
Appeal Decision

Site visit made on 14 September 2020

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 29 September 2020

Appeal Ref: APP/D1265/20/3254656

Damyons Mead, Church Street, Weymouth DT3 5QB

- 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 Greenhill of Boldhabit Ltd against the decision of Dorset Council.
 - The application Ref WP/20/00111/FUL, dated 6 February 2020, was refused by notice dated 18 May 2020.
 - The development proposed is described as convert existing outbuilding to form residential dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site would be a suitable location for the proposed development with regard to its effects on the character and appearance of the area, including: whether the development would preserve or enhance the character or appearance of Upwey Conservation Area (the Conservation Area); whether the development would preserve the settings of listed buildings; and whether the development would conserve the natural beauty of the Dorset Area of Outstanding Natural Beauty (the AONB).

Reasons

Background

3. Policy SU2 of the West Dorset, Weymouth & Portland Local Plan 2015 (the LP) sets out the settlement strategy within the applicable part of the Council area. This directs development in rural areas to settlements with development boundaries (DBs), and restricts development in locations outside. The appeal site is not located within a DB. In this regard Policy SU3 of the LP sets out exceptions for developments involving the adaptation and reuse of buildings outside DBs, including where this would provide open market housing.
4. The proposal is described on the application form as a 'conversion'. Conversion in this context implies the retention, adaptation and reuse of the existing building. However, no evidence has been set before me which explains how this would be achieved in relation to the building on site, or which in fact demonstrates that it would be achieved. In this regard, the rudimentary and modest nature of the existing structure, combined with the requirement to raise the floor level by 0.3m, and to lift the ridge by 1.3m, cause me doubt.

Moreover, the appellant's submissions more generally place emphasis on matching the footprint of the existing building rather than setting out how its conversion would be achieved. As such I share the Council's view that the scheme would not in fact involve conversion, and that even if some small part of the existing fabric was incorporated within the proposed building, the latter would be a substantially new construction.

5. In view of my findings above, the development would not comply with any of the criteria set out in Policy SUS3 of the LP. This is because the scheme would at best involve the substantial rebuilding and extension of the existing building, resulting in a structure bearing little direct resemblance.
6. I note that Policy SUS4 of the LP addresses the replacement of buildings outside DBs. However, neither party has gone so far as to suggest that the development would in fact involve replacement. That being so, neither shall I.
7. The development would thus conflict with both Policies SU2 and SU3 of the LP as set out above, and in this regard the Council's concern principally relates to the effect that this would have on the character and appearance of the area.

Character and appearance

8. The appeal site is located in Upwey, the historic parts of which fall into 3 distinct portions, separated by gaps of open land. The appeal site lies at the northern edge of the portion of the historic settlement located along the southern half of Church Street, which roughly follows the line of the River Wey. All 3 historic portions of the historic settlement are included within the Conservation Area. Insofar as it relates this appeal, the significance of the Conservation Area resides in the historic layout of the settlement, and the collection and interrelationship of historic buildings and spaces it contains.
9. Development along Church Street is very loosely laid out, and chiefly concentrated on the east side of the road, just off the floodplain. Gaps of open land, vegetation and trees all play an important role, providing a spacious rural character and appearance to the layout.
10. Within this context, the appeal site is located on the west side of Church Street, and consists of a paddock, fringed by trees, containing a small stable building. As such, notwithstanding the presence of hardstanding and a recently constructed dwelling towards the south, it has a strongly rural character. This is appreciable both in itself, and as viewed from within the streetscene, including along the site access. The rural character of the site, and its value in as a largely open green space, is further accentuated by the fact that there is no development located immediately to the north. Its presence within the floodplain is also readily apparent.
11. The proposal would see an increase in the physical and visual presence of development on the site, and a change in its function. Whilst the appellant suggests that the height of the proposed building would be only 1m greater than that currently on site, the plans show a 1.3m increase at the ridge, whilst at the same time appearing to omit the 0.3m required increase in floor level. No spot heights are provided, or a street scene which shows the development within its surrounding setting. There is also no clear depiction on the plans of the substantial and visually prominent ash tree which overhangs the existing

- building, and no supporting arboricultural evidence which explains what the implications of the scheme would be in relation to this tree.
12. It is nonetheless clear that the increased height and mass of the building would cause it to have a marked visual presence, especially along the site access. The presence of the building would be increased in relation to its immediate setting by the laying out of parking, patio and decking spaces, as too by works likely be required to the overhanging tree. All would, in combination, substantially reduce the openness and rural character of the site, whilst at the same time contributing to its broader domestication.
 13. These effects would not be mitigated by the building design. Indeed, whilst the front elevation seeks to suggest a generalised agricultural character, and the materials specified could potentially fall within the vernacular range, the building would be clearly perceived as a dwelling. In this regard, standing on the floodplain, somewhat isolated within the streetscene, in a location where residential development appears to have been historically absent, the dwelling would not be consistent with the historic layout of development along Church Street. In consequence the development would be and appear both intrusive and obtrusive.
 14. Some details of soft landscaping have been provided on the plans. Insofar as they purport to show existing features on site, including a boundary hedge, they do not appear to be wholly accurate. Scope nonetheless clearly exists within the site to develop and implement a scheme of soft landscaping that could include both boundary and tree planting. This could provide some screening from the street. It is however unlikely that the development could be fully screened in this way, and it would not in any case alter the fact that residential development in the proposed location would be at odds with the historic pattern. For these and the above reasons, the development would fail to preserve or enhance the character or appearance of the Conservation Area.
 15. The Council additionally identified harm to the settings of listed buildings along Church Street, but without specifically identifying any particular building. Reference is however made in the officer report to a 'terrace', and in this regard a short row of listed buildings is located on the opposite side of the Church Road, to the south east of the site. Insofar as it relates to this appeal the significance of these buildings lies in their age, their vernacular character, and value viewed as a group. They also make an important positive contribution to the significance of the Conservation Area.
 16. No historic linkage between these listed buildings and the site has been demonstrated, and none is apparent. In visual terms any relationship between these buildings and the site is also very weak, where it exists at all. As such, based on the evidence before me, the development would not have any effect on appreciation of the significance of these listed building. Therefore, notwithstanding the harm that the development would cause to the significance of the Conservation Area, the development would not harm the setting of any listed building.
 17. Notwithstanding my findings in relation to listed buildings, with reference to paragraph 196 of the Framework, I find that the development would cause less than substantial harm to the significance of the Conservation Area. I attach considerable importance and weight to the harm that would be caused. In

