



Appeal Decision

Site visit made on 13 July 2020

by **S Edwards MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 August 2020

Appeal Ref: APP/D1265/Y/20/3245195

The Chapel, Church Street, Fontmell Magna, Dorset SP7 0NY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to vary or discharge conditions of a listed building consent.
- The appeal is made by Mr and Mrs Roach against the decision of Dorset Council.
- The application Ref 2/2019/1264/VALBC, dated 6 September 2019, sought to vary condition No 2 of a listed building consent Ref 2/2013/0012/PLNG, granted on 31 May 2013.
- The works proposed are *'Form new doorway and change doorway to window. Form mezzanine, install staircase, internal partitions and carry out associated alterations (variation of Condition No.2 of Planning Permission No. 2/2013/0012/PLNG to substitute approved plans for amended plans relating to amendment of accommodation in main hall)'*.
- The condition in dispute is No 2 which states that: *'The development hereby permitted shall be carried out in accordance with details contained in the planning application, modified by Drawing Nos 1252/ a, 3a, 7a, 14 and Agent's letter dated 20 March 2013 (which also omits parking space within the application site). Notwithstanding the details submitted, the internal window shown on Drawing No 1252/14 is not acceptable and is not approved by this consent'*.
- The reason for this condition is: *'For the avoidance of doubt and to clarify the consent granted'*.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 1 April 2019, North Dorset District Council ceased to exist and became part of a new Unitary Authority known as Dorset Council. The development plans for the merged Local Planning Authorities will remain in place for the area within the new Unitary Authority they relate to until such time as they are revoked or replaced. For the purposes of this appeal, I shall therefore have regard to the policies set out within the North Dorset Local Plan Part 1¹ (LPP1).
3. The proposed works relate to a listed building located within a conservation area, and I shall therefore have special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Background and Main Issue

4. Planning permission and listed building consent were granted for the conversion of the appeal building to residential use, including a number of

¹ January 2016.

internal alterations. The appeal proposal seeks to introduce further changes to the previously consented scheme, including the subdivision of the ground floor space beneath the approved mezzanine.

5. The main issue is therefore whether the proposed works would preserve the Grade II Listed Building known as Methodist Chapel and Schoolroom, Church Street, or any features of special architectural or historic interest that it possesses.

Reasons

6. The appeal site lies prominently at the junction between Church Street and Lurmer Street, at the heart of the village of Fontmell Magna. It comprises a Grade II listed Methodist Chapel dating from 1831, which results from the enlargement of an earlier building constructed in 1797. The Chapel is made of ashlar and rubble, whilst the attached schoolroom, which was added at a later stage around 1874, is of a contrasting appearance, with its Flemish band brick walls and rusticated ashlar quoins.
7. As documented within the listing description, the architectural interest of this Grade II listed building notably derives from its front elevation facing onto Church Street, which includes round-headed sash windows with glazing bars flanking a central porch dating from the late 19th century. The gable of the schoolroom contains an impressive three light, pointed-head traceried window with a quatrefoil head. Internally, the hall of the former Chapel is characterised by its full height and open plan layout, with exposed timber trusses. These features all contribute to the special interest and significance of the listed building, and act as reminiscences of its ecclesiastical history.
8. The principle of a mezzanine, which sought to replicate the balcony arrangement commonly found within religious buildings, was accepted as part of the previous applications. The approved scheme sought to retain the open plan character and a large part of the historic space at full height within the former chapel. However, despite the use of sympathetic materials, the subdivision of the ground floor area to form a separate bedroom with dressing and bathroom would harmfully erode the spacious and open character of the former Chapel, to the detriment of its historic significance. The abutment of the partition wall at ground floor level within such proximity to the front door of the former Chapel would constitute an awkward juxtaposition and exacerbate the disruption which would be caused by the proposed subdivision.
9. Subsequently, there is little justification for the relocation of the spiral staircase and associated landing, which the appellants sought to move further away from the proposed ground floor dividing wall. Additionally, I am concerned that the relocation of the staircase would screen the adjacent window to a larger extent than as per the previously approved scheme, thus adversely affecting the appreciation of this particular feature.
10. As detailed within the wording of the condition in dispute, the proposed internal window serving the main first floor bedroom was explicitly excluded from the Council's decision to grant listed building consent. I am concerned that the proposed window would stand out as an incongruous addition against the background of the timber boarded walls, which would cause further harm to the special interest of the listed building. The bedroom would be served by a

small window to the side (west) elevation, and I have not been provided with substantive justification in respect of the need for an additional window.

11. The proposed works would fail to preserve the architectural or historic character of the listed building and would subsequently conflict with the overarching statutory duty set out in the Act, which must be ascribed considerable importance and weight. Furthermore, the proposal would not accord with Policy 5 of the LPP1 which, amongst other things, requires clear and convincing justification for any proposal that would cause harm to the significance of a designated heritage asset, however slight.
12. As the proposed works would lead to less than substantial harm to the significance of the Grade II listed building, the harm needs to be weighed against the public benefits of the proposal, in accordance with paragraph 196 of the National Planning Policy Framework (the Framework). In this particular instance, I have not been presented with any public benefits, which would outweigh the identified harm.

Other Matters

13. The proposed works would provide enhanced living conditions for existing and future occupiers, but these would constitute private benefits. Any alterations would need to be undertaken in a manner which does not prejudice the significance of this Grade II listed building.
14. As mentioned above, the appeal site lies within the Fontmell Magna Conservation Area. As the appeal proposal would not include external alterations to the building, I am satisfied that the works would preserve the character and appearance of the conservation area.

Conclusion

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

S Edwards

INSPECTOR