



Appeal Decision

Site visit made on 9 March 2020

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2020

Appeal Ref: APP/D1265/W/19/3242524

Crown Inn, High Street, Stalbridge DT10 2LL

- 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 Stuart Cox against the decision of Dorset Council.
 - The application Ref 2/2018/1829/FUL, dated 17 December 2018, was refused by notice dated 25 October 2019.
 - The development proposed is demolish existing single storey flat roofed skittle alley, glazed conservatory and storage shed/garage and replace with pitched roof extension to form new apartment dwelling. Internal alterations to existing Crown Inn to create two new apartments at ground floor and refurbish apartments on first and second floors.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I note that there is differing information as to whether the upper floors of the main building are lawful as one or two units of residential accommodation. A section 78 appeal is not the mechanism to determine the lawfulness of an existing use. The description of the development indicates that the first and second floor accommodation would be refurbished. The scheme seeks 3 additional units of accommodation on the ground floor and as there appears to be little dispute that the upper floors are residential I will deal with the proposal on that basis.

Main Issues

3. The main issues are:
 - the effect of the proposal on the setting of Wayside, a Grade II Listed Building, with particular reference to the first floor screen to the roof terrace,
 - whether the scheme would be an overdevelopment of the site, in particular with regard to the provision of external amenity space for the proposed occupants of the residential units,
 - the effect of the development on the living conditions of the occupants of Wayside, with particular regard to any overlooking from the roof terrace, and
 - the effect of the development on the amenities of occupiers of The Maples, particularly in relation to the potential loss of light to the high level window.

Reasons

The effect of the proposal on the setting of Wayside, a Grade II Listed Building, with particular reference to the first floor screen to the roof terrace

4. Wayside is a Grade II listed building and its significance includes its probable early 17th century origins, traditional materials, internal layout and remaining early internal features. The building forms part of the street scene. The rear elevation and rear projection of the listed building are readily apparent from parts of the side passage, the courtyard area of Wayside, as well as from sections of the rear area of the appeal site. These rear areas, including from parts of the appeal site, form part of the surroundings in which the heritage asset is experienced and therefore form part of the setting to the listed building.
5. 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.
6. The existing single storey projection from the back of the Crown Inn is reasonably extensive and functional in appearance. However, the fairly low height of this projection means that it has a limited effect on the setting of the listed building on the adjoining site. The proposal would replace this structure with the pitched roof section coming closer to the boundary with Wayside. However, with the more traditional appearance and materials, this pitched roof section of the proposal would not cause harm to the setting of Wayside.
7. The shape and design of the extension would leave an area of flat roof at first floor level which it is intended to use as a roof terrace. To seek to prevent overlooking a reasonably high timber screen is proposed along the boundary of this part of the flat roof. While this timber screen would be set back from the boundary with Wayside, the elevated position of the screen would make it apparent from parts of the side passage and from within parts of the rear courtyard of Wayside. I note all the submissions regarding how the screen may be designed and landscaped to minimise its impact, however, on the information before me, the screen structure would appear as quite an extensive and alien feature at first floor level that would not harmonise with the more traditional forms of the main building or other elements of the proposed rear extension.
8. The elevated position of the screen would be seen in the general surroundings behind the buildings and with its incongruous form and position would detract from the appearance of this area. As a consequence, this would cause some limited harm to the surroundings in which the listed building was experienced. Taking all the changes into account and even having regard to the more positive aspects of the development, because of the adverse impact of the screen, the proposal as a whole would detract from the setting of the listed building.
9. I note that the Council officers were agreeable to the screen element of the proposal and recommended that the final details of the screen could be agreed by a planning condition in any approval. The National Planning Policy Framework (the Framework) requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In this case, the screen

forms a prominent component of the proposal, the application is made in detail and I am not satisfied that the harm I have identified could be addressed at a later stage were it to be subject of a condition. The imposition of a planning condition in any approval would therefore not pass the test of reasonableness.

10. The harm I have identified is less than substantial within the meaning of paragraph 196 of the Framework and, consequently, it is necessary to weigh the harm against the public benefits of the proposal.
11. The Crown Inn is a prominent building which I understand has stood vacant within the Stalbridge Conservation Area for some time. The building can be considered a non-designated heritage asset. The proposal would renovate and put the building to productive use and there would be social and economic benefits during construction and in subsequent occupation. The residential use of the building would provide an additional 3 units on the ground floor in a location which has good access to services and facilities. The additional units of accommodation, which would be modest in size and therefore more affordable to rent or buy, would make a worthwhile contribution to housing supply. They would be delivered on a windfall site and in an area where the Council is unable to demonstrate a 5 year supply of deliverable housing sites.
12. However, I also note that planning permission has already been granted for 3 units on the ground floor and therefore the scheme would not lead to any additional units of accommodation over that already permitted. Given the total number of units, having regard to the earlier permission, I consider that the cumulative public benefits of the scheme would merit limited weight.
13. While the harm to the significance of the heritage asset is less than substantial this is required to be given great weight and any harm should require clear and convincing justification. The public benefits of the scheme merit limited weight and would not outweigh the harm I have found.
14. As a consequence, I conclude that the scheme would harm the setting of Wayside and this harm would not be outweighed by the public benefits. The proposal would therefore conflict with Policy 5 of North Dorset Local Plan Part 1 2011-2031 (the Local Plan) and the Framework which sets out, notably, that for any designated heritage asset, great weight will be given to its conservation when considering any proposal that would have an impact on its significance.

