



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/D/22/3290182

Digby House, Barrack Road, Weymouth, Dorset DT4 8UF

- 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 Mitchell and Mrs G Chater against the decision of Dorset Council.
 - The application Ref WP/21/00077/FUL, dated 29 January 2021, was refused by notice dated 15 October 2021.
 - The development proposed is create accommodation at second storey by removing existing roof structure and providing new roof with ridge 0.75m higher than existing. Provision of two flat roof dormers to rear with one Juliet balcony and roof windows to four sides. Material finishes to include brickwork, render and tiles to match existing. Application in addition to approved work under WP/19/00072/FUL.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For reasons of clarity and precision, I have taken the description of development from the Council's decision notice.
3. The appeal site address also differs between the appeal application forms and the Council's decision notice. For reasons of clarity and precision, I have taken the site address from the Council's decision notice.

Main Issue

4. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Weymouth Conservation Area (WCA) and affect the setting of the neighbouring listed buildings.

Reasons

5. The appeal site comprises a detached dwelling, positioned on The Nothe. The building is relatively simple in design with brick and render walls, with a hipped tiled roof. At the time of my visit, extensions to the property had commenced. The property benefits from a rear garden and is surrounded on three sides by established landscaping.
6. The appeal site lies within the WCA. This part of the WCA comprises a mix of development uses, but is predominately residential, although to the east is Nothe Fort, which is a Victorian era coastal defence, located on the headland.

7. To the south, further along The Nothe are a pair of semi-detached dwellings, beyond which is a more modern, single storey dwelling. To the north are Coastguard Cottages, a row of terraced dwellings, uniform in appearance and relatively simple in their design, brick built, with detailing around the windows and exhibiting a simple, unaltered roofscape. These buildings are Grade II Listed. To the south-west is a modern development known as Admiral's Quarter, made up of a mix of houses and flats. This development exhibits a modern, contemporary style, with some taller buildings, and the use of modern materials including glazing.
8. There is an extensive area of public open space that wraps around the appeal site, which includes a number of uses including car parking, a café, toilet block, children's play area and picnic areas. This open and verdant space makes an important contribution to both the WCA and the Listed Buildings, allowing good views of all buildings, including the appeal site, from a number of vantage points.
9. Raising the height of the roof of the existing building would increase its scale and bulk. This would result in a form of development that would be out of proportion and would not sit comfortably with the existing dwelling. It would therefore appear as an incongruous form of development. Furthermore, the provision of the dormers, would introduce alien features that would result in an overly complex roofscape, which would be at odds with surrounding developments, in particular the relatively simple roofscape of Coastguard Cottages. The proposed development therefore results in a design that would fail to adequately respond to the historical significance of its immediate locality.
10. In coming to this conclusion, I have also considered other developments within the vicinity of the appeal site, in particular Admirals Quarter. I note from the appellant's submissions that they have sought to reflect this development within their proposals. To my mind however, given the position of the appeal site and the visual connection created by the extensive open area to the rear, I consider the appeal site is more closely tied to the historical development, than the more modern, self-contained influence of Admirals Quarter.
11. Given the above, I find that the proposal would fail to preserve the significance of the WCA. Consequently, I give this harm considerable importance and weight in the planning balance.
12. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
13. The appellant has not advanced any arguments in relation to the development's public benefits. Consequently, the development would conflict with policies EN4 and ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015) and the Urban Design Weymouth Supplementary Planning Guidance. The proposed development would also conflict with the aims of the Framework as it would fail to sustain the significance of the designated heritage asset where the public benefits would not outweigh the harm. 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. Moreover, due to the harm caused, the development would also diminish the setting of the listed buildings, contrary to Section 66(1) of the Listed Building and Conservation Areas Act 1990. This also carries considerable weight and reinforces my reasoning.

Other Matters

14. The applicant has referred me to an error with the registration of the appeal application. I consider this to be an administrative matter and it has had no bearing on my consideration of this appeal. Neither have I have regard to negotiations between the Council and the appellant during the course of the appeal application. My role here is clear, which is to deal with the appeal proposal as refused by the Council. In any event, I am required to consider the appeal scheme on its merits.
15. Furthermore, I note that the Council raise no other issues in relation to impact upon surrounding residents, parking and access and impact upon trees, amongst other things. However, as these are requirements of policy and legislation, the absence of harm in respect of these matters are neutral factors that weigh neither for nor against the development.

Conclusion

16. I conclude, for the reasons outlined above, that the appeal should be dismissed.

Adrian Hunter

INSPECTOR