



Appeal Decision

Site visit made on 7 August 2020

by Thomas Bristow BA MSc MRTPI AssocRICS

an Inspector appointed by the Secretary of State

Decision date: 10 September 2020

Appeal Ref: APP/D1265/W/19/3240677

Japonica Cottage, Blandford Road, Shillingstone DT11 0SF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr M. Hoey against the decision of Dorset Council.
 - The application Ref 2/2019/0773/HOUSE, dated 5 June 2019, was refused by notice dated 27 August 2019.
 - The development proposed is described on the application form as the 'demolition of 2no. outbuildings; erect single storey rear extension; associated works'.
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Appeal Ref: APP/D1265/W/19/3240678

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- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended against a refusal to grant listed building consent.
 - The appeal is made by Mr M. Hoey against the decision of Dorset Council.
 - The application Ref 2/2019/0774/LBC, dated 5 June 2019, was refused by notice dated 27 August 2019.
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Decisions

1. Appeals A and B are allowed. Planning permission and listed building consent is thereby granted for the demolition of 2no. outbuildings; and erection of a single storey rear extension with associated works at Japonica Cottage, Blandford Road, Shillingstone DT11 0SF in accordance with the terms of applications Ref 2/2019/0773/HOUSE and 2/2019/0774/LBC, both dated 5 June 2019, subject to the conditions in the first and second schedule to this decision respectively.

Preliminary matters

2. The proposal relates to Grade II Listed Japonica Cottage (list entry No 1110150), hereafter referred to as the Listed Building. Japonica Cottage falls within the Shillingstone Conservation Area ('CA'), which is broadly drawn either side of Blandford Road between St. Patrick's Industrial Estate to the north west and Stour Close to the south east. I have therefore approached the appeals in the context of sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the '1990 Act').

3. The current proposal follows pre-application advice, and also withdrawn applications for an extension of different design.¹ Nevertheless each proposal must be determined on its merits, where planning permission is sought in accordance with the development plan unless material considerations indicate otherwise.
4. On 1 April 2019 the former Councils of North Dorset, West Dorset, Purbeck, East Dorset, and Weymouth and Portland combined to form a single Authority. Nevertheless, until superseded, the existing development plan documents of the former councils remain extant. Notwithstanding a review underway, the development plan in this instance includes policies of the North Dorset Local Plan (adopted 15 January 2016, the 'LP'), and also of the Shillingstone Neighbourhood Plan (made on 21 February 2017, the 'NP').

Main issue

5. Against the background above, the main issue is whether or not the proposal would preserve the Listed Building, any features of special architectural or historic interest which it possesses, and the character and appearance of the CA.

Special interest and significance

6. Japonica Cottage is a modest property, one room in depth. It is set behind a low wall close to the pavement alongside Blandford Road (A357). Vehicular access to the rear of the property is between Japonica Cottage and neighbouring No 9; there is similarly access the other side associated with the Hollies. By consequence, and as the Listed Building is set forward of its immediate neighbours, the principal and side elevations of Japonica Cottage have a strong street presence.
7. The garden of the property is long and narrow. Accordingly the Council refer to Japonica Cottage as occupying a former burgage plot between Blandford Road and Hine Town Lane. However given the rural origins of, and surroundings to, Shillingstone, there is no indication that the plot of Japonica Cottage historically accommodated more, or more substantial, buildings than those now proposed for removal. The NP instead refers to orchards being a characteristic feature of the medieval and post-medieval layout of the Village. Honeysuckle Gardens, a handful of detached properties of mid-to-late twentieth century design, also now falls between the rear garden of the Listed Building and Hine Town Lane.
8. The list entry describes how Japonica Cottage likely originated in the late seventeenth or early eighteenth century. It is principally constructed of rubblestone walls with a steeply pitched thatch roof which touches the frames of first floor windows. Internally the property is intimate and enclosed. Rooms are modest and of limited head height, honestly reflecting the constraints of historic construction.
9. The principal elevation of the Listed Building is symmetrical, with five 12-pane casement windows set around a central entrance. The rear of the Listed Building is less formally arranged. Windows there are irregularly located and of

¹ PRE/2016/0420/PREAPP, PRE/2017/0043/PREAPP, 2/2018/0740/HOUSE and 2/2018/0648/LBC.

differing sizes.² There are also two modest brick buildings projecting from the rear elevation of the property, set alongside the common boundary with the Hollies.

