



Appeal Decision

Site visit made on 22 September 2020

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 30 September 2020

Appeal Ref: APP/P1235/D/20/3254748

6 Higher Lane, Portland, Dorset DT5 1AT

- 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 & Mrs Hutchings against the decision of Weymouth & Portland Borough Council.
 - The application Ref WP/19/00557/FUL, dated 8 July 2019, was refused by notice dated 6 April 2020.
 - The development proposed is the installation of rear dormer (revised scheme).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host building and the surrounding area, having regard for whether the proposed development would preserve or enhance the character or appearance of the Underhill Conservation Area (the Conservation Area).

Reasons

3. The appeal site is located within the Conservation Area. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in reaching this decision.
4. The appeal building forms part of an attractive, matching and balanced row of houses arranged in a terrace that steps up the side of a steeply inclined hillside within a residential area. The appeal building is set back from the pedestrian lane which connects Clements Lane to Queens Road and, by reason of the surrounding steeply inclined topography, is highly visible and prominent from within the wider surrounding area. Furthermore, the rear of the appeal building is also highly visible from the network of narrow lanes which can be found between rows of houses and which cling to the hillside within the surrounding area.
5. As noted by the Inspector in a recent appeal¹ which concerned the appeal site, the Conservation Area is predominately characterised by harmonious rows of terraced dwellings which are arranged in tight concentrations on steeply

¹ Appeal Decision Reference: APP/P1235/D/19/3222764

inclined hillsides. I would concur with the Inspector in that previous appeal decision that, given the steeply sloping nature of the site and its surroundings, views are dominated by the presence of roof slopes which form part of the key characteristics of the Conservation Area. The uncluttered existing roof design and appearance at the appeal building contributes positively to this key characteristic of the Conservation Area and thereby, albeit in a limited manner, contributes to the significance of the Conservation Area.

6. The appeal scheme seeks to incorporate a dormer extension into the rear roof slope which would be highly visible from public viewpoints higher the hillside such as at Albert Terrace. The submitted plans and drawings indicate that the proposed rear dormer would occupy a significant portion of the roof slope in terms of its width and height, and would project from just below the roof ridge line height down to just above the level of the eaves.
7. By reason of its width and height, the dormer would dominate and somewhat unbalance the uncomplicated modest proportions and appearance of the rear of the appeal building and, therefore, would adversely affect the character and appearance of the host building and would be harmful to the character and appearance of the surrounding area. In my view, the proposed dormer would be an unduly dominant and incongruous feature within the Conservation Area. Whilst reasonably localised in its extent, the appeal scheme would fail to preserve or enhance the character or appearance of the Conservation Area.
8. In terms of the advice contained within the National Planning Policy Framework (the Framework), the harm to the significance of the Conservation Area would be less than substantial, affecting only its immediate surroundings. Paragraph 193 of the Framework provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm should require clear and convincing justification in line with paragraph 194 of the Framework. Where a development proposal leads to less than substantial harm, this harm should be weighed against the public benefits in line with paragraph 196 of the Framework. In this instance there are no public benefits put forward by the Appellants which would outweigh the harm to the Conservation Area as described above.
9. For the above reasons, the appeal scheme would be harmful to the character and appearance of the host building, the surrounding area and the Conservation Area. The proposal would therefore conflict with Policies ENV1, ENV4, ENV10 and ENV12 of the West Dorset, Weymouth and Portland Local Plan 2011 -2031² which, together and amongst other things, seek to ensure development conserves the significance of heritage assets, respects the character of its surroundings including in respect of how it relates to features that contribute to the character of the area. For the same reasons, the proposed development would fail to accord with those paragraphs of the Framework which concern conserving and enhancing the historic environment.
10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

² Adopted October 2015.

11. In this regard, the Appellants have drawn my attention to a number of dormer extensions that are present within the Conservation Area and which the Appellants maintain are comparable to the appeal scheme in terms of design, width and height. I saw a number of these extensions on my site visit and note that the observations made and the evidence provided served to confirm those dormers that were present within the surrounding area, appeared as subservient additions which, due to the proportions of the relative host buildings, did not unbalance the host building or adversely affect the significance of the Conservation Area. Whilst the photographs provided by the Appellants show a range of dormer designs, it is noted that the examples provided are dormers which predominately are set down from the roof ridge line height and a positioned above the level of the eaves, thereby maintaining their subservient appearance.
12. While there were some examples of more substantially sized dormer extensions within the Conservation Area, I saw that these incongruous features were very much in the minority within the surrounding area. I do not know the circumstances that resulted in those incongruous additions or the development plan policies that applied at the time of their construction. In any event, such developments served to confirm that such bulky extensions resulted in a detrimental change to the character and appearance of the area which diminished local distinctiveness. I have therefore determined this appeal on its own merits.

Other Matters

13. I have carefully considered all of the information provided by the Appellant, and it is with regret that I note the Appellant's frustrations with the Council's communication and the way in which it handled the application. However, these matters do not impact on the planning merits of the proposal and I have reached my own conclusions on the appeal proposal on the basis of the evidence before me.

Conclusions

14. For the reasons given above, the appeal should be dismissed.

A Spencer-Peet

INSPECTOR