
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/20/3253313

Land adjoining 11 Bell Street, Swanage, Dorset BH19 2RY

- 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 and Mrs D Scott against the decision of Dorset Council.
 - The application Ref 6/2019/0676, dated 5 December 2019, was refused by notice dated 11 March 2020.
 - The development proposed is, to create new dwelling on surplus land and garden associated with 11 Bell Street.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 1 April 2019, Purbeck 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. I shall therefore determine the appeal having regard to the policies set out within the Purbeck Local Plan Part 1 (2012) (Local Plan) and the Swanage Local Plan (2017) (SLP) which forms part of the development plan.
3. An appeal decision¹ relates to this site when an application for four new dwellings on surplus garden land was dismissed. Another appeal decision² for two dwellings on land to the north of this appeal site was allowed as part of the same decision notice but relates to land outside this appeal site. Whilst both are material considerations, I have considered this appeal on the basis of the submitted evidence on its own merits.

Main Issue

4. The main issues are the effect of the development on the character and appearance of the area and whether the proposal would preserve or enhance the Herston Conservation Area and the setting of the adjacent Grade II Listed Building at 17 Bell Street.

Reasons

5. The appeal site is wholly enclosed by existing residential development having no road frontage. It is land formerly garden to 11 Bell Street which is one half

¹ APP/B1225/W/19/3220927

² APP/B1225/W/19/3220929

- of a pair of semidetached cottages. The road frontage to Bell Street is occupied by a more recent building at 11a Bell Street adjacent to which is the proposed pedestrian access to the development site. A public right of way runs from the north east to the south west adjacent to the site separated by a low wall such that the site would be visible to users of this pathway.
6. The scheme is for a single storey flat sedum roofed building with a single southerly aspect. It would be angled to generally follow the northern boundary of the plot facing away from Nos 11 and 13 and to the building plot referred to in the allowed appeal for two dwellings. Construction on the adjacent plot had not, at the time of my visit, been commenced.
 7. The appeal site is in the Herston CA, the special interest of which is said to derive from its historic origins as a separate village dating back to 1086, and its subsequent growth in connection with the mining industry. Within the CA there are a range of house types, with late nineteenth century development associated with the growth of Swanage, mixed with the more rural vernacular housing of the original village. The use of local stone in construction across the various periods and styles provides a particularly distinctive quality. The tight knit pattern of development accessed by narrow paths bounded by stone walls adds to the significance of the CA in this location and the quality of the area is recognised in the SLP as an area of high townscape value within which any development proposed should be sympathetic to the historical and vernacular context of the area.
 8. The Herston Conservation Area Appraisal Document (2008) (CAAD), identifies 2 zones within the CA. This site is within Zone 1, comprising the roughly parallel north-south roads, Jubilee Road and Bell Street. The CAAD identifies that, in this zone, coursed rubble stone walls play an important role in defining property boundaries and are prominent along road and footpath edges. It also notes that broad views across the valley to the ridge beyond can be obtained from most parts of the Zone. Additionally, the CAAD indicates that buildings on the site and those to the south and west make a positive contribution to the CA whereas the modern buildings to the west make a neutral contribution. I saw, like my colleague before me, that the appeal land contributes positively to this character, particularly as the footpath boundaries are formed from low stone walls, which allows full view across the appeal site to the hills beyond. Whilst the appeal site is not identified specifically as an important area of open space in the CAAD, the raised level of the adjacent pathway accentuates the open nature of the site and consequently its visual importance in the CA.
 9. Number 17 Bell Street (No.17) is a Grade II listed building that borders the appeal site. It is described as a traditional Purbeck cottage, thought to date from the 18th Century and constructed of Purbeck stone walls and roof, with a stone stack and boundary walls. Although it fronts Bell Street, it is set back from the road, and its front elevation is partially concealed by the vegetation in the front garden. However, the side and rear elevations are very close to the footpath that runs between Bell Street and Steer Road and can be observed at very close quarters by passing pedestrians. Approaching from the northeast, via the footpath, the listed building can be seen in an open setting, comprised of its own small rear garden and the appeal site. Whilst the appeal site has no functional use in relation to the listed building it remains the case that it forms an important part of the setting of this listed building and contributes

significantly to the open aspect of No.17 and to a lesser degree other buildings in the CA.