Whether the scheme would be an overdevelopment of the site, in particular with regard to the provision of external amenity space for the proposed occupants of the residential units

15. The approved scheme for 3 units of accommodation on the ground floor provided 2 of the 3 units with access to the courtyard area at the rear. One flat had access only from the footway.
16. The appeal proposal would similarly have 2 units with access to the courtyard and the other ground floor flat would again be accessed from the footway. The rear courtyard area would be smaller than the earlier approval but could still provide a reasonably pleasant sitting out area and be fit for purpose. Policy 25 of the Local Plan acknowledges that in certain circumstances, such as the conversion of buildings in town centres, private open space provision may not be required. I consider that this would be just such a circumstance. The units themselves on the ground floor would be reasonable in size, with windows

providing adequate light, 2 units would have access to a small courtyard and all the accommodation would be in a general location with good access to local facilities and some open spaces in the wider area.

17. The upper floor residential accommodation does not have any ground floor external amenity space at present and this would not change as part of the scheme although the first floor terrace is proposed.
18. Taking all these matters into account, I conclude that the proposal would not be an overdevelopment of this site in this location having regard to external amenity space provision and therefore would comply with policies 7 and 25 of the Local Plan and the Framework which seek, amongst other things, to create places with a high standard of amenity for future users.
19. This reason for refusal also refers to Policy 26 of the Local Plan which concerns gypsies and travellers and is not relevant to the issues in this case.

The effect of the development on the living conditions of the occupants of Wayside, with particular regard to any overlooking from the roof terrace

20. The first floor terrace area would be elevated and users of this external space would have direct views towards the reasonably private rear courtyard area of Wayside and some of the property's windows and doors. In the absence of any screen this would cause overlooking to an unacceptable extent.
21. However, the proposal incorporates a reasonably tall and fairly substantial screen across the edge of the terrace. The extent of the screen would be such that it would obscure views from the terrace towards Wayside and therefore would address the issue of overlooking. There would not be any undue overlooking or loss of privacy to the occupants of Wayside from any other elements of the proposal, especially if in any permission entrance gates were incorporated.
22. In the light of the above, I conclude that the proposal, incorporating the screen as proposed, would not harm the living conditions of the occupants of Wayside with regard to overlooking from the terrace and therefore the scheme would comply with Policy 25 of the Local Plan and the Framework which seeks, amongst other things, to ensure development is designed to protect the privacy of its occupants and those of neighbouring properties.

The effect of the development on the amenities of occupiers of The Maples, particularly in relation to the potential loss of light to the high level window.

23. An adjoining property, The Maples, lies broadly to the east of the site. The property incorporates a commercial workshop which is split on two levels. The upper level of the workshop is modest in size, has a variety of uses including an office area and with an internal window to the wider workshop. The only external window to the upper floor of the workshop is positioned just above the level of the existing flat roof of the appeal site.
24. The proposal would incorporate a pitched roof in the area in front of the workshop window. This would affect some of the outlook from this window, however, because of the set back of the pitched roof from the boundary, the reasonably shallow pitch of the proposed roof and the position of the existing window I am satisfied that daylight to the workshop accommodation would not be so affected that this should form a reason for dismissing the appeal.

25. Having visited The Maples itself, and viewed the proposal from that property, I am satisfied that the scheme would not have such an impact on the living conditions of the occupiers of that property that the proposal would be unacceptable in that respect.
26. Accordingly, I conclude that the amenities of the occupiers of the adjoining property, The Maples and the associated workshop, would not be adversely affected by the proposal and therefore the scheme would comply with Policy 25 of the Local Plan and the Framework which seeks, amongst other things, to ensure that the levels of daylight and sunlight reaching any neighbouring property are not reduced below acceptable levels.

Other Matters

27. The site lies within the Stalbridge Conservation Area (the CA). The CA covers a sizeable area and its significance includes a range of traditional buildings that front the roads through the town and the rural setting provided by the green spaces on the outskirts of the built form. The scheme would renovate the front façade and the changes at the rear would be largely screened from view such that the proposal as a whole would preserve the character and appearance of the area.
28. The application was recommended for approval by planning officers following negotiations. I have taken into account the comments and conclusions in the report as well as all the accompanying comments and analysis from the appellant in this respect. However, the decision of the Council was to refuse the application and I have considered the proposal on its merits based on all the evidence before me.

Planning Balance and Conclusion

29. I have found that the scheme would not be an overdevelopment of the site in respect of external amenity space, and would not unduly harm the living and working conditions of the occupants of adjoining properties. The proposal would make efficient use of the site in accordance with the Framework policy and bring back into use a vacant building within the CA. However, I have also found that the scheme, with particular regard to the screen, would harm the setting of the adjoining listed building. I have found that the public benefits would not outweigh this harm. It is such that, although the Council is unable to demonstrate a 5 year supply of deliverable housing land, the harm to this designated heritage asset provides a clear reason for refusing the development proposed and, consequently, the presumption in favour of sustainable development as set out in paragraph 11d of the Framework is not engaged.
30. The overall benefits of the scheme, including the delivery of the housing and the renovation of the building, are matters that I consider afford limited weight and would not outweigh the harm I have found to the heritage asset. The proposal would not accord with the development plan when considered as a whole and there are no material considerations which outweigh this harm. As a consequence, and taking all other matters into account, I conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR