



Appeal Decision

Site Visit made on 13 September 2021

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2021

Appeal A Ref: APP/D1265/W/21/3276545

Tudor Cottage, Church Road, Bradford Abbas DT9 6RF

- 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 Mrs Jennifer Thomas against the decision of Dorset Council.
 - The application Ref WD/D/20/002276, dated 16 September 2020, was refused by notice dated 28 April 2021.
 - The development proposed is described as 'Erection of replacement conservatory (retrospective)'.
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Appeal B Ref: APP/D1265/Y/21/3276549

Tudor Cottage, Church Road, Bradford Abbas DT9 6RF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mrs Jennifer Thomas against the decision of Dorset Council.
 - The application Ref WD/D/20/002277, dated 16 September 2020, was refused by notice dated 28 April 2021.
 - The works proposed are described as 'Works to facilitate erection of replacement conservatory'.
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Decisions

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

Preliminary Matters

3. The revised National Planning Policy Framework (the Framework) published on 20 July 2021 sets out the Government's planning policies for England. Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. The parties were given the opportunity to comment on this matter, and I have had regard to the updated Framework in determining this appeal.
4. The development and works affect a Grade II listed building located within a conservation area, and I shall therefore have special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Both appeals relate to the same site and raise similar issues, and I shall therefore consider them in a single document, in the interests of brevity.
5. The description of the proposed development and works as detailed on the application form has been amended in subsequent documents. I have adopted

the descriptions included on the appeal forms, which detail the extent of the development and works accurately.

6. The appeal scheme has already been carried out, and I have determined the appeal on the basis that planning permission and listed building consent are sought retrospectively.

Main Issue

7. The main issue is whether the development and works preserve the significance of the Grade II listed building known as Tudor Cottage, and preserve or enhance the character or appearance of the Bradford Abbas Conservation Area.

Reasons

8. The appeal property is a handsome cottage set within spacious, landscaped grounds, which dates from the 17th century and was formally listed in 1986. The Grade II listed building comprises rubble-stone walls and a substantial thatched roof, and retains many historic features, which include its irregular fenestration and arched doorway. Given the above, I find that the significance of this Grade II listed building derives principally from its architectural detailing and unusual footprint, but also its historic interest as an attractive traditional cottage reflecting the local area's rural vernacular.
9. The appeal site lies within the village of Bradford Abbas, a large part of which is designated as a Conservation Area. The Bradford Abbas Conservation Area draws its special interest from its character and appearance as a traditional village with a long history, as reflected by the rich collection of buildings dating from previous centuries. By reason of its significance and prominence at the heart of the village, there is no doubt that Tudor Cottage makes a significant contribution to the character and appearance of the Bradford Abbas Conservation Area.
10. The existing conservatory has replaced an earlier aluminium structure which was in a state of disrepair. The Council has been unable to find evidence that the previous structure ever had consent. The appellant's submissions suggest that the opening providing access to the conservatory was formed during the 1930s and the former structure was erected in the late 1970s, but this is not supported by firm evidence. My attention has however been drawn to a photograph dated 1984 showing the aluminium conservatory, which would suggest that the structure would have been in place at the time of the statutory listing.
11. Notwithstanding this, it is clear that, as shown on the submitted photographs, the former conservatory was of a lesser scale, height and footprint. By reason of its excessive scale and height, the replacement structure covers a significant aspect of the property's southern elevation and appears as a discordant and disruptive feature, which overwhelms this part of the building, whilst also diminishing its simplicity and vernacular character.
12. The conservatory includes vast expanses of glazing to give the structure a lightweight appearance, but the thickness of the timber frame, together with the projecting rooflights and arched features, add unnecessary bulk. This results in a structure which fails to respect the traditional design of the listed building and its historic plan form. Whilst I have had regard to the alterations

suggested by the appellant, these would not be sufficient to address the harm caused by the existing structure in respect of its size and design.

13. Although the conservatory is not visually prominent within the street scene, it is nevertheless visible from the adjacent public right of way. Furthermore, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the property can be gained. For the foregoing reasons, the development and works erode the appreciation and understanding of Tudor Cottage, to the detriment of its significance. As the listed building makes an important contribution to the character and appearance of the Conservation Area, it follows that the appeal scheme also has a detrimental impact upon this designated heritage asset.
14. The development and works cause less than substantial harm to the significance of the Grade II listed building and the special interest of Bradford Abbas Conservation Area. In such circumstances, paragraph 202 of the Framework requires the harm to be weighed against the public benefits of the proposal. The conservatory provides additional accommodation to the residential property, but these benefits remain largely private. Having regard to the available evidence, I have also no reasons to believe that the continued occupation of the listed property is dependent on the retention of the conservatory. Moreover, whilst the removal of the former structure could be regarded as a public benefit, this is negated by the harm caused by the replacement conservatory. Overall, I have been presented with no public benefits which outweigh the identified harm.
15. My attention has been drawn to a number of conservatories which have been granted listed building consent and/or planning permission within the area administered by the Council. However, having regard to the submitted information, I am not certain that the circumstances of these particular cases represent a direct parallel to the appeal scheme before me, which I am required to assess on its individual merits.
16. Given the above, the appeal scheme fails to preserve the significance of the Grade II listed building, but also the character and appearance of the Bradford Abbas Conservation Area. It therefore conflicts with Policies ENV4 and ENV12 of the West Dorset, Weymouth and Portland Local Plan (adopted October 2015) and Section 16 of the Framework. These notably seek to ensure that development conserve and where appropriate enhance the significance of heritage assets, and that the quality of the architectural is appropriate to the type of building.

Conclusion

17. There are no material considerations, which indicate that the appeals should be determined, other than in accordance with the development plan. For the reasons detailed above, and having regard to all other matters raised, I conclude that both appeals should be dismissed.

S Edwards

INSPECTOR