10. The appellant's Heritage Assessment,³ indicates that the north-western element of Japonica Cottage represents a latter addition to the original building. That is in all likelihood the case. The rear wall of that element of the property appears to be constructed principally of cob rather than stone, and eaves dip where that change of materials occurs. I saw how that element of the property may have originally been an attached barn; a crudely fashioned timber beam remains there, suggestive of a former pole barn structure, contrasting with stop chamfered beams elsewhere of a more domestic quality.
11. Various buildings nearby are of similar era, appearance and relationship to the A357 and to the rural surroundings of the Village as Japonica Cottage. That gives the area a consistent and harmonious character and a clear historic integrity. There is, however, is some architectural variety in the CA, reflecting the evolution of the Village over time. Neighbouring Nos 8 and 9 Blandford Road are semi-detached and appear to be Victorian. Grade II listed Wisteria Cottage, obliquely opposite, is also of a later era than Japonica Cottage (reflected in its polite rather than vernacular architecture incorporating Flemish bond brickwork).
12. Unsurprisingly rear elevations of properties fronting Blandford Road are more varied still, in part reflecting the historic functional role of burgage plots, and in part on account of changing preferences and incremental alterations over time. The Hollies, has for example, been significantly extended by way of a part single, part two storey rear addition.
13. In respect of Japonica Cottage, the appellant's Heritage Assessment sets out how historic mapping is insufficiently clear to establish whether the buildings proposed for removal to the rear of the Listed Building were present in 1948.⁴ I saw that those building have been successively modified over time, such that they are now in large part constructed of modern brickwork and machined timbers. In themselves they are of no aesthetic or historic significance.⁵
14. In that context, insofar as it relates to these appeals, I find that the special interest of the Listed Building rests primarily in the authenticity and legibility of its traditional materials, architecture and intimate character. Those features in turn attest to the history of the Village, intertwined with its rural setting, and contribute to the character and coherence of the CA.

The proposal

15. Simply, the proposal is to remove the buildings referenced in paragraph 13 above, and to create single storey extensions in their place arranged in a right angle. The extension would, at its maximum length, project some 10 metres

² Albeit that windows and doors are relatively recent replacements; the appellant citing consent Ref BNO/0217/2008 in that context. There is no contention from the Council that any element of Japonica Cottage as it stands is unauthorised.

³ Contained within the Design and Access Statement prepared by Planning Base, dated June 2019.

⁴ With reference to section 1(5) of the 1990 Act.

⁵ The Council's officer report associated with application 2/2019/0773/HOUSE equally identifies no intrinsic value to the buildings, aside from what they consider to be their modest scale enabling an appreciation of the rear elevation of Japonica Cottage.

beyond the existing rear elevation of Japonica Cottage.⁶ That element of the scheme would have a segmented form, and be faced in brick with a dual-pitched slate roof. Access would be achieved via creating a doorway in place of what is presently a window within the north western element of the Listed Building.

16. Aside from tying in, making good and cosmetic internal finishes that would also inevitably be required, otherwise no historic fabric would be lost.⁷ A smaller oak framed addition with extensive glazing and a mono-pitched roof is also proposed, which would be accessed via the existing rear entrance (entailing the removal of a modern door of no aesthetic or historic value). The proposal would also entail the alteration of ground levels and service runs, including the partial removal of an existing concrete slab and low brickwork walls.

The effect of the proposal

17. The proposal would represent a significant addition to the Listed Building as it stands. The resultant size of Japonica Cottage would diverge from its humble rural origins. I have noted above how the creation of an internal doorway would entail the loss of some historic fabric. I acknowledge by virtue of its greater scale than existing buildings proposed for removal, that the scheme would obscure a greater proportion of the rear elevation. Neither the materials nor pitch proposed for the roof would reflect the existing steeply pitched thatch roof. Whilst I have explained above that there is some architectural variety nearby, the examples of alterations to other properties referenced by the appellant are not directly comparable to circumstances here.⁸
18. However the maximum depth of the extension, relative to the rear elevation of Japonica Cottage, would broadly match that of the existing buildings proposed for removal. Only a small proportion of the plot would therefore be given over to development; the appellant explains how the garden is around seven times longer than it is wide. In that regard the proposal would not entail a meaningful effect in terms of altering the relationship of the property to its plot (the extent of which, I have set out above, has in any event been altered by development elsewhere over time).
19. Notwithstanding its footprint, on account of being single storey and extending only part way across the rear elevation, the scheme would represent a visually subservient addition. Neither its height nor overall scale would in my view compete with Japonica Cottage as it stands. In a similar manner as reasoned in paragraph 18, in that regard the proposal would respect the hierarchy in scale and massing typical of burgage plots (where buildings of greatest prominence have street frontages).
20. Moreover the overall bulk of the proposal would be reduced by virtue of its segmented form; different ridge heights, pitches and materials are proposed for different elements. Internal head height has consciously been limited; a

⁶ As illustrated on the plan entitled 'Ground Floor & Roof Plan – Proposed'.

