



Appeal Decision

Site visit made on 28 October 2019

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 November 2019

Appeal Ref: APP/D1265/W/19/3235119

The Cottage, Annexe, Coram Avenue, Lyme Regis DT7 3LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Elliott Herbert against Dorset Council.
 - The application Ref WD/D/19/001306 is dated 20 May 2019.
 - The development proposed is described in the application form as staircase, additional lean-to and window.
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Decision

1. The appeal is dismissed and planning permission for the staircase, additional lean-to and window is refused.

Procedural matters

2. The appeal was made against the failure of Dorset Council to give notice on the application within the prescribed period. Shortly after the appeal was lodged, the Council issued a decision notice setting out reasons why permission would have been refused.
3. A subsequent appeal¹ was lodged against that refusal of permission, but as an appeal can only be made once on an application, that appeal was turned away by the Planning Inspectorate. There is nothing to suggest that the appeal before me was not made before the Council issued its decision, so I have treated it as one against the failure to determine the application.
4. Notwithstanding the above, I have had regard to both the additional statement of case that the appellant prepared in respect of the other appeal, which I understand the Council published with the appeal documents, and the Council's stated reasons for refusal and delegated report.
5. The description of development was changed by the Council. I have determined the appeal on the basis of the application as applied for by the appellant. The address of the site is also set out in different ways on the application form, appeal form and the Council's decision notice. I have used the address from the application form.
6. Planning permission has previously been granted for a second floor extension to The Annexe² (the previous permission). That development has commenced and the Council indicates in its officer report that it is largely constructed,

¹ Ref: APP/D1265/D/19/3236086

² LPA Ref: WD/D/18/002109

which accords with my own observations at the site visit. I consider this further in my decision, below.

Main Issues

7. The main issues are the effect of the proposal on the character and appearance of the existing dwelling and the setting of the listed building, Gatesfield House.

Reasons

Character and appearance

8. The dwelling is of a circular design and following the previous permission now has 3 storeys, albeit that it is not currently possible to access the upper storey from inside. Those storeys progressively reduce in size such that the building has a tiered appearance that gets progressively narrower with increased height.
9. Wrapped around part of the first floor is a lean-to structure that slopes away from the main part of the former roof. This, and some other additions, mean that the building is not completely circular or symmetrical, although the clear circular form can be seen and understood from the main glazed elevation facing towards the garden. The overall composition is such that the building has poise and an architectural elegance that is clearly appreciated from the garden facing elevation.
10. Some of the first floor lean-to sections project beyond the main circular part of the ground floor. However, they tuck in below the roofline of the first floor and are seen below the level of the steeply rising ground that forms the boundary to the adjoining Gatesfield House. As such, they are assimilated comfortably into the hillside and do not detract from the overall appearance of the dwelling.
11. By contrast, the second floor stands away from the hillside and projects above the ground level. Part of the proposal would introduce a lean-to section that would stand on top of the projecting first floor flat roof, following the tiered nature of the building. However, the proposal also includes a stair well that would cut across the first and second floor tiers.
12. Consequently, unlike other additions to the building that clearly relate to their individual floors or surrounding topography, the stair well would appear as an incongruous and bulky side extension that related poorly to the well-conceived architectural form, poise and elegance of the existing building, rather than an integral part of it.
13. To some extent, the extensions would reflect the built form on the lower floors, but unlike the lower protrusions, the stair well would stand apart from the rising topography that allows those to sit subserviently to the main part of the building. It would also be closer to the glazed garden-facing elevation than the existing first floor projections and, so, despite being finished in materials that would match the existing dwelling and echoing the established architectural language, would significantly detract from the elegance of the overall composition.
14. I understand that the appellant has encountered construction problems installing stairs into the second floor. These are said to relate to an inability to cut through the existing concrete slab roof, but I have limited details as to the

reasons that this is not possible, or what other options have been explored. Whilst I can appreciate the hard work that the appellant has put into building the home for his established local family I can, therefore, only place moderate weight on these difficulties.

15. Although the building cannot clearly be seen from the public domain, I find that the proposal would not be appropriate to the building on which it would be added. It would be poorly related to it and, despite its small-scale relative to the overall footprint of the building, would overpower the building as a whole, contradicting the clear tiered architectural form. Such would present a harmful conflict with Policy ENV12 of the West Dorset, Weymouth & Portland Local Plan 2015 (LP) which seeks to ensure that development achieves a high quality of design.

Setting of the Listed building

16. I understand that the appeal site was once part of the grounds of Gatesfield House, a Grade II listed building. However, the original two-storey design of the Annexe, together with the ground levels meant that it was barely visible in views from the remaining grounds or those windows that face towards the site and on to the coast.
17. It is clear from the representations of the Gatesfield House Management Company that the second floor is considerably more prominent in the downhill views towards the sea as it rises above the ground level of parts of the garden to Gatesfield House. However, it was accepted by the Council, in granting the previous permission, that the second floor would not harm the setting of Gatesfield House due to its position relative to the listed building as a whole.
18. When seen from Gatesfield House, the other floors of the Annexe cannot be readily seen and so the incongruous nature of the stairwell addition would not be apparent. The proposals would not add any further height to the building and would appear as relatively small lean-to side extensions. Whilst the extensions would be closer to the boundary, given that the second floor of the Annexe can already be seen, the proposal would not result in harm to the outward sea views from Gatesfield House.
19. There appears to be some uncertainty over the ultimate finish proposed for the roof. I note that the Council has raised some concern about potential glare if fibreglass were to be used on the lean-to sections. However, the ultimate roof covering could be controlled through planning conditions so as to appear recessive in views from Gatesfield House. For the above reasons, I find that there would be no harm to this component of the setting of the listed building.
20. Viewed from Lyme Cobb, Gatesfield House occupies an imposing position high on the steep escarpment that rises up from the coast. There are places where the Annexe can be glimpsed in the foreground, but these are very limited and have an insignificant effect on the overall setting of Gatesfield House. The proposed extensions would be small in relation to the existing building and so would not affect the setting of the listed building viewed from this location.
21. With regard to the above, I conclude that the setting of Gatesfield House would be preserved and its significance as an important building in the history of the development of Lyme would not be harmed. There would, therefore, be no

conflict with LP Policy ENV4 that seeks to protect the significance of heritage assets.

Other matters

22. It may well be that the site is within the defined development boundary where development is generally acceptable in principle. However, this appeal turns on the detailed design and appearance of the proposal.
23. The site is within an Area of Outstanding Natural Beauty (AONB). The Council indicated that there would not be any harmful impact upon the AONB or heritage coast and, given my observations in terms of views from Lyme Cobb, I have no reason to disagree.
24. I note the appellant's comments that the National Planning Policy Framework indicates that Councils should work in a positive and proactive way. However, whilst I also acknowledge this and other comments including those about the timing of the conservation officer's response, these matters have little to do with the planning merits of the case.

Conclusion

25. Whilst I have found that there would be no harm to the setting of the listed building or its significance, the proposal represents poor design and conflicts with the development plan in this regard.
26. For the reasons given above I conclude that the appeal should be dismissed.

M Bale

INSPECTOR