



Appeal Decision

Site visit made on 26 March 2021

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 27 April 2021

Appeal Ref: APP/D1265/W/20/3262583

The Old Farmhouse, Chalky Path, Winterborne Stickland DT11 0NS

- 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 Helen King against the decision of Dorset Council.
 - The application Ref 2/2020/0897/FUL, dated 3 July 2020, was refused by notice dated 23 September 2020.
 - The development proposed is described on the application form as "Demolish existing garage and erect thatched cottage on same location. Cottage to be self build and used for the applicant and his wife who are elderly and retired when The Old Farmhouse is sold. Existing barn/workshop to be retained".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on: the character and appearance of the area and the Winterborne Stickland Conservation Area (CA); the significance of The Old Malthouse, a Grade II listed building; and the living conditions of the occupiers of The Old Malthouse in respect of privacy and outlook; and whether the proposal would provide satisfactory living conditions for future occupiers of the proposed dwelling in respect of outside space.

Reasons

Character and appearance, Conservation Area and The Old Malthouse

3. The site is on a steep slope close to woodland and with views across the valley, part of a small group of properties on the edge of Winterborne Stickland. The CA comprises the central section of the village and derives considerable significance from the historic pattern of development, the relationship of the village to the River Winterborne and the countryside setting. The concentration of historic buildings in the village, including vernacular thatched cottages contribute further to that significance, along with buildings associated with brewing, historically an important local industry.
4. The Old Malthouse is a late 18th century building, formerly three cottages and a malting-house and now a single dwelling. It is a prominent building at the junction of Clenston Road and Chalky Path, now a no-through lane but historically a main route to Blandford, next to the site of the former village brewery. Although there are other dwellings nearby, due to the topography of the area and screening from vegetation, in public views the listed building

- appears set apart from other dwellings and the main part of the village. It derives considerable significance from its architecture, setting and historic associations with brewing, and for these reasons also makes a positive contribution to the significance of the CA.
5. The evidence before me indicates that the appeal site was occupied by brewery buildings until the mid-20th century, with few remnants remaining. Until the 1960s there was a thatched cottage, Rectory View Cottage, adjacent to the site on what is now the driveway to Hillfoot. The existing modern garage and workshop do not make a positive contribution to the appearance of the CA, however as the workshop incorporates some historic walls it makes a small contribution in terms of historic significance.
 6. The proposed dwelling would be of similar scale and massing to the former Rectory View Cottage but set further down the hill. Its 1.5 storey scale, roof form and small windows breaking the eaves are clearly influenced by that cottage and other thatched dwellings in the village, including the nearby new dwelling The Hollow. However, the large windows proposed on the front elevation and end gable would be jarring and discordant features on an otherwise traditional form, clearly visible from the road. There is no evidence before me that such designs are typical for this area or can be found on any other cottages referenced by the appellant.
 7. Other local vernacular cottages have obvious entrances on the front or side elevation, which is reflected on the new dwelling at The Hollow. The entrance for the proposed dwelling would however be on the rear elevation, largely hidden by the dwelling and a retaining wall and with some form of structure around it, the details of which are unclear from the plans. The absence of a visible entrance would make the dwelling appear to turn its back on the lane and would be a further significant departure from the traditional cottage design which the appellant seeks to replicate.
 8. The appeal site is modest in size but not substantially smaller than the plots of other traditional cottages locally, and its proximity to the road would not be particularly unusual for this village. Along the lane buildings step up in height with the rising land, such that dwellings are generally seen one behind the other. Properties along the lane are however well spaced from each other in a staggered arrangement. In contrast, the proposed dwelling would be sited close to the boundary of the site, creating an incongruously close relationship with the Old Malthouse.
 9. Most of the site would also be taken up by hardstanding and the workshop, with only a small garden comprising narrow strips to the front, side and rear of the proposed dwelling and a further landscaped strip along the rear of the site. This would leave little room for soft landscaping, therefore the proposal would not allow for the provision of landscaped gardens which give other traditional cottages an attractive setting despite their modest plots. Nor would it allow for screening of domestic paraphernalia such as washing lines, which, as they would not be development, could not be controlled by planning condition. Consequently, the proposed dwelling would appear cramped in the corner of the plot and dominated by hard surfacing, out of character with other cottages in the area.
 10. For these reasons the proposal would not re-create the mass and style of the former cottage or have the same relationship with neighbouring properties, and

would not bring the land back in line with its historic character and appearance. Nor would it achieve the low-key appearance adopted by Hillfoot and other contemporary properties nearby. Details of materials and thatching could be secured by planning condition. However, due to its siting, design and detailing, the proposal would have an incongruous and cramped appearance and would be unduly prominent in the street scene. As such, it would not achieve a high-quality design that respects its sensitive historic context. Therefore, the proposal would harm the character and appearance of the area and the CA.