⁷ With reference to the supporting Schedule of Work.

⁸ Appended to the appellant's statement of case are photographs related to additions to the Hollies and to Lilac Cottage. The Hollies is not a Listed Building. Whilst Lilac Cottage is similarly Grade II Listed, from the limited information before me the scheme in that instance appears more modest in scale relative to the existing property (and there is no evidence before me of the particular circumstances that applied in that case, for example as to the nature of the site in that instance preceding development).

facet of the design that would be consistent with the intimate character of the existing interior. In my view the shallow pitch of roofs is the necessary corollary of ensuring that window surrounds and eaves are avoided rather than obscured. Contemporary design and traditional building forms are not inherently inimical. In this instance the differences in the design and materials proposed between the scheme and the Listed Building would represent an honest differentiation rather than discordant addition, or one which compromises an understanding of the distinction between historic elements and later alterations.

21. Inherent in my reasoning in paragraph 17 above is that only a very small element of the existing fabric of the building would be directly affected.⁹ The section of wall proposed for removal beneath the window in the north western element of the property is of rudimentary construction, evidently fabricated from materials at hand. It has no particular significance relative to any other element of the Listed Building. Moreover I have set out above how the north western element of Japonica Cottage likely originated as a barn. In all likelihood that would have had some direct connection with the space behind the property, as opposed to being accessible only internally. Accordingly, the loss of historic fabric proposed would have no significance aesthetically or in terms of reflecting the different function that different elements of the property have assumed over time.
22. To some extent a haphazard rear elevation attests to a greater functional role relative to a more formal façade. However, in my view, any historic value to the rear elevation would not be materially compromised for the foregoing reasons, and as very little of it would be directly obscured by the proposal. The historic arrangement of the property would remain discernible. Arguably, exposing the well to the property by virtue of the partial removal of the concrete slab referred to in paragraph 16 above would better reflect the history of the site in the present.
23. The significance of a heritage asset is not only limited to those elements of it which are visible or readily apparent. Nevertheless such considerations are relevant insofar as the effect of the proposal on the character and historic integrity of Japonica Cottage is concerned, and also in respect of the CA. In that context the main contribution of the Listed Building to the character of its surroundings is by virtue of its principal and side elevations, proud of neighbours. Those elements of the property would be unaltered.
24. By consequence of the presence of neighbouring properties, and the limited spacing between them reflecting historic access requirements, there would also be no meaningful visibility of the proposed extension from the A357. Similarly, on account of the modest height of the proposal and given that the plot of Japonica Cottage is variously enclosed by boundary walls, fences, established planting and mature trees, there would be very little visibility of the proposal from private vantage points. In that context the Council are of the view that no adverse effect would result from the proposal to the character and appearance of the CA, a position with which I agree.

⁹ Subject to a sensitive approach to demolition, construction and making good (which could be ensured via suitably worded conditions were the proposal otherwise acceptable).

Consideration

25. I have set out above how the special interest of the Listed Building, insofar as it relates to these appeals, lies primarily in the in the authenticity and legibility of its traditional materials, architecture and intimate character (and consequently the value of those features to the evolution, coherence and character of the CA). The proposal represents a significant addition to Japonica Cottage and would inevitably result in some degree of change.
26. However the scheme would not meaningfully affect or compromise an ability to appreciate the special interest of the Listed Building. The proposed extension would broadly reflect the depth of existing buildings to the rear which are of no historic merit. Any effects to the existing fabric of the property, or to the legibility thereof and of its traditional architecture, would be inconsequential with regard to the property as a whole and in terms of its relationship to its surroundings.
27. The proposal has consciously been designed so as to minimise scale and bulk, and would representing a subservient extension. I have also reasoned that the proposal would represent an honest addition, rather than add complexity to understanding the evolution of Japonica Cottage. I have further found that the scheme would be barely perceptible from surrounding vantage points. Drawing together my reasoning, I therefore find that the scheme would be of such limited consequence so as to have a neutral effect.
28. The proposal therefore accords with the expectations of the statutory provisions referenced in paragraph 2 of this decision, which are reflected in LP policies 5 and 24, NP policy 3, and paragraphs 184 and 193 of the National Planning Policy Framework ('NPPF'). In summary, and amongst other things, those policies seek to ensure that all development integrates appropriately with local distinctiveness, and, reflecting that heritage assets are an irreplaceable resource, guide that great weight should be given to their conservation. On account of that finding it is unnecessary to weigh any countervailing public benefits, or indeed personal circumstances, to arrive at an overall conclusion.

