



Appeal Decision

Site visit made on 14 October 2019

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2019

Appeal Ref: APP/D1265/D/19/3233190

Sunnybank, Chapel Street, Shipton Gorge DT6 4LX

- 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 Mike Petty against the decision of Dorset Council.
 - The application Ref WD/D/19/001297, dated 17 May 2019, was refused by notice dated 9 July 2019.
 - The development proposed is the erection of a garden annex building.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At my pre-arranged site visit, I was not met and therefore I was not able to enter the site to view the proposal. However, I was able to clearly see the site and assess the proposal from the public highway and, together with the supporting submissions, I am satisfied that I have all the necessary information to determine the appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, in particular, the effect on the setting of Sunnybank, a Grade II Listed Building, and whether the proposal would conserve or enhance the character or appearance of the Shipton Gorge Conservation Area.

Reasons

4. The site lies within the Shipton Gorge Conservation Area. The Conservation Area is significant because of the generally traditional appearance of the houses and cottages usually of local stone, with reasonably steep roof pitches, and set close to the gently curving road network giving a sense of enclosure. There are some limited views between buildings to the treed backdrop and there are more open green spaces in the vicinity of the church. Generally, the dwellings, and any smaller scale outbuildings, are individually designed and there is a broad consistency of materials and proportions that provide a coherence and distinctive character to the area.
5. Sunnybank is located within the Conservation Area and is a Grade II Listed Building. The property is angled and prominent within the street scene and significant because of its late 16th century/early 17th century farmhouse origins, limestone rubble elevations, gable ends and distinctive form and appearance. A

garage building, immediately to the rear of the dwelling, is located on a lower level and a shed building is sited on a section of the elevated rear garden. This shed partially screens some views of the garden beyond, although much of the open space of the rear garden is evident from the road. The visible area of the garden, with its open and landscaped appearance, makes a positive contribution to the character of the Conservation Area and to the setting of Sunnybank.

6. In examining the proposal, I am mindful of the duty to have special regard to the desirability of preserving listed buildings, their setting and features of special architectural or historic interest which they possess, and the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of any land or buildings in a Conservation Area.
7. The proposal would introduce a reasonably sizeable building in this open garden space in an elevated position. The shallow sloping roof, large glazed areas to the front elevation and the overall form and bulk would not be sympathetic with the generally consistent appearance and proportions of the more characteristic buildings which contribute to the significance of the Conservation Area. While set back into the garden area, and partially screened by the shed, the garden annex would still be unduly prominent and its size and form would fail to complement with the character of the site and the wider surroundings. When viewed from the adjoining road, the garden annex building would erode the positive contribution the generally open garden area makes to the character and appearance of the Conservation Area.
8. In its proposed location the garden annex building would be within the surroundings in which the listed building would be experienced. The size, appearance and elevated position of the proposed garden annex building would make it conspicuous and an unduly dominant addition in relation to the adjoining listed building. As a consequence, the garden annex building would harm the setting to Sunnybank and thereby undermine its significance as a listed building.
9. The development would in this case lead to less than substantial harm to the significance of the heritage assets. In accordance with paragraph 196 of the National Planning Policy Framework (the Framework), this harm should be weighed against the public benefits of the proposal. The benefits of the garden annex building would be largely private. Any public benefits would be minor and afford no more than of limited weight.
10. Accordingly, the public benefits would not outweigh the harm I have identified. This results in a conflict with paragraph 194 of the Framework because the harm to the Conservation Area and to the setting of the listed building would not have a clear and convincing justification and the Framework requires great weight to be given to the conservation of designated heritage assets.
11. In the light of the above analysis, I conclude that the proposal would harm the character and appearance of the area, in particular, it would harm the setting of the listed building, thereby adversely affecting the ability to appreciate its significance, and would not conserve or enhance the character or appearance of the Conservation Area. This harm would not be outweighed by the benefits of the scheme. It therefore follows that the proposal would conflict with Policies ENV4, ENV10 and ENV12 of the West Dorset, Weymouth and Portland Local Plan 2011-2031 (adopted October 2015) and the Framework which seek,

amongst other things, that development should conserve and where appropriate enhance the significance of heritage assets.

Other Matters

12. I understand that the proposal has been reduced in size. It is said that any further reduction in scale will render the proposal unfit for the purpose required by the appellant and that alternative positions would undermine the relationship of the existing listed building and its setting, rather than help. I have taken into account these comments, however, they do not outweigh the harm I have identified above, and I have determined the scheme based on its merits.
13. The site lies within the Dorset Area of Outstanding Natural Beauty (AONB) where the conservation and enhancement of landscape and scenic beauty are matters which carry great weight. However, as the site lies within the village, and is located among other buildings, notwithstanding my findings on the impact on the character and appearance of the area, the development would not affect the AONB in this case.

Conclusion

14. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR