



Appeal Decision

Site visit made on 25 May 2021

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2021

Appeal Ref: APP/D1265/W/21/3267664

23 Greenhill, Weymouth DT4 7SW

- 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 Crickmay Stark Architects against the decision of Dorset Council.
 - The application Ref WP/20/00379/FUL, dated 17 June 2020, was refused by notice dated 12 October 2020.
 - The development proposed is to convert and extend the existing dwelling into two No flats. Construction of a new dwelling.
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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 existing dwelling and the Weymouth Town Centre Conservation Area; and
 - whether there would be acceptable living conditions for the future occupants of the proposed flats with regard to the provision of private outdoor space.

Reasons

Character and appearance

3. As the site is located within the Weymouth Town Centre Conservation Area (CA), a designated heritage asset, it is necessary in determining the appeal to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The significance of the CA derives from the identifiable physical character and historic importance of the five sub-areas which are defined within the Weymouth Town Centre Conservation Area Character Appraisal 2012 (CAA). The appeal site forms part of Northern Greenhill within the Sub-Area Northern & Southern Greenhill, including Westerhall Road.
4. It is apparent from the CAA and my own observations of Northern Greenhill that it includes several discernible areas, each of which have their own distinctive character. Between Westerhall Road and the junction of Melcombe Avenue with Greenhill there are two such adjoining areas. The first area, to the south west, includes the impressive Victorian and Edwardian buildings numbered 7-15 Greenhill, along with a later infill development numbered 11A. The plots would originally have extended through to Melcombe Avenue behind

but there is now a considerable level of modern residential development to the rear of Nos 7-13.

5. The second area extends from 17 Greenhill to the Melcombe Avenue junction. It comprises sizeable plots that were originally developed with individual detached houses in the inter-war period with one of the characteristic features of the properties being the fairly deep rear garden areas.
6. Several of the dwellings in this area have since been extended and converted into flats while some have been redeveloped with blocks of flats or sizeable replacement dwellings. Nevertheless, the built form has mostly been concentrated on or adjacent to the original building footprints, thereby largely maintaining the spaciousness of the area to the rear, save for subordinate ancillary outbuildings. A notable exception is a narrow two-storey dwelling with a deeper single storey element which is set back to the side of No 27. However, this appears as an anomaly and the sense of spaciousness to the rear of the properties remains important to the distinctive character of this part of the CA. Furthermore, as the spaciousness mirrors that found to the rear of the properties behind which face Melcombe Avenue, it makes an important contribution to the character of the wider locality beyond the CA boundary.
7. The appeal site accommodates the original inter-war detached house and the dwelling's identification as an Important Local Building in the CAA confirms its status as a non-designated heritage asset. Its significance is partly derived from a prominent and distinctive semi-octagonal Portland stone tower at the front which, in common with the neighbouring properties, is the building's principal elevation. A subservient feature to the tower is a single storey flat roofed element attached to the flank which incorporates an entrance door in its rear elevation. Set back to the side there is also a detached garage with a half-hipped front gable.
8. In the proposed scheme, the existing garage would be demolished. A new detached dwelling of a part two-storey modern design would be sited a relatively short distance away from the rear of the existing house and it would almost span the full width of the plot. Its large footprint, greater than the existing house, would significantly erode the spaciousness of the rear garden area. It would also result in a dwelling that in its plot size, backland position and footprint would conflict with the distinctive pattern of development in the locality, while the remaining plot of the existing dwelling would become uncharacteristically cramped at the rear.
9. Furthermore, although there are examples of buildings of a modern design fronting Greenhill, they individually occupy the original plot widths. Where there is a visible secondary building, as at No 27 and similarly in relation to the existing garage at the appeal site, the secondary building's design closely reflects that of the main building. The inter-war design of the existing dwelling with the modern design of the more prominent two-storey part of the new dwelling behind would therefore appear incongruous when viewed from Greenhill and the neighbouring public open space of Greenhill Gardens. Consequently, for the reasons noted, the proposed new dwelling would cause significant harm to the character of the existing dwelling and the CA.
10. The proposed extension and conversion of the existing dwelling into two flats includes replacing the single storey element to the side with a wider and deeper two-storey flat roofed stairwell with a doorway in the flank. The

substantial additional bulk would eliminate the side element's appearance as a subservient feature to the stone tower and as a result the visual clarity that the front of the building is the principal elevation, in common with the neighbouring properties, would be undermined. It would also remove a large section of the eaves detail along the flank of the building. Consequently, it would have a significant detrimental impact on the building's character and appearance and diminish the positive contribution that it makes to the character of the CA as part of a group of buildings which distinctively have principal elevations that face Greenhill.

