
Appeal Decision

Site visit made on 13 June 2022

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30TH June 2022

Appeal Ref: APP/D1265/W/21/3286720
7 Custom House Quay, Weymouth DT4 8BE

- 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 M Allen against the decision of Dorset Council.
 - The application Ref WP/21/00180/FUL, dated 2 March 2021, was refused by notice dated 21 May 2021.
 - The development proposed is replacement of former windows and doors on both ground and first floor on the front elevation (retrospective).
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Decision

1. The appeal is allowed, and planning permission is granted for the replacement of former windows and doors on both ground and first floors on the front elevation at 7 Custom House Quay, Weymouth DT4 8BE in accordance with the terms of the application, WP/21/00180/FUL, dated 2 March 2021.

Preliminary Matters

2. For reasons of precision and clarity, I have taken the description of development from the Council's decision notice. The site address provided on the application form also differs from that on the Council's decision notice. During the appeal, the appellant confirmed there was an error on the title documents and that the address on the decision notice was correct. I have therefore determined the appeal on this basis.
3. I note that the application is retrospective and that the development has already taken place. For the avoidance of doubt, I have determined this appeal on the plans as submitted.
4. Following the Council's decision on the appeal application, the National Planning Policy Framework (the Framework) has subsequently been revised by the Government. As a result, the reference to Paragraph 196 as referred to in the Council's decision notice has been moved to Paragraph 202. The test in relation to less than substantial harm to the significance of a designated heritage asset remains unaltered.

Main Issue

5. The main issue is whether the development preserves or enhances the character or appearance of the Weymouth Conservation Area (WCA).

Reasons

6. The appeal site lies within the WCA, and forms part of a group of historic buildings that front onto Weymouth Harbour. This part of the WCA comprises a range of building types, with a variety of architectural styles and materials including brickwork, coloured render, painted facades and stonework. The majority of the buildings which adjoin the appeal site, along with the appeal property itself, are in commercial use and have been adapted and amended accordingly. This variety contributes to the character of the area, by creating visual interest, along with a sense of vibrancy and activity.
7. Section 72(1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 identifies the desirability of preserving or enhancing the character or appearance of the Conservation Area. This is reflected in Policy ENV4 of the West Dorset, Weymouth and Portland Local Plan (Local Plan) which identifies that development should conserve and where appropriate enhance the significance of a designated heritage asset.
8. As is the case with their architectural design, the windows of the buildings along the Quayside are also varied, with a number of properties having more modern openings to reflect their commercial uses, particularly on the ground floor. The predominate colour of windows is white, however there are a number of instances where darker colours and more modern materials have been used. Whilst a number of buildings are characterised by the presence of more traditional window designs, I do not consider this style to be the predominate characteristic, but instead the character to be one of a variety of style and type.
9. Whilst the style, design and colour of the replacement windows may be different to that of other buildings along Custom Quay, due to the existing variety, I do not necessarily find that this results in harm to the WCA. Considering the range of building designs, mix of colours and the varied approach to fenestration that characterises this part of the WCA, I do not find the replacement windows to be overly prominent, or to represent a distracting feature that is readily noticeable in the context of its surroundings. Furthermore, I note that the design of the windows and doors, is such that it allows for the retention and legibility of the existing building. As a result, I find that the proposals preserve the character and appearance of the WCA.
10. For these reasons, I therefore conclude that the proposal would not harm the significance of the WCA and, in this respect, complies with Policy ENV4 of the Local Plan and the Policies contained within Part 16 of the Framework. In coming to this conclusion, I have had regards to my duty under S72(1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 as to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Conclusion

11. I conclude, for the reasons outlined above, that the appeal should be allowed and, that as the development appears to have been completed, no conditions are necessary.

Adrian Hunter

INSPECTOR