11. Therefore, the proposal would conflict with Policies 7 and 24 of the North Dorset Local Plan Part 1 (LP) which require that development be designed to improve the character and quality of the area within which it is located and respect the character and distinctiveness of the locality. It would also conflict with the requirements of the National Planning Policy Framework (the Framework) that developments add to the overall quality of the area and are sympathetic to local character and history.
12. Because of the winding nature of the lane and tree screening, the Old Malthouse is seen in conjunction with the relatively low outbuildings on the appeal site and not with the other, taller dwellings further up the hill. Due to their small scale the existing outbuildings are not prominent in the setting of the listed building. The proposed dwelling would be in broadly the same position as the garage but wider, and although not a full 2-storeys in height it would still be significantly taller. Due to the changes in levels the gable end and large side window of the proposed dwelling would make it a prominent feature behind The Old Malthouse when seen from Clenston Road. From the lane it would partially obstruct views of the substantial thatched roof and pale coloured walls of the rear elevation of the listed building, which are currently prominent features in views from the lane and which allow the relationship of the former cottages and malting-house to be appreciated.
13. The appellant suggests the proposal would re-establish the overall appearance and former character of the area, however Rectory View Cottage was further up the hill and the appellant's photographs indicate that the brewery buildings were wider but nonetheless lower than what is now proposed. As such, historically those buildings would not have had the same relationship with the listed building as the proposal.
14. Consequently, due to its height, scale and siting, the proposal would be an unduly prominent feature in public views of the Old Malthouse from the junction of Clenston Road and Chalky Path and from the lower part of that lane, detracting from the prominence of that building in the street scene. As such, it would harm the setting, and thereby the significance, of the listed building. Such views would however be limited to only a few locations and as such the degree of harm would be slight.
15. As it would affect only a discrete part of the CA, the proposal would result in less than substantial harm to the significance of the CA as a whole. It would also result in less than substantial harm to the setting of the listed building. LP Policy 5 requires that great weight be given to the conservation of any heritage asset when considering any proposal that would have an impact on its significance. It also requires less than substantial harm to be weighed against the public benefits of the proposal, including securing its optimum viable use. This reflects the Framework's approach to designated heritage assets.

Heritage balance

16. The existing garage detracts from the appearance of the CA however due to its small scale and the limited public views of it, its removal would only be a small public benefit. Its demolition would reveal more of the workshop, itself an unattractive modern building, however this would be offset by the screening effect of the proposed dwelling.
17. LP Policy 2 defines Winterborne Stickland as one of 18 Larger Villages identified as the focus for growth to meet local needs outside of the 4 main towns. The Council can demonstrate a 4.91 years supply of deliverable housing sites, below the 5-year supply required by the Framework. The proposal would contribute a family dwelling and make effective use of a small, previously developed site within a settlement boundary, as supported by the LP and the Framework. I have not however been directed to any identified local need that it would contribute towards, other than the personal need of the appellant which I return to below. The Framework requires great weight to be given to the benefit of using suitable sites within existing settlements for homes, however given the harm I have identified above, it has not been shown that this is a suitable site. Consequently, although it would contribute to housing supply, in the context of a relatively small shortfall the benefits of one additional dwelling to housing supply would be limited and carry limited weight.
18. The proposal would result in economic benefits through construction and occupiers would be likely to use local services, the availability of which has declined over recent years. There would be additional benefits from further council tax income and a new homes bonus. However, no schemes upon which the bonus would be spent have been identified and in accordance with the Planning Practice Guidance, it would not be appropriate to make a decision based on the potential for the development to raise money for the Council. Moreover, the economic benefits of the proposal would be generic and would arise with any housing development. They therefore carry limited weight.
19. Councils are required to grant planning permissions for self-build properties and to plan to meet the needs of different groups of the community. However, although the appellant suggests the proposal will be a self-build dwelling, there is no mechanism before me to secure the ownership and financial requirements for such properties, which could not be achieved by condition. There is also no mechanism to ensure that the appellant would live in the proposed dwelling as they suggest, or that they would make their existing family dwelling available to the market. No exceptional circumstances have been demonstrated to justify restricting occupancy by condition. Therefore, I can give these matters carry very little weight.
20. The proposal would use modern materials and solar panels would generate renewable energy, however the appellant does not propose that it would exceed current Building Regulations and there is no way to ensure that locally sourced materials would be used. As such, it has not been demonstrated that the proposal would be significantly more sustainable than any other new-build dwelling, therefore its environmental performance carries minimal weight.
21. I give considerable weight and importance to the desirability of preserving the setting of the Old Malthouse and the character and appearance of the CA, and great weight to the need to conserve heritage assets. Therefore, the public

benefits of the proposal would not outweigh the harm to the significance of those heritage assets, and it would conflict with LP Policy 5 and the Framework.

Living conditions: neighbouring occupiers

22. Because of its size and elevated position, the large window in the side gable of the proposed dwelling would offer direct and close views down into the rear garden of The Old Malthouse and, from a greater distance, into various windows in the rear and side of that property. It would also provide views at an angle towards the side garden of the Old Malthouse, which is currently relatively private. Due to the height and relative angles, the workshop roof and the existing tree and fence would provide only limited screening.
23. The rear garden and windows can be seen from the lane, however passers-by are unlikely to do more than glance into them. In contrast, the proposed open plan first-floor living space is likely to be used frequently and for long periods, including the dining area next to the window. It would therefore offer prolonged views towards the Old Malthouse and its garden. Views into the rooms of that property would be restricted given the small size of the windows, however the size and elevated position of the proposed window would result in a strong perception of being overlooked. Consequently, the proposal would result in a significant and harmful loss of privacy for occupiers of the Old Malthouse compared to the existing situation.
24. This could however be mitigated by a planning condition requiring the window being obscure glazed and fixed. The living space would be served by several other windows, therefore it would still provide an acceptable standard of accommodation for future occupiers of the proposed dwelling. Neither main party has suggested such a condition, however if the appeal were otherwise acceptable it would have been an option open to me to consider.
25. The outlook from the rear of The Old Malthouse is currently towards the rear boundary fence and wall and the rear elevations of the garage and workshop. These create a sense of enclosure reinforced by the rising ground levels. The proposed dwelling would be the same width as the existing garage but significantly taller. Due to its scale and elevated position, it would be a prominent and dominant feature in views from the rear of the neighbouring property, particularly its rear garden. Consequently, the proposal would have an overbearing impact on the Old Malthouse and increase the sense of enclosure beyond that already experienced, to the detriment of the living conditions of the occupiers.
26. Accordingly, the proposal would harm the living conditions of the occupiers of the Old Malthouse in respect of outlook but not privacy. It would therefore conflict with LP Policy 7 which requires development to be sensitively designed to respect the amenity of adjoining properties. There would however be no conflict with LP Policy 25 insofar as it seeks to prevent loss of privacy.

Living conditions: future occupiers

27. Approximately 30% of the site would be available as garden, however the strips to the front and side of the proposed dwelling would be open to public view and as such would not be private. The rear strip would be sandwiched between the proposed dwelling, workshop and retaining wall and as such would be heavily shaded with very poor outlook. The strip alongside the parking area

is proposed to be planted and its long narrow form would not be conducive to use as outside amenity space. Therefore, due to their location and shape the proposed garden areas would not provide adequate useable, private outside space that would be attractive to use.

28. The appellant suggests that the amount of parking could be reduced and the garden area enlarged, however no such scheme is before me. In any event, it is difficult to see how a larger garden could be achieved whilst still retaining access to the workshop and providing for parking and turning. The appellant wishes to have a smaller garden, however they may not live in the property. In future the proposed 3-bedroom dwelling could be occupied by a family, who would reasonably expect a useable, private garden space suitable to meet their day-to-day needs. The availability of access to the countryside does not offset the need for future occupants to have their own private space, as required by the LP.
29. Other similar cottages in the village have small gardens however those I saw all had landscaped spaces with room for day-to-day activities, including some private areas. As such, the density of development and historically small gardens in the village do not justify the poor quality outside space proposed.
30. Consequently, the proposal would not provide satisfactory living conditions for future occupiers of the proposed dwelling in respect of outside space. It would therefore conflict with LP Policies 7 and 25 insofar as they require development to be acceptable in terms of amenity and provide private open space appropriate to the needs of the intended occupants.

Planning Balance

31. Given the Council's housing supply position, Framework paragraph 11d) directs that the policies most important for determining the application are out of date. The most important policies are those set out in my reasons above. They are highly consistent with the Framework and as such I afford the conflict with them very substantial weight.
32. The topography of the area and nearby woodland would limit wider views of the proposal, and it would be seen together with other built development of the village. As such, it would not harm the wider landscape character of the Area of Outstanding Natural Beauty. Because of the relative angles of the two properties it would not have a significant adverse impact on the privacy of The Old Farmhouse. Safe access and sufficient parking could be provided and protected trees could be safeguarded during construction. These matters would however be of neutral consequence in the planning balance.
33. Although the proposal would comply with some LP policies it would conflict with those in respect of the character and appearance of the area, designated heritage assets and living conditions. Therefore, I find that it would conflict with the development plan read as a whole. It would also conflict with Framework policies on these issues. Given my findings above, I consider that the adverse impacts of the proposal on the CA and the listed building provide a clear reason for refusing the proposal. As such, Framework footnote 6 applies and the presumption in favour of sustainable development in paragraph 11d) and in LP Policy 1 is not engaged.

34. The public benefits of the proposal are set out above. The benefits to the appellants of downsizing are private benefits and as such carry very limited weight. I consider that the totality of these benefits would not outweigh the harm I have identified in relation to the main issues. Having regard to the Framework and the other considerations raised, there are no material considerations that justify granting planning permission contrary to the development plan.

Other Matters

35. The appellant engaged in pre-application discussions with the Council, with several design options put forward. I have not seen the full response or the drawings discussed, however the sections quoted suggest that the Council raised concerns about scale and design and impact on neighbours. Therefore, it does not appear that the Council disregarded its previous advice in reaching its decision. In any event, I have reached similar conclusions to the Council on some of the main issues, having considered the proposal on its own merits.
36. I note the concerns of interested parties regarding possible conflict between this proposal and the planning permission granted for Hillfoot, however given my findings on the proposal there is no need for me to consider this further.

Conclusion

37. For the reasons set out above, the appeal is dismissed.

L McKay

INSPECTOR