10. The appeal site is visually discreet from the main streets, however views across it can be gained between buildings and above the existing lean-to storage buildings which are partially visible in the street scene. The appeal scheme seeks to provide an alternative design approach with a flat sedum roofed building with a single aspect into the site in order to ensure that its visual prominence is minimised. Whilst the self-contained approach seeks to design out the issues identified by the Council and the previous Inspectors' decision it would present a blank elevation to the four properties to the rear, (Nos. 11 and 13 Bell Street together with the two dwellings yet to be constructed) and represent an uncharacteristic structure which would neither reflect nor harmonise with the traditional character of buildings in the CA.
11. The filling of the open space would create a building poorly related to existing structures and without any visible affinity either by its architecture or form to the existing buildings. The appellant argues that the scheme would result in the redevelopment of what is currently an unkempt area of land and enable the renovation of existing historic outbuildings. Whilst the land is overgrown it is not in a condition such that its development in the manner proposed would be warranted. The outbuildings, whilst they may be historically associated with adjacent development and make a positive contribution to the CA, are not such that their refurbishment would, in themselves, make a significant improvement to the appearance of the CA.
12. The top part of the building would be seen in the view from Bell Street and the elongated form of the building would be seen against the backdrop of the hills beyond and, if the previous appeal buildings are subsequently constructed against those also. Nonetheless it would result in the loss of this open space which is a characteristic feature of this part of the CA. The appellants argue that the sedum roof would help to integrate it into the landscape setting. However the site is not part of the distant landscape and as the level of it is set below what would be the distant horizon when seen from Bell Street, and more critically from the lane connecting it with Steer Road, it would nonetheless form an unwelcome intrusion into this space.
13. Moreover, the scheme would also intrude into the spacious backdrop that is currently seen to the side and rear of the listed No.17 Bell Street and would not be sympathetic to the historical or vernacular context of the area. It would erode the space around which the listed building is currently experienced. Whilst located further away from No.17 than the dismissed appeal scheme, this appeal proposal would significantly reduce the contribution that the current openness of the site makes to the character of the CA and the setting of the Listed Building causing harm to the character and appearance of the area.
14. The appellants suggest that the scale and form of the house would be sympathetic to the listed building having been deliberately designed as a single storey structure. That may be the intention and the impact altered from the previously rejected scheme however the structure would appear as an elongated utilitarian structure which would sit awkwardly on the site and encroach onto an area which has significance as a result of the open setting and its relationship with surrounding buildings. The proposed building would mean that views of the listed building from Bell Street would be drawn against

- a modern structure which although lower in height would dominate amongst the existing ancillary structures.
15. Whilst the scheme seeks to address the loss of the views through the site to the ridge beyond, identified as an issue in the previous appeal scheme, it would, as in the earlier scheme, remove the spacious backdrop to Nos 11a, 17 and 19 Bell Street altering their spacious setting and that of the two recently approved dwellings which are yet to be built. Though the appellant argues that the net result would be the retention of distant views and the gain of an additional horizon referred to by the appellant, which I take to mean the new roofscape of the proposed building, the elongated squat nature of it would result in a dissonance between new and existing buildings in this part of the CA which would neither preserve nor enhance the character of the CA.
 16. In my view this scheme would, by virtue of the infilling of the existing open space, be significantly harmful to the character of the CA, failing to preserve or enhance its characteristics. Though I consider the harm which would be caused would, in the terms of the National Planning Policy Framework (Framework), be less than substantial rather than the substantial harm which the Council has cited in its reasons for refusal and which the appellants emphasise related to the four house scheme dismissed at appeal and not to this appeal proposal.
 17. Though the harm would be localised, I consider that the intrusion which would be caused in the CA in this location would not be sufficiently mitigated by the architectural form nor the sedum treatment to its roofscape. Where less than substantial harm is caused to a heritage asset the Framework requires this to be weighed against the public benefits of the proposal, a matter to which I will return.
 18. For the above reasons, the proposal would conflict with Policies D and LHH of the Local Plan, Policy STCD of the SLP, to the aims of the Framework, to the Purbeck District Design Guide Supplementary Planning Document (2014) and to the CAAD. These policies seek, amongst other things to ensure development integrates with its surroundings and reflects the diverse but localised traditions of building materials, and that new development should not adversely affect the existing character of the area and should be sympathetic to the historical and vernacular context of the area.

Other Matters

19. Representations have been made in relation to the lack of a vehicular access. The scheme would not have off-street parking; however, the highway authority has not objected on these grounds neither was it found to be an issue in the previous appeal for two additional dwellings on the adjacent plot. I saw that there was limited on-street parking available in the area and I have no evidence before me to substantiate that increased pressure for these spaces would be likely to result in any danger to highway safety such as it would warrant refusal of the scheme on highway grounds.
20. I note that the proposal would safeguard neighbouring amenity; would not have any adverse impact on highway safety, despite its lack of parking spaces; can provide for waste collection and that there would be no risk of flooding. Additionally, there has been no objection to the removal of the Monterey Cypress tree; and that the development would not harm the special qualities of

the Area of Outstanding Natural Beauty within which the town of Swanage is located. These factors are neutral and weigh neither for nor against the scheme.

21. My attention has been drawn to a permission granted on a site identified as a notable open space where a building has been permitted occupying over half of the identified space. Details of that case have been provided in evidence. I note that the scheme referred to is shown to be a partially subterranean dwelling designed to nestle into the hillside site and as such does not represent the same circumstances as this appeal proposal. My attention is also drawn to a development at 48 and 48a Bell Street, again identified by the appellant as having been built on a notable open green space. I do not know the full details of this latter scheme though I note that it dates prior to the current development plan and I cannot be certain of the policy position which was in place at that time. As such it does not alter my findings in relation to the appeal submission.
22. I am mindful that the Framework supports the use of suitable sites within existing settlements for housing. The addition of one unit of accommodation would provide only a modest contribution to the local housing supply to which I attach limited weight in favour of the proposal.
23. The appellant argues that the alternative use of the land is a material consideration and points to the lawful position of the land as residential garden and curtilage to No.11 Bell Street. Illustrations have been provided to detail what the appellants consider could be built under permitted development and which would, in practice, be of a greater height than that now proposed under the appeal proposal. The theoretical amount by which ancillary buildings could be constructed under permitted development is noted. However, I have no substantive evidence to indicate that there is a significant probability that structures of this magnitude would be constructed should this appeal fail, and this limits the weight that I can attach to this argument as a fall-back position.
24. The appellants highlight that the Framework promotes the use of brownfield land within settlements for homes. Nevertheless, this site, as emphasised by the appellant, is former garden to No.11 Bell Street and as such does not fall within the definition of brownfield land as defined in the glossary to the Framework³.
25. The site is within the Dorset Area of Outstanding Natural Beauty (AONB) which washes over the town of Swanage though I note that the Council confirm in their delegated report that the proposal would not result in harm to wider views in the AONB and I have no reason on the evidence submitted with which to disagree.

Planning Balance

26. 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. Section 72 of the same act requires that, before reaching a

³ As defined in Annex 2 Glossary – definition of previously developed land.

decision on an appeal, I must pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.

27. The requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of a heritage asset, in this case the Herston CA and the Listed cottage at No.17 Bell Street. are matters of considerable importance and weight. The proposal would, in my view, have an unacceptably dominant and adverse effect on the heritage assets which would be to their detriment.
28. 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.
29. The appellant sets out the public benefits as being the contribution towards meeting local housing need, the redevelopment of an unkempt area of and and the retention and renovation of the existing historic outbuildings on the site. These benefits neither individually nor collectively are sufficient to outweigh the harms which have been identified to the CA, and to the setting of the Listed building. Consequently, a decision other than in accordance with the development plan is not justified.

Conclusion

30. For the reasons given above and having regard to all other matters raised the appeal is dismissed.

Janet Wilson

INSPECTOR