



Appeal Decision

Site visit made on 2 August 2022

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2022

Appeal Ref: APP/D1265/W/22/3293048

Bimport House, 15 Bimport, Shaftesbury, SP7 8AT

- 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 N Fox against the decision of Dorset Council.
 - The application Ref P/FUL/2020/00453, dated 17 December 2020, was refused by notice dated 19 August 2021.
 - The development proposed is conversion and extension of existing outbuilding to form new dwelling; vehicle access and associated development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 1 April 2019 North Dorset District Council merged with East Dorset District Council, Purbeck District Council, West Dorset District Council and Weymouth and Portland Borough Council to become Dorset Council. The development plans for the merged local planning authority remain in place for the former area of North Dorset District Council until such a time as they are revoked or replaced. It is therefore necessary for me to determine this appeal with reference to policies set out in the plans produced by the now dissolved North Dorset District Council.

Main Issues

3. The main issues are:
 - a) The effect on the character and appearance of the area, including the Shaftesbury Conservation Area (SCA), the setting of the adjacent listed building, known as Nos. 5 and 7 Bimport, and the non-designated heritage asset (NDHA), known as Bimport House, and
 - b) Whether the proposal would secure acceptable living conditions for future occupiers of the proposed dwelling, with regard to layout.

Reasons

4. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be

paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

Significance and settings

5. The appeal building stands within the SCA at the edge of the settlement's historic core. This part of the SCA is characterised by many large plots with detached dwellings and verdant gardens that contrast with the tightly packed core. This layout, and other elements such as the use of traditional materials and boundary treatments, are significant positive contributors to the character and appearance of the SCA.
6. Nos. 5 and 7 Bimport are covered by a single listed building designation and stand immediately to the east of the site. Their ashlar stonework, refined fenestration and simple projecting stone band are characteristics that contribute to the listed building's special interest. As does the low stone wall topped with railings that defines the small front garden area, giving the two dwellings significant presence and status as they face towards Bimport, marking the transition between the densely packed development of the town's core and the larger and more open plots beyond. The front wall and railings are covered by a separate listed building designation.
7. Bimport House is one of these large garden plots that sit outside of the settlement's historic core. Although it is considered by Historic England to fall short of the criteria required for listing, it is clearly of historic value and can be considered a NDHA. It is included in the Shaftesbury Neighbourhood Plan 2019-2031 (NP) as a Locally Important Building. It has a fine and well composed front elevation, set back but visible from Bimport, with well-proportioned windows with stone transoms and mullions and a decorative chimney topping its low hipped roof. The low ashlar wall that defines its front garden, topped with railings with spear shaped finials and urns, is very similar to the listed railing to the east. It is suggested that the front boundary could be older than the house, which is quite possible given its appearance. This front boundary is a valuable component of the streetscene and important to the historic integrity of this part of the SCA and the setting of other historic buildings.
8. The proposal would see the existing outbuilding converted and extended. It is suggested that this building may pre-date Bimport House, however it does not appear to possess any particular historic interest or architectural merit.

Effect of the proposal on the character and appearance of the SCA, the setting of the adjacent listed building and the NDHA.

9. The proposed extension to the building is sizeable. It would add a substantial two storey extension to the rear of the building that would be seen over the top of the raised front roof, visible from the environs of Bimport House and intruding somewhat into its open and spacious setting. Its impact would be exacerbated by the formation of a driveway to the front and side of the building and the provision of two parking spaces across the front. Furthermore, altering the building so that it serves as a separate dwelling would strip a substantial house of a potentially useful ancillary building, with no alternative provision made for garaging or storage elsewhere and limiting the area within which such buildings could be successfully accommodated. Together these changes would erode the spacious setting of the building which would be harmful to its character and appearance.

10. The outbuilding is not currently visible from the road due to the extent of the existing vegetation behind the railings, thus alterations would have little impact on the appearance of the SCA when experienced from Bimport. However, in a broader sense, the manner by which the proposal would reduce the curtilage of Bimport House and crowd its setting due to the increased scale of the building would harm the character of the SCA by eroding the spacious scale of one of the large plots.
11. The proposal would also see the existing boundary wall and railings altered to improve visibility for the site access. In its decision the Council refers to plans entitled 'Site Plan Proposed' and 'LGPS/NF/Bimport/PP/01/01/Rev A'. These plans show a different arrangement for the access, however it would appear from the submissions before me that the proposal was amended by the appellant before the Council made its decision. I shall therefore assess this aspect of the proposal based on the more recent LGPS plan.
12. This plan would see approximately half of the front boundary wall rebuilt at a different angle. The rebuilt boundary fronting the road would be at odds with the strong prevailing boundary position to this part of Bimport including the alignment of the adjacent listed boundary.
13. The proposal would also see the existing access widened to allow two vehicles to pass. This arrangement would be entirely at odds with the existing arrangement, which is defined by a traditional linear and squared division of spaces rather than modern highways requirements. This intervention would not be minor. It would create a much wider gap to the front boundary that would appear unrefined and over engineered.
14. The realignment of the front boundary and the formation of the passing place would harm an important characteristic of this part of the SCA. It would also erode the well defined traditional frontage to Bimport House and would harm the setting of the adjacent listed building and front boundary.
15. The appellant compares the changes to those carried out opposite. It is not clear what this opening looked like before, when it was altered or what factors were taken into account by the decision maker. Thus, I am not satisfied that it should set a precedent that should weigh in favour of the proposal.
16. Permission has been given for a dwelling to be erected on the land to the west of Bimport House. I accept that this would erode the spacious setting of the house, however the consented dwelling would stand away from the existing building, whereas the extended and altered outbuilding would remove a substantial area of curtilage from very close to the rear of Bimport House. The front of the proposed dwelling would overlook the front garden of the existing dwelling and would cause it to appear heavily constrained, much more than it would if only the consented dwelling was developed.