Conclusion

29. For the above reasons, and having taken account of all other relevant material considerations, I conclude that appeals A and B should be allowed subject to the conditions in the first and second schedule to this decision respectively.

Conditions

Appeal A

30. In addition to requiring commencement within the relevant statutory period,¹⁰ I have imposed conditions specifying compliance with the supporting plans and that agreed external materials and finishes are used. Those conditions are necessary for certainty, and so as to ensure that the proposal is implemented as assessed above (thereby integrating suitably with its surroundings in accordance with the relevant provisions of LP policies 5 and 24, and NP policy 3).

¹⁰ Section 91 of the Town and Country Planning Act 1990 as amended.

Appeal B

31. Similarly, in addition to requiring commencement within the relevant statutory period,¹¹ I have imposed conditions requiring that works are carried out in accordance with the approved plans for certainty and so as to ensure that the scheme is likewise implemented as assessed above.
32. Certain conditions suggested by the Council in the event that the appeal were to be allowed related to the detail and practicalities of construction are principally of relevance to appeal B (given that they relate to both external and internal alterations; operations which affect only the interior of a building do not involve development in planning terms).¹² In my view conditions 3, 4 and 5 in that regard are appropriate and proportionate to ensure that the Council is able to exert proper control over the detailed implementation of the scheme.
33. Planning and construction intersect, amongst in other instances, where the latter has the potential to result in pressure for further works in time (such as remedying structural defects). There is greater scope for damage resulting from power-driven tools as opposed to those operated by or in hand. However, in my view, it would be unreasonable to impose a condition limiting demolition to employing only the latter in this instance. There is no indication, on account of their method of construction, connection with the rear wall of Japonica Cottage, or in respect of ground works, that power-driven tools could not be used with sufficient sensitivity so as to avoid unintended damage.
34. In imposing conditions I have had regard to the tests in the NPPF, the Planning Practice Guidance, and to relevant statute. Accordingly I have amended the wording of certain conditions proposed by the Council to ensure they are appropriate, without altering their aims.

Thomas Bristow

INSPECTOR

FIRST SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be undertaken in accordance with the following approved plans: Drawing No: 1.3, 'Ground Floor & Roof Plan – Proposed', and Drawing No: 1.5, 'Elevations & Sections – Proposed'.
- 3) Notwithstanding condition 2, before their installation in the development hereby permitted, details and samples of external roof and wall materials, along with rainwater goods, shall have been submitted to and approved in writing by the local planning authority (including in respect of the stone plinth shown on approved plan Drawing No: 1.5 insofar as materials, form, method of construction, coursing, mortar finish and method of connection to

¹¹ Section 18 of the 1990 Act.

¹² Section 55(1)(2)(a) of the Town and Country Planning Act 1990 as amended.

the existing fabric of the building are concerned, in respect of the method of affixation of any roof tiles and bond of any brickwork, and insofar as the material, finish and profile of any rainwater goods are concerned). Once installed as agreed, external materials shall thereafter be retained.

SECOND SCHEDULE OF CONDITIONS

- 1) The works hereby authorised shall begin not later than three years from the date of this consent.
- 2) The works hereby authorised shall be undertaken in accordance with the following approved plans: Drawing No: 1.3, 'Ground Floor & Roof Plan – Proposed', and Drawing No: 1.5, 'Elevations & Sections – Proposed'.
- 3) Notwithstanding condition 2, no new or replacement doors or windows, or glazed sections, shall be installed as part of the works hereby authorised before details thereof have been submitted to and agreed in writing by the local planning authority (including in respect of dimensions, materials, colours, finishes, glazing type and thickness, glazing bar profiles, depths of reveals and method of opening, including as illustrated on drawings of a minimum scale of 1/5 and 1/20). The works hereby authorised shall be undertaken in accordance with the details thus agreed, which shall thereafter be retained.
- 4) No works hereby authorised above damp proof course level shall be undertaken until a method statement detailing how any relevant works will abut, connect with or be tied in to the existing fabric of the building and any existing boundary walls, along with any associated making good (including as shown on sections at a minimum scale of 1/20). The works hereby authorised shall be undertaken in accordance with the method statement thus agreed, which shall thereafter be retained.
- 5) Other than in respect of what is annotated on approved Drawing No: 1.3 as 'Door to replace existing window', all existing window and door openings shall be retained.