



Appeal Decision

Site visit made on 8 September 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2021

Appeal Ref: APP/D1265/D/21/3269360
29 Ventnor Road, Portland DT5 1JE

- 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 Calvin Samways against the decision of Dorset Council.
 - The application Ref WP/20/00481/FUL, dated 20 July 2020, was refused by notice dated 11 December 2020.
 - The development proposed is replacement of existing raised patio area, removal of portion of garden wall to facilitate vehicular access to new parking area under replaced patio. To incorporate new access steps to dwelling.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Calvin Samways against Dorset Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, with particular reference to the Underhill Conservation Area (the CA).

Reasons

4. No 29 is a dwelling elevated above and accessed from Ventnor Road, from which it is separated by a large stone retaining wall. The mainstay of the site is outside of the CA and within its immediate setting, but the wall is inside the CA. As such, I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA with regard to the works to the wall. I must also consider the effect of the proposal on the significance of the CA which derives from its setting.
5. As heritage assets are irreplaceable, any harm requires clear and convincing justification. The National Planning Policy Framework (the Framework) advises that harm which is less than substantial must be weighed against any public benefits of the proposal. It also provides that great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
6. As set out in the Appraisal of the Conservation Areas of Portland (amended 2017) (the Appraisal), the significance of this part of the CA derives from its nineteenth century residential expansion of terraced streets, including Ventnor Road. It also identifies that a key characteristic of the CA is the proliferation of freestanding and retaining stone or brick walls of varied style and height in the

- private and public domain. These walls are known for their impressive quality, scale, construction and extent; an indication of the ready access to local stone.
7. With regard to the setting of the CA, No 29 itself and its grounds are clearly modern in appearance which aids their legibility as later additions to the setting of the CA. The proposed works within its grounds, such as the introduction of modern glass balustrading, would simply reinforce this established situation.
 8. However, the wall which bounds the site is a well-constructed, large scale and prominent historic (late Victorian) structure of attractively textured stonework. It sweeps around and retains a bend in Ventnor Road contributing to a characterful sense of enclosure and, with the exception of the modest and quite innocuous doorway, its integrity is largely intact. Whilst not included within a key view or individually identified by the Appraisal, there can be no doubt that the wall makes a decisive, positive contribution to the significance of the CA.
 9. The insertion of the access would remove a length of attractive historic fabric from the CA and replace it with a modern garage door serving the parking area. The seamless flow of the wall and its sense of robustness would be compromised, as would the intimate enclosure it provides to Ventnor Road. Given that an integral section of the wall would be removed, the harm that would arise would not be mitigated by the reinstalment of stonework elsewhere. Overall, less than substantial harm to the CA would result.
 10. I observed the existing garage and parking apron opposite the site. However, the detailed circumstances for their creation are not before me. I do not find this to be a justification for further harmful works to the CA in any case.
 11. Turning to public benefits, the provision of onsite parking would lead to a small reduction in parking pressure along Ventnor Road and less need for pedestrians to walk in the carriageway to access vehicles away from the site. As evidenced by the letters of third parties presented by the appellant, the existing doorway and steps to No 29 are substandard. The improved access arrangement would therefore enhance the safe and inclusive use of No 29 for existing and future residents and their visitors. Despite reference by the appellant, the term 'optimum viable use' applies to heritage assets, not No 29 in this case.
 12. Individually and together, these amount to public benefits of modest weight. They are not a clear and convincing justification for the less than substantial harm to the CA, the conservation of which attracts great weight in the balance.
 13. I therefore conclude that the proposal would have an unacceptable effect on the character and appearance of the area, with particular reference to the CA. It would conflict with the heritage aims of Policy ENV4 of the West Dorset, Weymouth and Portland Local Plan (adopted 2015) and the Framework.

Conclusion

14. The proposal would conflict with the development plan when read as a whole and there are no other considerations, including the Framework, which would outweigh this conflict. For these reasons, and taking into account all other matters raised, I shall dismiss the appeal.

Matthew Jones

INSPECTOR