Public Benefits

17. In terms of the National Planning Policy Framework (the Framework) the harm identified would be less than substantial. Paragraph 202 of the Framework establishes that any harm to a designated heritage asset should be weighed against the public benefits of the proposal. Paragraph 203 of the Framework establishes that the effect of an application on the significance of a NDHA

should be taken into account in determining an application. The paragraph also suggests a weighing exercise that has regard to the scale of harm or loss.

18. The existing access has very poor visibility. It serves the existing dwelling, the dwelling at the rear and provides rear access to the adjacent dwelling to the east. Drivers emerging from the lane onto Bimport have very little visibility of passing traffic and pedestrians. Drivers using Bimport have little prior warning of a vehicle emerging from the lane and there is a potential for conflict between those entering the lane and those trying to exit, although this is likely to be limited given the very small number of dwellings that it serves.
19. The proposal would improve this situation by providing space for two vehicles to pass at the end of the lane and improving visibility to the west. Visibility to the east would still be very constricted by the adjacent wall and railings. The proposal would increase the use of the existing access which would remain substandard. I consider it likely that those using the lane would do so with caution, knowing its limitations. Furthermore, it appears to be the case that drivers using Bimport would be mindful of the urban location and potential for vehicles to emerge from various access points. These factors lessen the weight that I should give to the junction improvements as a public benefit.
20. The existing building has suffered from a lack of routine maintenance. However, given its modest scale and position behind well established vegetation it is not harming the wider character of the area or the SCA in its current condition. It is likely that a future occupant of Bimpton House would seek to repair and invest in the building as a useful asset for storage and other ancillary uses. Accordingly, I give this public benefit limited weight.
21. The proposal would deliver a new dwelling in a location with good access to a wide range of services and facilities. The provision of housing is a clear public benefit that carries considerable weight, particularly in light of the Council's housing land supply position. However, the weight I give to this is lessened by the fact that the proposal would only deliver one dwelling and by my conclusion that the dwelling would fail to deliver adequate living conditions for future occupiers, as set out below.
22. Paragraph 189 of the Framework states that heritage assets are an irreplaceable resource. The public benefits of the proposal carry some weight in combination, however on the basis that paragraph 199 of the Framework establishes that great weight should be given to the conservation of a heritage asset, I am not satisfied that they would be sufficient to outweigh the degree of harm identified.
23. In summary, the proposal would harm the character and appearance of the area, including the SCA, the setting of the adjacent listed building, and Bimport House. It would fail to meet the requirements of the LBCA and would not accord with Policies 5, 7 and 24 of the North Dorset Local Plan Part 1 2011-2031 (LP) and Policies SFDH1, SFDH6, SFDH7 of the NP, which together seek to ensure that development proposals respect character and distinctiveness, are designed to improve the character and quality of an area and have regard to the desirability of sustaining and enhancing the significance of heritage assets.

Living conditions

24. The proposal is for a dwelling with three double bedrooms, three bathrooms and a large open plan living area. It would be provided with a small north facing garden that would only be accessible through one of the bedrooms and would thus be difficult to use. Furthermore, it is likely that future occupants would feel overlooked owing to the position of the access drive relative to the front of the dwelling, and the potential to look out from the rear of Bimport House to the proposed garden and into the dwelling through the large area of glazing to the roof of the proposed Living Room.
25. Added to this the only proper outlook from the open plan living space would be to the front, which would be over a small area that would be used for the parallel parking of cars.
26. In summary, the proposal would fail to secure acceptable living conditions for future occupiers of the proposed dwelling. It would thus not accord with Policies 7 and 24 of the LP, which together seek to ensure that development proposals are well designed and acceptable in terms of amenity.

Other Matters

27. The Council is unable to demonstrate a 5 year housing land supply and therefore a presumption in favour of sustainable development applies. However, with reference to paragraph 11 d) of the Framework, an exception is provided where policies in the Framework that protect assets of particular importance provide a clear reason for refusing the proposal. Footnote 7 establishes that this includes designated heritage assets. I have found that the proposal would harm the character and appearance of the SCA and the setting of the adjacent listed building. It would therefore not accord with the Framework. Consequently, the tilted balance does not apply.
28. The Council's fourth refusal reason refers to the inclusion of a vehicular driveway to the area of the permitted dwelling. The drawing entitled Site Plan Proposed shows this quite clearly, with parked cars shown within the area of the approved dwelling, however I understand that this dwelling was consented with no vehicular access. It is unclear what impact this would have on the implementation of the extant consent. However, as I am dismissing the appeal for other reasons this is not a matter I need to consider further and does not need to be a main issue of the appeal.

Conclusion

29. In conclusion, the proposal would conflict with the development plan and there are no other material considerations, including the Framework, that outweigh this conflict. Therefore, the appeal should be dismissed.

A Tucker

INSPECTOR