
Appeal Decisions

Site visit made on 22 June 2021

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 06 July 2021

Appeal A: APP/D1265/W/20/3262328

2 Lower Acreman Street, Sherborne, Dorset DT9 3EX

- 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 Oliver Wilson against the decision of Dorset Council.
 - The application Ref WD/D/20/000973, dated 20 April 2020, was refused by notice dated 2 September 2020.
 - The development proposed is described as alterations and two storey extension.
-

Appeal B: APP/D1265/Y/20/3262335

2 Lower Acremen Street, Sherborne, Dorset DT9 3EX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
 - The appeal is made by Mr Oliver Wilson against the decision of Dorset Council.
 - The application Ref WD/D/20/000974, dated 20 April 2020, was refused by notice dated 2 September 2020.
 - The works proposed are described as alterations and two storey extension.
-

Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. As set out above, there are 2 appeals on this site. Each relates to the same scheme but they address separate applications for planning permission in the case of Appeal A, and listed building consent in the case of Appeal B. I have considered each on its individual merits, however, to avoid duplication I have dealt with the Appeals together, except where otherwise indicated.

Main Issues

4. The main issues are:
 - the effect of the scheme on designated heritage assets, including (a) whether it would preserve a Grade II listed building, its setting, or any of the features of special architectural or historic interest that it possesses; (b) whether it would preserve or enhance the character or appearance of Sherborne Conservation Area (the Conservation Area); and (c) if any harm would be caused, whether this would be outweighed by public benefits; and

- in relation to Appeal A, the effect of the scheme on the living conditions of occupants of 3 Lower Acreman Street in relation to outlook and light.

Reasons

Designated heritage assets

5. I have divided this matter into 3 parts, (a) to (c). All 3 parts should be read together and are jointly concluded in part (c).

(a) Listed building

6. The scheme relates to 2 Lower Acreman Street, which together with No 3 is the listed building in this case. Insofar as it is relevant to this appeal, the special interest and significance of the listed building lies in the historic origin of the street fronting range as a single dwelling of likely C18th date, together with surviving historic fabric, and evidence of the original plan form. It also lies in its historic adaptation to form a cluster of dwellings, involving subdivision of the original building, and the construction of 2 cottages to the rear of and adjoining No 3, all accessed via a central passageway. One of these cottages survives, albeit now absorbed internally into No 3.
7. Externally the form of the original street fronting range remains appreciable. Whilst this is clearest viewed from the front within Lower Acreman Street, it is also apparent viewed from the back, and in this regard assisted by the fact that extensions added to the rear of No 2 all sit beneath the eaves line. A far less subservient relationship exists between the original building and the 'addition' to the rear of No 3. This however reflects its origin as a separate cottage, and its historic identity as such is readily perceived.
8. The scheme would see a 2-storey extension added to rear of No 2, replacing the existing single storey extensions. Unlike the latter, this more substantial structure would cut through the eaves line of the main range. Notwithstanding the fact that it would spread across slightly less of the rear elevation, it would therefore appear far less subservient, and would more directly compromise the form of the original building. The impact would be emphasised in contrast to the scale of the boundary wall against which the existing extensions are built, and in cumulative terms viewed relative to the existing addition to the rear of No 3. The intrusion caused would both diminish and detract from appreciation of the original form of the listed building.
9. The scheme has been partly promoted as a counterpart to the addition at No 3. As outlined above however, this addition was not built as an extension to No 3, and it is not perceived as such externally. The comparison between it and the proposed extension thus holds little direct relevance. The fact that the addition to the rear of No 3 exists therefore provides little direct justification for the harm that would be caused by the proposed extension.
10. The scheme has been additionally promoted as providing enhancement. At least in their current state, the existing single storey extensions to the rear of No 2 appear to be of little intrinsic interest. Their modern rendered finish is particularly discordant. This does not however alter their subservience in terms of form and scale. Moreover, the semi-timber clad finish proposed for the extension would appear no more valid than the current use of render, as neither does nor would correspond with the masonry finish of the original building. Enhancement would not therefore be achieved, and neither, for the

reasons outlined above, would preservation. The harm caused would be contrary to the expectations of the Act, and conflict with paragraph 193 of the National Planning Policy Framework (the Framework), which sets out the great weight to be attached to the conservation of designated heritage assets.

11. The Council's assessment of the application subject of Appeal B did not include consideration of effects on the fabric or plan form of the listed building. Each would however be subject of alteration. I interpret this as an omission, rather than an implicit indication of the Council's acceptance of these aspects of the scheme. It can only logically follow from my assessment above that the loss of historic fabric required to facilitate access into the extension would accentuate the harm that its addition would otherwise cause. The creation of an access corridor on the first floor would also produce a more convoluted plan form, which, whilst clearly modern, would nonetheless detract from the appreciation of the historic character of internal space, and perception of the original building as a distinct entity. Additional harm would thus arise.
12. The scheme includes the replacement of a plastic window. I have been provided with no indication of whether this feature is lawful, but it clearly detracts from the character and appearance of the listed building. Whilst scope therefore exists to achieve improvement, no detailed drawings or specification of the replacement window have been set before me. The acceptability of this aspect of the scheme is therefore incapable of full assessment. Consequently, this issue could not be properly resolved through the imposition of a condition.
13. The decision notice additionally states that less than substantial harm would be caused to the setting of the listed building. In this case the Council's concern relates to the yards immediately to the rear. Insofar as these form components of the historic plot, and that to the rear of No 3 once contained a second cottage, they make a positive contribution to the significance of the listed building. Notwithstanding the proposed changes in the building footprint however, the yards would not be harmfully compromised, and neither therefore would the contribution that they make to the significance of the listed building.
14. In summary, I find that the special interest of the listed building would not be preserved by the scheme, and that its significance would not be conserved. With reference to the Framework, I find that the scheme would cause less than substantial harm to the significance of the listed building. Such harm attracts great weight.