11. It is acknowledged the new dwelling would have a visually interesting contemporary design which promotes high levels of sustainability. However, this would not adequately mitigate the unacceptable harm the proposal would have on the form and layout of the surrounding area.
12. In light of the above, it is concluded the proposed development would have an unacceptably harmful effect on the character and appearance of the existing dwelling and its significance as a non-designated heritage asset. It would also fail to preserve or enhance the character or appearance of the CA. As such, it would conflict with Policies ENV4, ENV10 and ENV12 of the West Dorset, Weymouth & Portland Local Plan 2015 (LP). Amongst other things, these policies seek to ensure the position and design of development harmonises with existing buildings and the area as a whole, that it positively contributes to local identity and distinctiveness, and it conserves and where appropriate enhances designated and non-designated heritage assets.

Living conditions

13. The two flats would have the area between the rear of the existing dwelling, the new dwelling and the parking spaces available as private outdoor space. There would also be the garden area to the front and the first floor flat would have access to the front balcony and the flat roof area above and extending beyond the rear of the tower. Consequently, based on the evidence before me and my own observations, notwithstanding the effect of the proposal on the character and appearance of the existing property and the CA, the amount of private outdoor space available for the residential properties would be sufficient to meet the requirements of their future occupants.
14. It is therefore concluded the proposal would provide acceptable living conditions for the future occupants of the proposed flats with regard to the provision of private outdoor space. As such, the proposed scheme would not conflict with Policy HOUS4 of the LP which seeks to ensure the provision of sufficient private amenity space in the development of flats.

Other Matters

15. Paragraph 196 of the National Planning Policy Framework (the Framework), sets out that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, as in this case, the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 193 also sets out that great weight should be given to the conservation of designated heritage assets, irrespective of whether any potential harm is less than substantial.

16. Public benefits of the proposed scheme include the provision of two additional dwellings in a sustainable location and at a time when the Council are unable to demonstrate a 5 year supply of deliverable housing sites. There would also be economic benefits associated with the construction and subsequent occupation of the housing, including spending at shops and services in the area. However, as the Council has a 4.83 year land supply, the shortfall is not significant and given the proposed scheme would only provide two additional dwellings, it would make a very limited contribution to the housing supply and the local economy.
17. There would be investment in the fabric of a non-designated heritage asset, securing its optimum existing residential use in the long term. However, the scheme would also cause significant harm to the character and appearance of the asset. Any bio-diversity net gains through a soft landscaping scheme to be secured by condition would likely be marginal.
18. The suggestion the proposed scheme could be less harmful than what may otherwise be achieved utilising permitted development rights has not been demonstrated, or that such rights are likely to be implemented as a fallback. Accordingly, I attribute this matter very limited weight.
19. Consequently, even when taking account of the Government's objective of significantly boosting the supply of homes and the role of the construction industry in supporting economic growth, along with the acknowledged important contribution that small sites can make to meeting the housing requirement of an area and the Council's housing land supply situation, the cumulative public benefits of the proposed scheme only attract modest weight.
20. Therefore, having regard to the great weight that should be given to the conservation of designated heritage assets, the public benefits do not outweigh the less than substantial harm to the significance of the CA. The private benefit of providing multi-generational living for the appellant's family similarly does not outweigh the harm to the character and appearance of the existing dwelling and the CA.
21. The Council's housing land supply situation also means that paragraph 11 d) of the Framework must be applied. This sets out that planning permission should be granted, subject to two tests. The first test is whether the application of policies in the Framework which protect areas or assets of particular importance provides a clear reason for refusing the development.
22. Designated heritage assets are one of the defined protected assets and given the harm to the character and appearance of the CA, the policies in the Framework which seek to protect designated heritage assets provide a clear reason for refusing the development. The presumption in favour of sustainable development therefore does not apply.

Conclusion

23. Notwithstanding my finding on living conditions, the identified harm to the character and appearance of the existing dwelling and the CA is an overriding consideration. The proposed development would conflict with the development plan as a whole and there are no material considerations, including the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan.

24. For the reasons given above and having had regard to all other matters raised, the appeal is dismissed.

C J Ford

INSPECTOR