
Appeal Decision

Site visit made on 23 January 2017

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 February 2017

Appeal Ref: APP/P1235/W/16/3160086
16 East Street, Weymouth DT4 8BW

- 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 Mr Michael Ainsworth against the decision of Weymouth & Portland Borough Council.
 - The application Ref WP/16/00458/FUL, dated 15 June 2016, was refused by notice dated 4 August 2016.
 - The development proposed is refurbishment and additional floors to existing H.M.O.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - a) whether the design and scale of the proposed rear extension would be acceptable in terms of its impact on the character and appearance of the Weymouth Town Centre Conservation Area and the setting of adjacent listed buildings; and
 - b) the effect of the proposed development on the living conditions of adjoining residents in The Esplanade and Belle Vue, with particular reference to outlook, daylight and sunlight.

Reasons

Effect on heritage assets

3. No 16 East Street lies towards the southern end of the Weymouth Town Centre Conservation Area (CA) within a tight-knit network of streets backing onto The Esplanade. The three storey mid-terrace building has been extensively altered with modern fenestration on the street elevation and a two storey flat roofed extension at the rear. At the time of my inspection the premises were vacant but I understand that they were previously in residential use.
 4. The Council raises no objection to the proposed mansard roof on the front section of the building. I have no reason to take a different stance. This element of the scheme would be sensitively designed, reflecting the varied heights of other building façades in East Street. The development would be largely hidden from the street behind a raised roof parapet and it would be a recessive feature in longer distance views across the nearby public car park.
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5. To the rear of the site the proposal is to construct two additional storeys above the existing flat roof extension. The resultant structure would include a complex stepped arrangement of mansard roofs. Whilst mansard roofs are common features within the CA, in most cases their form is simpler and less contrived.
6. The properties surrounding the appeal site have a variety of extensions and additions but these are generally subservient in height and scale to the host building. In my judgement, the proposed rear extension would be excessively tall and bulky and its mass would dominate not only the host building but also those adjoining, particularly the listed buildings on The Esplanade.
7. I appreciate that the extension would not be especially prominent from public vantage points with only glimpses from East Street in the gap between No 13 and No 15. However, the special interest of the CA is not simply a product of public views. The occupiers of surrounding properties have an outlook onto the site and from here the appearance of the development would be poor, even in comparison with the present unattractive extension.
8. Paragraph 134 of the National Planning Policy Framework ('the Framework') requires that, in cases such as this where the harm to the significance of a designated heritage asset is less than substantial, the harm should be weighed against the public benefits. In this instance, replacement windows would lead to a modest improvement to the appearance of the building façade. There would also be a net gain to the housing stock in the borough with additional small units of accommodation being provided in a sustainable location. However, I consider that these modest public benefits would be outweighed by the harm.
9. Accordingly, I conclude that the design and scale of the proposed rear extension would fail to preserve or enhance the character or appearance of the Weymouth Town Centre Conservation Area and the setting of adjacent listed buildings. It would thus conflict with Policies HOUS4, ENV4, ENV10 and ENV12 of the West Dorset, Weymouth and Portland Local Plan 2015 (LP). Collectively, these policies seek high quality design which conserves the significance of heritage assets and is in harmony with the adjoining buildings and the area as a whole.

Living conditions

10. Although not cited by the Council as a reason for refusal, the occupiers of adjoining dwellings have raised concerns regarding the potential effect on their living conditions. During my visit and with the permission of the householders I was able to assess the scheme from 22 The Esplanade and 10 Belle Vue. Both properties have rear yards backing onto the appeal site, albeit in the case of No 10 there is an intervening building. The two storey extension at 16 East Street is clearly visible to the neighbours at close quarters. Although an ugly structure, its impact is mitigated by the flat roof and also the fact that it is set back from the boundaries with both properties.
11. The proposed rear extension would be substantially taller and bulkier than the existing flat roof structure. Even taking into consideration the cheek by jowl nature of development in this part of the town and the attempts made to reduce the massing using mansard roofs, I consider that the height and proximity of the development would make it unacceptably overbearing for those living adjacent. The development would block views of sky and create a harmful sense of enclosure. In all likelihood there would also be a detrimental impact on levels of natural light, although in the absence of a daylight and sunlight report this is

difficult to quantify. Overall, these findings lend further weight to my conclusion that the scale of the extension would be disproportionate and excessive.

12. I therefore conclude on this issue that the proposal would be materially harmful to the living conditions of adjoining residents in The Esplanade and Belle Vue. It would thus conflict with Policy ENV16 of the LP insofar as it seeks to ensure that new development does not have a significant adverse effect on the amenity of the occupiers of properties through inadequate daylight or excessive overshadowing or overbearing impact.

Conclusion

13. For the reasons given above, and having regard to all other matters raised including the lack of objection from the Council's Conservation Officer, I conclude that the appeal should fail.

Robert Parker

INSPECTOR