(b) Conservation Area

15. The site is located within the Conservation Area. Insofar as it is relevant to these Appeals, the significance of the Conservation Area resides in the historic layout of the town, and the collection and interrelationship of historic buildings and spaces it contains. These include the listed building, which thus makes a positive contribution to the significance of the Conservation Area. Its history of adaptation to form part of a cluster of cottages has also been identified as reflecting an important phase in the town's history.
16. I have already found that the scheme would harm the significance of the listed building. In this regard visibility of the proposed extension would not extend much beyond the limits of the plot, and that adjacent. The adverse external effects of the scheme would not therefore be openly perceived by the general public. Be that as it may, the Conservation Area is a sum of both its public and

private parts. By causing harm to the significance of the listed building, and in particular by obscuring the ability to appreciate its developmental history, the scheme would also harm the contribution that the listed building makes to the significance of the Conservation Area as a whole.

17. In summary, I find that the scheme would not preserve or enhance the character or appearance of the Conservation Area, or conserve its significance. This would again be contrary to the Act, and paragraph 193 of the Framework, as set out above. With reference to the Framework, I find that the scheme would cause less than substantial harm to the significance of the Conservation Area. Such harm attracts considerable importance and weight.

(c) Balance

18. In sections (a) and (b) above I have attached great weight to the less than substantial harm that would be caused to the significance of the listed building, and considerable importance and weight to the less than substantial harm that would be caused to the significance of the Conservation Area. In accordance with paragraph 196 of the Framework, it is necessary to balance this harm against the public benefits advanced in favour of the scheme.
19. The appellant argues that the extension would help to secure a viable future for the building. However, I have been provided with no evidence which supports this assertion. Indeed, the building is currently occupied, and there appears to be no obvious reason why it shouldn't remain so whether or not the scheme was implemented. The appellant's argument therefore attracts no weight.
20. The extension would otherwise serve to benefit the occupants. As this would be a private benefit, it again attracts no weight. Constructing the extension would generate a small amount of work for contractors. Any benefit to the broader economy would be correspondingly small. It therefore attracts no more than negligible weight. Given that the public benefits of the scheme attract no more than negligible weight, they would not outweigh the harm that it would cause.
21. I am mindful that the Council did not identify harm in relation to the fabric or plan form of the listed building. I am however satisfied that my overall findings in relation to section (a), and paragraph 196 above would be the same whether this additional harm was taken into account or not. As such, the additional harm identified is not determinative in relation to this matter, and nor is it therefore determinative in relation to Appeal B. As such the interests of neither party are prejudiced by my findings.
22. For the reasons outlined above I conclude that the scheme would have an unacceptable effect on designated heritage assets. With regard to Appeal A, and insofar as it is relevant to Appeal B, the scheme would conflict with Policy ENV4 of the West Dorset, Weymouth & Portland Local Plan 2015 (Local Plan) which states that development should conserve the significance of heritage assets. With regard to both Appeals A and B, the scheme would fail to satisfy the requirements of the Act, and heritage policy set out within the Framework.

Living conditions

23. The proposed extension would be constructed parallel with the addition to the rear of No 3. The principal windows within the latter would face towards it, much as they currently face towards the existing extensions. I have not been provided with an internal floor plan of No 3, however it appears that the ground

and first floor windows towards the rear end of the facing elevation serve habitable rooms. At this point a reasonable gap currently exists between the facing elevation and existing extensions at No 2. A much smaller gap exists closer to the main street fronting range.

24. The extension would be of lesser height than the addition to the rear of No 3, but its construction would nonetheless entail a marked increase in the overall height and massing of built form. This would result in an increased sense of enclosure, both of the facing elevation, and of the space between. This would not be relieved by the modestly increased width of the gap close to the main street fronting range, given that it would otherwise be more substantially narrowed towards the rear. The resulting effects would be more oppressive than those which arise within the current layout, within which the single storey L-shaped form, positioning and pent roofs of the existing extensions provide at least some relief. The adverse effects would be further exacerbated by the blankness of the side of the proposed extension above ground floor level.
25. The Council additionally identified harm in relation to light. The height and form of the existing extensions at No 2 do not currently appear to cause any obstruction of daylight in relation to either of the first-floor windows, or the rearmost ground floor window within the facing elevation at No 3. It is however likely that this would change given the differing layout and the increased height and massing of proposed extension, and that some obstruction of daylight would occur. The consequent reduction in the amount and quality of daylight received by the rooms in question would accentuate the adverse effects identified in relation to outlook above.
26. The extension would be positioned towards the north of the existing addition at No 3, whose principal elevation and windows are themselves orientated towards north. This indicates that the latter currently receive very little if any sunlight, and that the extension would cast little if any shade. The proposed extension would therefore be unlikely to cause a harmful loss of sunlight for occupants of No 3.
27. For the reasons set out above I conclude that the scheme would unacceptably harm the living conditions of occupants of No 3 in relation to outlook and daylight. It would therefore conflict with Policy ENV16 of the Local Plan which seeks to restrict development that would give rise to significant adverse effects in relation to overbearing and loss of light.

Conclusion

28. The scheme would cause unacceptable harm to designated heritage assets. In relation to Appeal A the scheme would additionally cause unacceptable harm to the living conditions of neighbours, and in each regard give rise to conflict with the development plan. There are no other considerations which alter or outweigh these findings. Therefore, for the reasons set out above, I conclude that Appeal A and Appeal B should be dismissed.

Benjamin Webb

INSPECTOR