accordance with paragraph 196 it is necessary to balance this harm against the public benefits advanced in favour of the appeal scheme.

18. The main considerations advanced in favour of the proposal are that it would entail replacement of a dilapidated building with an energy efficient dwelling, adding to the local housing supply. In addition, it is stated that the proposed dwelling would be more appropriate than a previously approved replacement stable block, application reference WP/1700311/VOC.
19. The existing stable building holds no particular merit, and as noted above, its demolition has already been approved. Be that as it may, in view of my reasons above, the proposed dwelling would not have a more acceptable effect on its surroundings. This consideration does not therefore attract weight in favour of the scheme.
20. The approved stable block had been marked out on the site at the time of my visit, however I have not been provided with the approved plans, or with any evidence that construction of the approved stable block would be likely to proceed in the event that the appeal was dismissed. A stable and a dwelling are otherwise developments of different type and character, each of which would have a differing presence and effect within their setting. This has otherwise been established above in consideration of the appeal scheme itself. As such, this point does not lend weight in favour of the scheme.
21. The potential for the development to be carbon neutral has been identified, but this has not been fully explained. Scope nonetheless exists for the building to exceed regulatory requirements in terms of insulation, and it could incorporate heat generation and capture technologies. However, whilst the level of additional and broader environmental benefit this would deliver is unclear, it is unlikely to be of any great magnitude. I therefore attach limited weight to this consideration.
22. The appellant claims, and the Council appears to accept, that it currently lacks a demonstrable 5-year supply of deliverable housing sites (5YHLS). I have not been provided with any specific details of the extent of any shortfall. However, as the development would provide only one additional dwelling, regardless of the level of shortfall, it would make no more than a very limited contribution. The social and related economic benefits of providing one additional dwelling therefore attracts no more than very limited weight in favour of the scheme.
23. Consequently, the public benefits of the scheme would be insufficient to outweigh the harm that would be caused to the significance of the Conservation Area. This provides a clear reason for refusal of planning permission.
24. As the Council also identified harm in relation to the AONB, I have also had regard to the statutory purposes of the AONB's designation, which are most particularly to conserve and enhance the natural beauty of the area. In that regard paragraph 172 of the Framework additionally states that great weight should be given to conserving and enhancing landscape and scenic beauty within ANOBs. In this case, the development would not be clearly visible from within the broader landscape on account of screening provided by trees. Indeed, the effects would be well contained in landscape terms, and viewed principally in relation to the settlement and Conservation Area. For these reasons, notwithstanding the identified rural character of the site, the

development would not harm to the landscape or scenic beauty of the broader AONB.

25. For the reasons outlined above I conclude that whilst the development would preserve the settings of listed buildings, and conserve the AONB, it would cause unacceptable harm by failing to preserve or enhance the character or appearance of the Conservation Area. Consequently, the site would be an inappropriate location for the proposed development. Aside from conflict in relation to Policies SUS2 and SUS3 of the LP, as identified above, the development would therefore conflict with Policy ENV4 of the LP, which requires applications affecting the significance of a heritage asset to demonstrate how the proposals would positively contribute to the asset's conservation; Policy ENV10 of the LP, which amongst other things states that development should be informed by the character of the site and its surroundings; Policy ENV12 of the LP, which seeks to secure development whose design complements and respects the character of the surrounding area; Policy ENV11 of the LP, insofar as provision of amenity, storage and other domestic facilities on the site would not be appropriate to the character of the area; and related provisions of the Framework.

Other matters

26. In view of the Council's 5YHLS position, my attention has been drawn to the tilted balance set out in paragraph 11 of the Framework. However, given that, with reference to footnote 6 of the Framework, my findings in relation to heritage policy provide a clear reason for refusing planning permission, the tilted balance does not apply.
27. Much of the site, and half the existing building footprint lies within Flood Zone 2. Land within Flood Zone 3 otherwise surrounds the setting of the site including Church Street. In this regard the Council's officer report states that the Flood Risk Assessment (FRA) submitted with the application is out of date, applies to a different building, and does not demonstrate that future occupants would be safe for the lifetime of the development. Indeed, though the FRA presented incorporates the site, insofar as development on the site is covered at all, this relates to the replacement stable. The officer report nonetheless fails to reach any conclusion on this matter, and flood risk was not a reason for refusal of planning permission. This would however have been matter demanding my further attention had I not otherwise resolved to dismiss the appeal with regard to the main issue.

Conclusion

28. I have found that the development would preserve the settings of listed buildings and conserve the natural beauty of the AONB. It would however cause unacceptable harm by failing to preserve or enhance the character and appearance of the Conservation Area. The proposal would conflict with the development plan, and no other considerations alter or outweigh my findings. Thus, for the reasons set out above, I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR