



Appeal Decision

Site visit made on 12 May 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 June 2021

Appeal Ref: APP/D1265/W/21/3266326

Land to Rear of Clare Cottage, High Street, Yetminster, Sherborne, Dorset DT9 6LF

- 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 M Matson of E-Build House Ltd against the decision of Dorset Council.
 - The application Ref WD/D/19/002011, dated 7 August 2019, was refused by notice dated 2 October 2020.
 - The development proposed is one dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for one dwellinghouse at Land to Rear of Clare Cottage, High Street, Yetminster, Sherborne, Dorset DT9 6LF in accordance with the terms of the application Ref WD/D/19/002011, dated 7 August 2019, subject to the conditions in the attached schedule.

Application for Costs

2. An application for costs was made by Mr M Matson of E-Build House Ltd against Dorset Council. This application is the subject of a separate Decision.

Procedural Matters

3. The appeal is accompanied by drawing Ref 3903-01H which shows a different design for the proposed dwelling. As this drawing is submitted for illustrative purposes only, and as the parties had the opportunity to comment on it during the appeal, I had regard to it in my assessment on an illustrative basis.
4. Whilst described by the National Heritage List for England as No 1 The Cottage, this property adjacent to the appeal site is known elsewhere in the evidence consistently as Helliars Cottage, and that is how I have referred to it.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area bearing in mind the special attention that should be paid to the desirability of preserving the settings of the Grade II listed buildings Clare Cottage and Helliars Cottage (the Cottages) and the extent to which it would preserve or enhance the character or appearance of the Yetminster Conservation Area (the CA).

Reasons

6. The site comprises a plot of open land and a small peripheral outbuilding located behind the Cottages within the CA. It also includes an access track

which passes directly by the west flank wall of Clare Cottage and forms an access on to High Street. The significance of this part of the CA derives from its traditional, finely designed buildings set in a linear pattern fronting High Street. Natural stone walls and Hamstone dressings are prevalent, but there are some limited examples of the use of brickwork in the detail. Thatch, tile, pantile and slate are the predominant roofing materials.

7. The Cottages are constituents of High Street and also draw their own significance from their finishes and design as thatched stone cottages of likely C17 origin. The High Street scene is also notable for its attractive and in many cases original natural stone boundary walls occasionally punctuated by modest gateways which provide side accesses to the rear of plots, where there are some limited examples of back land development.
8. The main part of the site is a parcel of open grassland which has a rather humdrum and vacant appearance. It is enclosed from the discernible curtilages of the Cottages by walls and fences and, despite the Council's assertions, there is very little evidence before me of any tangible link between it and the Cottages' significance despite their immediacy. Views through the site from High Street are towards modern housing behind the site along Bowers Lane. The site's only, small positive contribution to the CA and the Cottages comes from its coarse, stonewall enclosed access track and stone pier bound gateway.
9. The dwelling would have a low, one and a half storey profile and make a gentle nod to materials on show in the CA, through use of slate, stonework and brick dressings. This would not be to such extent that it would compete with the CA's historic built form or erode legibility of the historic linear development pattern. Instead, from High Street and the Cottages the dwelling would read as a differentially scaled and sympathetic modern intervention, effectively replacing the effects of the current backdrop set by the housing along Bowers Court.
10. The gateway and track are already used, albeit infrequently, by vehicles without any association with the Cottages. There is little evidence that they struggle to do so, nor do I have physical evidence of damage to walling along the route. I see no reason why the rough appearance of the track could not be maintained, and visually overt domestic use of the space avoided, through a landscaping condition. As such, its increase in usage in association with the new dwelling would have a negligible effect on the CA and the Cottages.
11. Accordingly, I conclude that the proposal would have an acceptable effect on the character and appearance of the area bearing in mind the special attention that should be paid to the desirability of preserving the settings of the Cottages and the extent to which it would preserve or enhance the character or appearance of the CA. It would accord with the heritage aims of Policies ENV4, ENV10 and ENV12 of the West Dorset, Weymouth & Portland Local Plan (adopted 2015) and the National planning Policy Framework (the Framework).

Other Matters

12. Whilst the constraints of the access are clear, this also logically relates to the other similar accesses along High Street, and I understand it is routine for residents to nose out to ensure that any oncoming hazard can be seen. As High Street is a high-density residential environment, highway users would also be aware of the prospect of vehicles pulling out or manoeuvring or waiting within the carriageway. Within this context, the additional use of the access would

have an acceptable effect on highway safety. Any increase in on street parking would be modest and insignificant.

13. Whilst overlooking from the dwelling would affect the living conditions of neighbouring occupants, this would be acceptable within this residential environment where high levels of mutual overlooking are well established. I have also had regard to the various references to the previous appeal decision at the site. However, given its vintage and the changes to both local and national policy with regard to heritage in the meantime, its reasoning has carried very limited weight in my own assessment.
14. Concerns raised regarding the potential obstruction to rights of access for occupants of neighbouring properties over the site are not germane to my decision, which focuses on the planning merits of the proposal.

Conditions

15. In addition to the standard time condition, a condition is needed to define the approved plans in the interest of certainty. In order to ensure that the building is to assimilate successfully into its setting, it is necessary for the detailed specification of the wall finishes to be approved by the Council prior to their installation. To ensure that the site is appropriately landscaped in the interest of the historic environment, it is necessary for a detailed scheme for hard and soft landscaping to be approved and the landscaping retained in that form.
16. Due to the evidence of previous sewer flooding in the area, it is necessary to approve the specification of the foul drainage system prior to use of the dwelling. In the interests of biodiversity, it is necessary for the mitigation measures set out in the appellant's Biodiversity Mitigation and Enhancement Plan to be delivered and retained within the development. Given that the dwelling would have its garden space forward of its principal elevation, I see no reason why permitted development rights for outbuildings should be removed.
17. However, given the sensitivity of the adjacent historic environment, and as the front and back of the dwelling would be publicly viewable, it is necessary to remove permitted development rights in relation to potential works to alter or enlarge the property. In the interest of highway safety, it is necessary to ensure that the parking and turning areas within the site are fully established and kept for those purposes prior to first occupation of the dwelling.

Conclusion

18. For the reasons outlined above, and taking all other matters raised into account, I shall allow the appeal, subject to conditions.

Matthew Jones

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 3903-02A.
- 3) Prior to the commencement of construction above damp course level, a sample panel measuring at least 1 metre by 2 metre using materials to be used in the construction of the external surfaces of the dwelling shall be prepared on site for inspection and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.
- 4) Prior to development above damp course level, full details of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The details shall include: car parking layouts and hard surfacing materials; means of enclosure, including proposed boundary walls, fences, gates; planting plans - written specifications to include schedule of plants, species, size, proposed numbers and densities; maintenance schedule and implementation timetables.

The development shall thereafter accord with the approved details, with the hard landscaping retained in that form. Planting shall be carried out before the end of the first available planting season following substantial completion of the development. In the five year period following the substantial completion of the development any trees that are removed without the written consent of the Local Planning Authority or which die or become seriously diseased or damaged, shall be replaced as soon as reasonably practical and not later than the end of the first available planting season, with specimens of such size and species and in such positions as may be agreed with the Local Planning Authority.

- 5) Before any foul drainage pipe work is installed, the details of the foul drainage system and how it will be implemented to ensure it results in a sealed system, must be submitted to and approved in writing by the Local Planning Authority. The system must be installed and retained entirely in accordance with the agreed details.
- 6) Before the development hereby approved is occupied the turning and parking shown on the submitted plans must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.
- 7) The mitigation measures set out in the Biodiversity Mitigation and Enhancement Plan dated 2 December 2019 shall be implemented in full in prior to the development hereby approved being first brought into use and the site shall thereafter be maintained in accordance with the approved mitigation measures.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) no enlargements or other alterations to the dwelling shall be constructed, other than those expressly authorised by this permission.