
Appeal Decision

Site visit made on 8 September 2020

by Janet Wilson BA (Hons) BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 18th September 2020

Appeal Ref: APP/D1265/W/20/3254542

Land adjacent to 1 Wyatts Lane, Wareham, Dorset BH20 4NH

- 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 Mrs S Masters and Mrs M Dawson against the decision of Dorset Council.
 - The application Ref 6/2019/0599, dated 21 October 2019, was refused by notice dated 20 December 2019.
 - The development proposed is the erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 1 April 2019 Purbeck District Council merged with East Dorset District Council, North Dorset District Council, West Dorset District Council and Weymouth and Portland Borough Council to become Dorset Council. The development plans for the merged local planning authority remain in place for the former area of Purbeck District Council until such a time as they are revoked or replaced. It is therefore necessary for me to determine this appeal with reference to policies set out in the plans produced by the now dissolved Purbeck District Council.

Main Issues

3. The main issues are the effect of the development on: a) the character and appearance of the area and whether the development would preserve or enhance the character of the Wareham Conservation Area (CA); and b) the effect of the development on heritage assets namely listed buildings at 1 and 2 East Walls and the scheduled ancient monument comprising the Saxon earth walls to the town of Wareham.

Reasons

Character and appearance

4. The site is located at the edge of the Wareham CA which in this location is dominated by the Saxon east wall which forms part of the scheduled ancient monument surrounding the town of Wareham. This striking feature lies immediately opposite the site and, like the appeal site is within the CA. To the south are a pair of modest cottages which are listed buildings.

5. Open space at the junction of East Walls with Wyatt's Lane visually separates the historic cottages from more suburban development on Wyatt's Lane. The gap affords views through to St. Mary's Church from the walls. Moreover, the walls themselves are a scheduled ancient monument of considerable archaeological and historic importance. The significance of this location within the CA arises from the street layout, the value of open spaces and the contribution they make to the setting of townscape features of historic and architectural importance. All these features contribute to the significance of this part of the CA.
6. The published Townscape Quality map also indicates that buildings to the north and west have a negative impact on the CA whereas the adjacent listed cottages have a positive impact and the town walls are a notable open space and a scheduled monument.
7. The proposal would introduce a one and a half storey building with two flat roofed dormers to the front elevation. Despite it being marginally lower in height the building would sit forward from the adjacent dwelling which would result in a poor relationship with the existing buildings. Whilst the plot size is larger than the adjacent listed cottages these are an altogether different form of building being constructed tight to the frontage and with generally smaller proportions. Notwithstanding the fact that a triangular piece of land fronting east walls is not included in the appeal site, the dwelling would be elevated a little from Wyatt's lane and would fill in most of the gap between the listed cottages and the adjacent bungalow. These features, combined with the elevated height above the road, would result in a prominent structure which would dominate this location at the edge of the CA where there is presently an open and uncluttered feel.
8. Whilst the use of traditional materials would be welcomed in any development in the CA, I share the Councils concern that the design itself lacks any innovative or architectural quality such as would be warranted in location of this sensitivity.
9. I have not been directed to specific issues within the Purbeck Design Guide with which the Council consider there is conflict however this does not diminish my findings in relation to the impact of the development on the character and appearance in the vicinity of the site.
10. The development would also impact on the outlook from the town walls towards key features elsewhere in the CA not least St Mary's Church. In my view the proposal would not be locally distinctive to its position and would not represent a development which would be worthy of its place in the historic street pattern adjacent to listed buildings and the scheduled monument. For the reasons given the scheme would adversely affect the character and appearance of the site and its surroundings and would neither preserve or enhance the CA.
11. Taking all of the above matters into account the proposal would conflict with Policy D of the Purbeck Local Plan Part 1 (2012) (the Local Plan) and to the aims of the National Planning Policy Framework (The Framework). These policies, amongst other things, seek to ensure that developments integrate with their surroundings and reflect the diverse but localised traditions of building materials.

Heritage assets

12. In addition to the CA there are further heritage assets in the form of adjacent listed buildings at 1 and 2 East Walls and the scheduled ancient monument which is formed of the Saxon 'earth walls' and represents a significant green feature within the CA. The Council state that the feature is more significant due to the recent removal of trees as part of a management program. In visual terms the walls are a significantly notable feature of the street in this location directly opposite the appeal site.
13. The proposed development would be at right angles to the cottages of 1 and 2 East Walls and there would be a separate piece of land roughly triangular in shape which is unrelated to the appeal proposal. Nonetheless the physical position of the proposed dwelling would be at odds with the adjacent listed cottages and would have little regard to them or the scheduled ancient monument and their settings, even though the distance from the town wall is greater than other buildings in the vicinity.
14. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the setting of listed buildings and Section 72 of the same act requires that the impact on the CA is carefully considered. The Framework indicates that development which affects heritage assets of the highest significance or their settings, and which includes scheduled monuments, require clear and convincing justification. On the evidence before me no such justification has been advanced. Consequently, the resulting effect would cause harm to the setting of the heritage assets although that harm would, in the words of the Framework, be less than substantial. In accordance with paragraph 196 of the Framework, where less than substantial harm to the significance of designated heritage assets would be caused, that harm should be weighed against the public benefits of the proposal. This is a matter to which I will return.
15. Taking all of the above into account the proposal would conflict with Policy D and Policy LHH of the Local Plan and to the aims of the Framework. These policies, amongst other things seek to ensure that developments conserve the appearance, setting, character, interest and integrity of heritage assets whether they be locally, nationally or internationally designated.

Other Matters

16. Reference has been made to similar sites in North Bestwall Road which, the appellants argue demonstrate that there would be no adverse impact on the character of the area. However, I have not been provided with the details of the sites referred to and I cannot be sure that the circumstances are similar. To that extent I am unable to afford weight to that comparison.
17. The appellants argue that the site is a brownfield site. However they also say that the site is former curtilage to East Walls Cottage and as garden land in a built up area it does not constitute brownfield or previously developed land as defined in the Framework¹.
18. In support of the proposal the appellants have referred to the Council's view that the principle of development within the town is acceptable and that the proposal would supply a type of home that would meet a genuine need. It

¹ As defined in Annex 2 Glossary – definition of previously developed land.

would also make effective use of land which would otherwise be left overgrown and with no use to the community. Whilst these points are noted, they are not sufficient to outweigh the harm I have identified in relation to the main issues.

19. I note that the appellants desire to use a traditional plan form and conventional proportions which will enable the privacy, daylight and amenities of the neighbouring buildings to be respected. These are not matters with which the Council specifically takes issue. In any event they are aspects of any good development so do not represent a notable benefit.
20. Reference has been made by the Council to emerging policy and to proposed modifications to them. However, as this process is ongoing this limits the weight that I can give to emerging policies.
21. The appellants mention the Wareham Neighbourhood Plan and an identified need for 118 units. However, I have no evidence that the plan has reached the stage where it forms part of the development plan for the purposes of decision making and this limits the weight that can be afforded to it. This same limitation is relevant to the weight which could be afforded to Policy LDP1 of the same plan in relation to design.

Planning Balance

22. The starting point for any planning decision is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. I also have a statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay attention to the setting of Listed Buildings. Under Section 72 of the same act I am required, before reaching a decision on an appeal, to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
23. Paragraph 193 of the Framework says great weight should be given to the conservation of designated heritage assets, and any harm requires clear and convincing justification. Paragraph 196 states that where a proposal would lead to less than substantial harm to the significance of such an asset, that harm should be weighed against the public benefit of a proposal.
24. The appellants identify benefits in that the development would make optimal use of an unused piece of land and provide a home of a size which would meet a local housing need. No other benefits have been presented though it is important to note that the addition of a unit of accommodation to the local housing stock would generate a modest benefit.
25. Nonetheless these benefits even when added together are insufficient to outweigh the harms which have been identified to the CA, to the setting of the Listed buildings and to the scheduled ancient monument. Consequently, a decision other than in accordance with the development plan is not justified.

Conclusion

26. For the above reasons and having had regard to all other matters raised, the appeal is dismissed.

Janet Wilson INSPECTOR