
Appeal Decision

Site visit made on 23 July 2019

by I Bowen BA(Hons) BTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 September 2019

Appeal Ref: APP/B1225/W/19/3226095

Calvedon, Chaldon Herring, Dorchester DT2 8DN

- 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 & Mrs D Redhouse against the decision of Purbeck District Council.
 - The application Ref 6/2018/0659, dated 8 November 2018, was refused by notice dated 6 February 2019
 - The development proposed is new house in garden.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Purbeck District Council against Mr & Mrs D Redhouse. This application is the subject of a separate Decision.

Preliminary Matter

3. During the current appeal, the appellants requested a revised set of plans and drawings be substituted for those upon which the planning application was determined. The revised plans¹ indicate the proposed building being finished in brick and flint in an attempt to overcome the Council's objections in that regard. The proposed positioning of a flue would also be altered so as to be sited more centrally to the rear of the proposed building.
4. Whilst amendments can exceptionally be accepted, the appeal process should not be used to evolve a scheme. It is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.
5. In this case however, the revision to the proposed materials is a matter which could, in any event, be controlled by a condition. I am also satisfied that the revised position of the proposed flue would not prejudice the interests of any third party. I have therefore determined the proposal on the basis of the revised plans.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the area with regard to whether it would:

¹ 18119.06 A; 18119.07 A; 18119.08 A.

- preserve or enhance the character or appearance of the Chaldon Herring Conservation Area;
- preserve the setting of the Grade II listed Lilac Cottage.

Reasons

7. The appeal property lies within the designated Chaldon Herring Conservation Area (CHCA) and adjoins the Grade II listed Lilac Cottage. As such, I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Similarly, Section 66(1) of the Act requires special regard to be paid to the desirability of preserving the setting of the listed building or any features of special architectural or historic interest which it possesses.

Conservation Area

8. The CHCA is focused on the core built-up area of the village. As well as possessing historic interest through artistic associations, the significance of the CHCA is derived in large part from its collection of historic listed buildings and vernacular materials.
9. In particular, the CHCA Appraisal Document (2014) (the CHCAA) identifies the low-density pattern of buildings, seen most clearly around the Green, as an important aspect of character reflecting the historic pattern of development of this rural village. In this regard, the CHCAA recognises that the area is not characterised by continuous developed frontages or building lines but has a dispersed and broken character with informal arrangement of buildings in plots.
10. From my own observations on my site visit, I would concur with that analysis and consider that this pattern of development forms an important part of the significance of the CHCA.
11. The appeal site comprises a significant proportion of the garden of Calvedon to the south, which currently forms an undeveloped gap between the host dwelling and Lilac Cottage to the north. Given its central position in the CHCA fairly close to the Green, it makes a strong positive contribution to the character and appearance of the Conservation Area as a whole.
12. The proposed dwelling would be 1½ storeys with a hipped gabled roof. The main element would be rectangular with a broad frontage, albeit with a projecting outrigger to the rear. Consequently, the overall design in terms of scale, massing and orientation of the building would, in my judgement, be generally compatible with the prevailing style of buildings captured in the CHCAA.
13. Furthermore, whilst the Council has raised concerns over the materials to be used, the appellants have submitted revised plans intended to address those concerns. In any event, this is a matter which could be satisfactorily dealt with through a suitable planning condition. Such a condition could require details of the proposed materials to be submitted to, and approved by, the Council prior to any substantial construction taking place.
14. The dwelling would be accessed via the existing driveway to Calvedon and this would retain and therefore preserve the integrity of the soft boundary hedge

and trees adjoining the roadside and the historic, unlisted roadside water pump.

