



Appeal Decision

Site visit made on 22 September 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2021

Appeal Ref: APP/D1265/W/21/3273466

Ropers Court, Barrack Street, Bridport DT6 3LU

- 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 P.T.L Mullen against the decision of Dorset Council.
 - The application Ref WD/D/20/001421, dated 16 June 2020, was refused by notice dated 6 January 2021.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a new dwelling at Ropers Court, Barrack Street, Bridport DT6 3LU under the terms of the application Ref WD/D/20/001421, dated 16 June 2020, and in accordance with the following 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 plans: Block Plan, 1149/01, 1149/02.
 - 3) Prior to installation, details, including samples, of the materials to be used in the construction of the external surfaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 - 4) Prior to the installation of joinery, detailed drawings (at a scale of 1:5, 1:10 or 1:20 as appropriate) showing the design, materials and construction specifications of all windows, the front door and rooflights shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details.

Procedural Matters

2. The appeal is accompanied by a set of drawings which show a differently designed dwelling at the site. The design is so markedly different that, mindful of the Wheatcroft principles¹, had I taken these drawings into account it is likely that other parties would have been prejudiced. I have therefore determined the appeal on the basis of the development subject to the Council's decision and upon which interested people's views were originally sought.
3. Since the appeal was submitted, the Government has published a new National Planning Policy Framework (the Framework). The main parties have had the opportunity to provide comments on the revisions therein and I have therefore had regard to the revised Framework without prejudice to either party.

¹ Bernard Wheatcroft Ltd v Secretary of State for the Environment and Another (1980)

Main Issues

4. The main issues are:

- the effect of the proposal on designated heritage assets, with specific regard to the Bridport Conservation Area (the CA) and 32 Barrack Street; and,
- whether or not adequate living conditions would be created for future users.

Reasons

Designated Heritage Assets

5. The appeal site is a small, open corner plot at the junction of Cordova Gardens with Barrack Street and St Andrews Road. The historic cottages 1 and 2 Ropers Court are to the south. To the west, on the other side of a pedestrian access to 1 Ropers Court, is the gable end of 32 Barrack Street, a Grade II listed house. The site and these environs fall within the CA. I therefore have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA and a duty to have special regard to the impact of the proposal on the setting of the listed building.
6. The significance of this part of the CA derives from the quality of its housing, which is highly diverse and was built across a range of periods providing individual expressions of architectural scale and style². The significance of 32 Barrack Street is drawn from its fabric; principally its stacks and its stuccoed frontage set with sash windows. The house was constructed in the mid-19th century and its setting will have changed as Bridport grew. It is now defined by the building's presence within a busy and varied streetscape.
7. The site is a rather drab pocket of dead space, and I understand a magnet for litter and antisocial behaviour. A building once stood here, but was demolished, presumably to allow for the curved and highly engineered Cordova Gardens access splay. The introduction of Cordova Gardens also appears to have promoted the prominence of the rear, east elevations of 1 and 2 Ropers Court, which were clearly not designed with such publicity in mind. These houses instead face west, presiding over the now illegible Stake Lane, the entrance to which once passed between the site and 32 Barrack Street. As such, this area of public realm and the appeal site have a negative effect on the significance of the CA and, to a limited extent, the setting of 32 Barrack Street.
8. The house would echo the massing of the previous building and resurrect the historic layout at this corner of the CA. It would not look cramped, as houses often fill the front of their plot here. It would legibly reassert the route and enclosure of Stake Lane as an historic way. Mapping shows that the former building stepped out beyond the front of 1 Ropers Court in a similar manner to that proposed. The dwelling would also step beyond the rear elevation of the same property slightly, but this is not a building line sensitive to such a change.
9. The Council is also concerned about elements of detail, such as the window design and the inset balcony. However, given the diversity of buildings in the area, many of which have balconies of differing design, these are not concerns I share. Instead, the modern and bespoke design of the dwelling would allow it to read as an honest and legitimate addition to the collective of discrete expressions of built form which characterise this part of the CA.

² As reflected in the Bridport Conservation Area Appraisal

10. The design approach would also ensure the dwelling would not compete with the authentically historic appearance of 32 Barrack Street. In my view, a more traditional design utilising pastiche detailing could well undermine the status and primacy of the adjacent listed building. For these reasons, the proposal would enhance the character and appearance of the CA, with a slight positive effect on the limited significance 32 Barrack Street draws from its setting.
11. I therefore conclude on this issue that the proposal would have an acceptable effect on designated heritage assets, with specific regard to 32 Barrack Street and the CA. It would accord with the heritage aims of Policies ENV4 and ENV12 of the West Dorset and Weymouth and Portland Local Plan (Local Plan) (adopted 2015) and the Framework.

Living conditions

12. The diversity of the built environment and the lack of its holistic planning is further reflected in its plot shapes and sizes, with several examples of very small dwellings served by very little, and sometimes no, private amenity space. Examples of such include 3 and 4 St Andrews Road, directly across the street.
13. The constraints of the plot dictate that the living environment within the dwelling would be inevitably small. However, the proposal would not conflict with the Technical housing standards – nationally described space standard as it is designed as a single person unit. The layout would provide all necessary facilities, including a small area of outside space. Principal living areas would benefit from adequate light, with the louvres ensuring that a balance could be struck between access to outlook and light and privacy. The sense of space within the house would also be enhanced by the vaulted first-floor ceiling.
14. There is no evidence that adequate kitchen ventilation could not be installed within the fabric of the building. I am also satisfied that there would be adequate partition between the kitchen and toilet spaces. I observed that dedicated bin storage space is somewhat of a luxury here, as is typical within historic environments. I see no reason why inobtrusive bin storage could not be situated in this case, such as within the access lane to the west of the property. Log storage demands could be very small and could be met within the dwelling.
15. It is also pertinent that the site is very close to the centre of Bridport and users would benefit from quick access to the broad range of services in the town, including public open space, such as that at Mountfield. Consequently, whilst I recognise the constraints inherent within the layout, the design of the proposal ensures that an adequate standard of amenity would be provided for users within the context of this established, high density residential environment.
16. Accordingly, I conclude on this issue that the proposal would create adequate living conditions for future users. It would accord with the residential amenity aims of Policies ENV12 and ENV16 of the Local Plan and the Framework.

Other Matters

17. My attention has been drawn to various concerns raised by interested parties. Given the generous standard of the splay serving the Cordova Gardens access, the proposal would not unsafely reduce visibility for vehicles using the junction. Whilst the site has been used for parking previously, it is private land, and any parking within the space could be ceased regardless of my decision. As such, tangible parking would not be lost by the redevelopment. At my visit I saw a

modicum of on street parking available and the modest parking requirements of the single dwelling would not prejudice the integrity of the highway network.

18. Whilst the balcony would allow overlooking of nearby properties, the impact of such on the living conditions of neighbouring residents would be acceptable in this area punctuated by high levels of quite close range, mutual overlooking between houses. There is no evidence before me that the house would be used as a holiday let. Instead, the dwelling would contribute to addressing the current housing shortfall. The safety of the public during the construction phase is a matter which would be considered under separate legislation. I have no reason to believe that the living arrangement would be unsafe for future users.

Conditions

19. 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 scheme is developed in a manner which reflects the quality and sensitivity of the CA, respective conditions are necessary to secure the detailed finish materials for the building and the design, materials and construction specifications of the windows, front door and roof lights. However, I see no reason why the submission of these details cannot be made prior to their installation.
20. Given that the dropped kerb is outside of the appeal site and not directly related to the proposed development, and as this matter is subject to separate legislation, it would not be reasonable or necessary for a condition to seek its removal. Given the high accessibility of the site to the services of Bridport and its sustainable transport options, I do not consider it necessary for cycle storage to be mandated through a condition in this case.

Conclusion

21. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal should be allowed.

Matthew Jones

INSPECTOR