in the 1960s, when it was occupied by the butcher B. Bennett, while William Davey occupied No. 5.⁴⁴

The 1954 Ordnance Survey revision shows the yard behind the store to have been partially divided up, a division which is still present today, and which forms the boundary of the site under discussion. Subsequently a cold store was built in the south-west corner of the site.

3. SITE VISIT (Fig. 2)

A site visit was made in the company of the owner and his agent to inspect the fabric of the buildings within the site and to identify any areas where potential archaeological deposits have or are likely to have been removed.

The former butcher's shop is a single-storey building of stone construction. The west wall appears to be continuous with that of No. 5 and from lintel level has been built up in brick by approximately 1m, presumably to accommodate the sloping roof. This brickwork appears to be late 19th or early 20th century in date. The fabric of the south wall was not visible but it is likely to be a continuous construction with the east and west walls. The north wall features a blocked opening 1.35m wide, located between the west wall of the building and the stack of No. 5. This blocking represents a doorway which formerly connected between the two buildings. A lintel is visible above the blocking, approximately 3m above ground level. The north end of the east wall appears to have been foreshortened, possibly in the 20th century, to accommodate the kitchen for No. 5.

The eastern site boundary wall is of modern construction, built of stone to the south end and brick to the north. The south boundary wall was only visible at the east end of the site where it is constructed of limestone rubble bonded with clay. A small structure constructed of breccia stone and bonded with a grey lime mortar abuts the south wall. It contains a W.C. which is depicted on a plan of 1917 and may be 19th century in date.

The cold store is a modern building of rendered block and brick construction, with a concrete floor.

A concrete path provides access to Sunbury Road to the rear of the site and is known to contain a number of services. Ground level within the fenced garden at the rear of No. 3 was approximately 0.50m higher than the level of the path. There is however no evidence for the ground level having been reduced within the proposal site.

No cellars or other significant areas of deep modern disturbance have been identified.

⁴² *Kelly's Directory of Torquay and Paignton* 1935, 411.

⁴³ *ibid.* 1946, 458.

⁴⁴ *ibid.* 1965, 473.

4. DISCUSSION

The earliest large-scale map of the area, the 1840 Tithe Map, indicates that a structure was present at that time on the site of the butcher's shop. Although the documentary evidence is far from conclusive, it suggests a date of around 1805 for the first development of the site, with a workshop, stable or cellar being built by Matthias Symons on what had been a herb garden. Neither the documentary search nor the site visit have provided any evidence of a building on the site prior to the early 19th century. The cartographic evidence indicates that the site of the extension had been used as a garden until the middle of the 20th century.

No. 5 Sunbury Road appears to result from the conversion of one of the other buildings by Maria Milman at a date between 1834 and 1878. Only the 1917 plan indicates that the building occupying the site that became the butcher's shop was then a store, when it was sold along with what became No. 5 and the garden adjoining it to the south. Neither the rate books nor the 1910 valuation mention the store's existence. The presence of a blocked doorway within the north wall of the building is consistent with the documentary evidence, indicating that the present building once formed part of the adjacent property to the north; No. 5. There is no indication that the site has ever been part of a high-status property that might have had significant garden features.

The fabric forming the frontage of the site, along a historic routeway, has been substantially altered with the building of the cold store, but the mud-bonded section of the butcher's shop is also present at its rear, and may well be early 19th century in date. The southern boundary of the site became a property boundary in 1834. The wall may have been in existence well before then, separating the Tapleys' orchard from one of the herb gardens. The eastern boundary at the southern end may follow a division first shown on the 1906 map but the low wall forming a dog-leg to its north has not been located on any map prior to 1954.

Although no evidence has been found to indicate that the current building represents a direct replacement of an earlier, post-medieval property, the possibility that the site was occupied during the medieval period cannot be excluded. The potential for the preservation of any such evidence (building remains, rubbish pits etc.) would be enhanced by the use of the site until recently as a garden, although some deposits are likely to have been removed by excavations for services, and the walls and floor of the cold store.

ACKNOWLEDGEMENTS

This report was commissioned by Christopher Curtis Associates and administered by C.P. Curtis, MRICS and P.M. Stead (Exeter Archaeology). The brief was prepared by H. Bishop, Torbay Council's Archaeology and Historic Environment Officer.

The documentary research was undertaken by A.G. Collings, the site visit was made by Neil Goodwin. The illustrations were prepared by N. Goodwin and A.G. Collings.

The assistance of Hal Bishop and the staff of the Devon Record Office, the Devon & Exeter Institution and the Westcountry Studies Library is gratefully acknowledged.

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