15. Nevertheless, the effect of the development would be to perpetuate, in close succession, the pattern of detached dwellings of a broadly similar scale and building lines formed by Springfield Cottage and Calvedon when travelling northwards towards the Green into the open gap. In doing so, this would introduce a perceptible element of regimented uniformity into the street which would be at odds with the informal “broken” arrangement of buildings and terraces in the CHCA. Moreover, the plans indicate that the detached garage to Calvedon would be retained and the new dwelling would be sited fairly close to it. This would compound the sense of built-up continuity in the street scene.
16. I appreciate that the site is not expressly identified as a “Notable Open Green Space” in the CHCAA. In my view, however, it cannot simply be inferred that any land which is not so identified should necessarily be regarded as suitable for development. Any planning proposal is required to be assessed on the basis of the development plan and other material considerations as a whole including its effects on designated heritage assets.
17. I have had regard to a photograph submitted by the appellants purporting to show that a substantial dwelling once stood on the site of the proposed development. That image apparently dates to around the turn of the twentieth century and is of poor quality. On the basis of the evidence submitted, it is not possible to discern the scale, precise siting or nature of that building. Nevertheless, I recognise it is likely that a structure of some description once occupied the site.
18. However, whilst the image represents an historic snapshot of that part of the village as it was over a century ago, I am mindful that important changes have occurred in the fabric of the village in the intervening period. Most notably, Springfield Cottage and Calvedon have been constructed and, in my view, any contemporary proposal and its effects on the Conservation Area need to be considered in the modern context. In this respect, I am not persuaded by the appellants’ submission that the appeal development would represent the reinstatement of an historical sense of built enclosure on the Green.
19. For the reasons given above, I consider the infilling of a gap in a way which produces the effect of a continuous frontage in the built development would be harmful to the CHCA. Evidence of the siting of a building which has long since been lost does not materially alter my conclusion in that regard.
20. Turning to other conservation area matters, whilst I have found the overall design of the proposed dwelling to be acceptable, the incorporation of a tall and slender flue would not be a design feature consistent with the prevailing character of dwellings in the village. The CHCAA in this regard notes that stacks are typically brick-built across the Conservation Area and, in my view, that now being proposed would detract from the character and appearance of the CHCA.
21. I appreciate the revised plans propose to position the flue in a more discrete location than that originally shown. Nevertheless, the stack would still be likely to be evident when viewed from the public domain. I observed a much shorter flue on the property opposite which the appellant brought to my attention. Whilst that feature is similarly not, in my view, reflective of the wider area, that is not justification in itself for allowing further features which would be harmful

- to the CHCA. This is not a matter which could be remedied through a planning condition.
22. I therefore find that by reason of the siting of the proposed development and incorporation of an unsympathetic flue, the proposal would fail to preserve or enhance the character or appearance of the CHCA. Given the scale of the scheme in the context of the Conservation Area as a whole, I consider the harm would, in the terminology of the National Planning Policy Framework (the Framework), be "less than substantial".
23. However, these words do not mean the harm is of little consequence. In this regard I do not concur with the appellants that the harm would be on the extreme low end of the spectrum. In any event, I am mindful that neither the Framework nor the Planning Practice Guidance make any provision for gradation of less than substantial harm into upper or lower limits. Bearing in mind the statutory duty, the Framework makes clear that great weight should be attached to a heritage asset's conservation and that any harm to its significance should require clear and convincing justification. Where less than substantial harm arises, the harm should be weighed against the public benefits, to which I now turn.
24. The proposed development would supply an additional three-bedroom family home to local housing land supply in a settlement which is not disputed as being suitable, in principle, for housing. In doing so, it would make effective use of land. In turn the proposal would be likely to provide some support for local services and facilities. Whilst not a matter which would be necessary or reasonable to require by condition, the appellants have also indicated that this could be restricted for occupation as a principal dwelling only, in line with emerging development plan policies. There could also be biodiversity gains as a result of the development, together with additional landscaping.
25. However, the provision of a single additional dwelling would only produce limited benefits in respect of the above matters and would not, in my judgement, outweigh the great weight that I am required to attach to the heritage asset's conservation.
26. Overall, I therefore conclude the proposal would fail to preserve or enhance the character or appearance of the CHCA. It would therefore conflict with Policies LHH and D of the adopted Purbeck Local Plan Part 1 (November 2012) (the Local Plan) which require development and other works to integrate with their surroundings and conserve the appearance, setting and character of designated heritage assets. For the same reasons, it would conflict with Section 16 of the revised Framework.

Setting of the Listed building

27. Lilac Cottage is a two-storey grade II listed building, most likely dating from the eighteenth century, forming part of a listed terrace of three cottages. It has stone walls with brick dressings, thatched roof and brick stacks. Whilst a single storey extension to the south exhibits more modern materials, the building nonetheless has architectural as well as historic significance. Moreover, it has an open frontage to the roadside overlooking the Green which is an important element in defining its setting.

28. As noted above, the proposed development would bring built development substantially closer to the southern elevations of Lilac Cottage. However, on approaching Lilac Cottage from the north, the lane curves gently away to the right and the appeal site and the dwellings beyond are not apparent from this perspective. The development would be experienced in the same view as Lilac Cottage when approaching from the south but the effect of this would be limited, again by the geometry of the road, and by the mature screening which exists along the roadside and between the two properties.
29. When viewing the properties from the Green however, a view specifically recognised in the CHCAA, the new development would clearly be seen alongside Lilac Cottage and its two adjoining cottages.
30. Nevertheless, Lilac Cottage steps down to single storey to the south, immediately beyond which is a fairly generous garden space which I saw hosts garden structures and is served by timber gates. Moreover, the appeal building would be sited away from the boundary with Lilac Cottage with a car parking area proposed to the north of the dwelling.
31. Consequently, there would be some separation between Lilac Cottage and the new dwelling, a distance of some 18.5m according to the appellants' evidence. As noted above, I have found the proposal would be uncomfortably close to, and represent a continuation of, the existing built form to the south. However, bearing in mind the village location, an adequate degree of visual separation would in my judgement be maintained between the appeal dwelling and Lilac Cottage. In this regard, I am mindful, having regard to the submitted evidence, that the appeal site does not appear to have historical associations with Lilac Cottage as undeveloped land. I therefore find, having regard to the statutory duty, that the proposal would not fail to preserve the setting of the listed building or any features of special architectural or historic interest which it possesses.
32. As such, the proposal would accord with Local Plan Policies LHH and D. Together, those Policies, amongst other matters, require development to positively integrate with their surroundings and conserve the setting, character and interest of heritage assets. It would also accord with Section 16 of the Framework which requires heritage assets to be conserved in a manner appropriate to their significance.

Other Matters

33. The appellants submit that the Council is currently unable to demonstrate a five-year housing land supply (5YHLS). This is disputed by the Council although no evidence in this respect has been submitted. However, even if I were to conclude that a shortfall in 5YHLS exists, Framework Paragraph 11 and footnote 6 to that paragraph, indicate that the so-called tilted balance would not be engaged given the application of policies to protect a designated heritage asset provide a clear reason for refusal. As I have found conflict with the Framework in respect of harm to the CHCA, the proposals cannot therefore be considered sustainable development for which the Framework presumes in favour.
34. I have had regard to the representations of interested parties in respect of harm to the living conditions of neighbouring occupiers. However, I am satisfied that the proposed design and separation distances are such that no

harm would arise, subject to planning conditions. I further acknowledge that no unacceptable harm would result in terms of highways and transport or flood risk. Similarly, whilst the appeal site lies within the statutorily designated Dorset Area of Outstanding Natural Beauty (AONB), its location within the built-up confines of the village gives me no reason to conclude that the proposal would be harmful to its special qualities. The proposal would not therefore fail to conserve and enhance the landscape and scenic beauty of the AONB.

35. However, all of the above considerations weigh neutrally in the overall planning balance. Similarly, the appeal proposal represents a revised scheme from that originally proposed prior to the determination of the application. Whilst this would ensure a more harmonious relationship with Lilac Cottage and the Green in particular, I must assess the merits of the scheme before me and I have done so.

Conclusions

36. I have found that the degree of separation between the proposed dwelling and Lilac Cottage, and other site circumstances, are such that the proposal would not be overbearing on, or harmful to, the setting of the Grade II listed building. Furthermore, when viewed in isolation, the overall scale and design of the proposed dwelling would be sympathetic to the character of the area. Nevertheless, it would be harmful to the Conservation Area by largely infilling a gap in such a way that a continuous built up frontage would be created. This would be at odds with the prevailing character and appearance of the CHCA. The inclusion of a tall, narrow flue would also be harmful to the CHCA. The social, environmental and economic public benefits of the scheme, together with other considerations, would be insufficient to outweigh that harm.
37. For the above reasons, and having carefully considered all other matters raised, including from third parties, I conclude the appeal should be dismissed.

Ian Bowen

INSPECTOR