



Appeal Decision

Site Visit made on 27 October 2020

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

an Inspector appointed by the Secretary of State

Decision date: 11 November 2020

Appeal Ref: APP/D1265/W/20/3255215

Harris Yard, Sherborne, DT9 4DA

- 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 Leo Letts against the decision of Dorset Council.
 - The application Ref WD/D/19/002471, dated 16 September 2019, was refused by notice dated 27 May 2020.
 - The development proposed is the demolition of existing shed structures on the site and erection of 4no. 1 and 2 bed semi detached family dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Sherborne Conservation Area (the Conservation Area) and its effect on the setting of Emerenciana, a grade II* listed building; and,
 - The effect of the proposed development on the living conditions of nearby residents with particular reference to loss of outlook.

Reasons

Heritage Assets

3. The appeal site comprises a somewhat untidy narrow parcel of land located at the periphery of the Conservation Area and which, the evidence before me indicates, was historically occupied by a short row of cottages. The site is accessed from Coombe lane and includes a number of sheds and lean-to structures. The site is situated on relatively level land, with land to the west rising steeply away and uphill from the site.
4. The Conservation Area appraisal confirms that the area includes a substantial number of listed buildings including an Abbey and Scheduled Monuments, a number of medieval domestic buildings, gentry houses of quality, vernacular cottages and specialised civic and industrial buildings. The appraisal further provides that there is need for great care in relating large modern buildings into areas of tight grain and small with varied details being noted as a particular threat to the Conservation Area. By reason of the rather untidy appearance and ad hoc arrangement of lean-to structures and sheds, the

appeal site does not currently make a significant contribution to the character or appearance of the Conservation Area.

5. The site is located on the opposite side of Coombe lane from the grade II* listed building known as Emerenciana, which the Historic England listing describes as being formerly listed as Nethercombe Farm and comprises a L-shaped block incorporating medieval masonry, fourteenth or fifteenth century pointed stone doorway with modern wrought iron gate, gable end facing road with blocked 2-light window, fourteenth century in date. Both the appeal site and the listed building can be seen by those travelling along Coombe lane, with the proximity of the site to the listed building contributing towards its setting.
6. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the decision maker, in considering whether to grant planning permission for development which affects a listed building, conservation area or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
7. The proposal is for four dwellings to be arranged in two blocks which would occupy the northern and southern sections of the site. Between these blocks of dwellings, an open area with undercroft parking is proposed. The proposed dwellings would be contemporary in design and would have gable ends facing the adjacent narrow lane.
8. The appeal scheme would, in part, appear as a continuation of the existing row of buildings within Coombe lane and would use materials that are in keeping with the surrounding built form. However, by reason of the location of the two blocks of dwellings which would be somewhat squeezed up adjacent to the northern and southern boundary of the site, and due to the incorporation of a raised external amenity area and undercroft parking which is not a characteristic of the Conservation Area, the proposal would, in my view, result in a contrived and congested form of development, which would fail to relate well to the pattern of development in this area and would fail to respect its historic surroundings.
9. The proposed blocks of dwellings would be built up to the boundary of the site and adjoining the narrow Coombe lane and, in my view, the height and relatively close proximity of the development would compete with the stature of the identified listed building particularly in views from within Coombe lane. In this regard, the appeal scheme would draw the eye, detracting from the historic value of this heritage asset, thereby diminishing its significance. Consequently, the setting of the listed building would not be preserved by the proposal.
10. Overall, I conclude that the proposal would be harmful to the setting of the listed building as well as being harmful to the character and appearance of the Conservation Area. As noted above, the appeal scheme would fill a gap in an otherwise continual built frontage within this part of Coombe lane and would be set amongst other buildings and dwellings which form part of the setting of the identified listed building. As such, in terms of the National Planning Policy Framework (the Framework) the harm described above would be less than substantial.

11. 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. For the above reasons, I conclude that the proposal would lead to less than substantial harm to the heritage assets and, accordingly, this harm should be weighed against the public benefits of the scheme in line with paragraph 196 of the Framework.
12. In terms of public benefits, the proposed development would provide short term employment opportunities during the construction phase, and I acknowledge that future occupants may contribute to the vitality of Sherborne and viability of its businesses. Further benefits would also arise by reason of the contribution made by four dwellings to local housing supply in a location which has access to nearby services and facilities and where there is an identified housing need. As such, the benefits which the proposed development would bring are moderate in scale, and taking the above points together, the harm to the Conservation Area and the listed building would outweigh the benefits of the proposal.
13. Overall, the proposed development would not preserve or enhance the character or appearance of the Conservation Area, causing less than substantial harm to its significance. The proposal would further fail to preserve or enhance the setting, and thereby the significance of, the identified listed building. Consequently, the appeal scheme would conflict with Policy ENV4 of the West Dorset, Weymouth and Portland Local Plan (2015) (the Local Plan) which, amongst other things, requires that development should conserve and, where possible, enhance the significance of heritage assets. Furthermore, and in light of the above considerations, the proposal would also fail to accord with those paragraphs of the Framework which concern the conservation and enhancement of the historic environment.

Living Conditions

14. As noted above, the land to the west of the appeal site slopes steeply uphill and away from the site. Located on this higher ground to the west of the site is the dwelling at Three Gables. The rear of Three Gables overlooks directly down onto the site.
15. The proposed units in the southern section of the site would present a gable end facing the direction of the external garden amenity area located on the southern side of Three Gables. As a consequence of its height and position, and given the modest footprint of the described garden area, the nearest proposed unit would be very prominent when viewed from the garden area associated with Three Gables and would significantly reduce the outlook from the garden area towards the east.
16. Whilst it is acknowledged that the conservatory on the rear elevation of Three Gables would provide uninterrupted views towards the east and across the listed building described in the main issue above, the height and proximity of the proposed dwellings in the southern section of the site would have an overbearing and enclosing effect on those using the garden area at Three Gables. In this respect, the appeal scheme would result in an unacceptable reduction in living conditions for occupiers at that property with regards to loss of outlook from the modestly sized external amenity area.

17. Consequently, the appeal scheme would be harmful to the living conditions of the nearby residents with regards to outlook. The proposal would therefore conflict with Policy ENV16 of the Local Plan which, amongst other things, requires that development does not have a significant adverse effect on the amenity of occupiers of property with regards to overbearing impact.

Other Matters

18. Interested parties raise additional objections to the proposal on the grounds of flooding and highway safety. These are important matters and I have considered all of the evidence before me. However, given my findings in relation to the main issues above, these are not matters that have been critical to my overall decision.

Planning Balance and Conclusion

19. The Council is currently unable to demonstrate a five-year supply of deliverable housing sites. In such circumstances, paragraph 11 d) of the Framework states that planning permission should be granted, unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development. As detailed within the associated footnote 6, these areas and assets of particular importance include designated heritage assets. As I have found that the proposal would fail to preserve or enhance the character or appearance of the Conservation Area and would be harmful to the setting of a listed building, the application of policies in the Framework provide a clear reason for refusing the proposal in this particular instance. Consequently, the presumption in favour of sustainable development does not apply in this case.
20. For the reasons given, I conclude that the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR