



Appeal Decision

Site visit made on 13 July 2022

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2022

Appeal Ref: APP/D1265/Y/22/3292314

West Mill, West Street, Bridport, Dorset DT6 3QX

- 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 Ms Gillian Harwood of Lewes Workspace Ltd against the decision of Dorset Council.
 - The application Ref P/LBC/2021/02938, dated 11 August 2021, was refused by notice dated 22 December 2021.
 - The works proposed are described as '*Application to retain fence panels erected to the High Street Boundary Wall*'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The appeal relates to a timber fence erected aside West Street along much of the Grade II listed building 'Wall and retaining wall to River Brit running along north side of pavement from the Court as far as West Mill SY 4693 2/521 SY 4692 3/521' (the Wall). The Wall is within the immediate setting of the Grade II listed building 'West Mills SY 4693 2/522' (the Mill), which is now a dwelling, and the site also falls within the Bridport Conservation Area (the CA).
3. Within this context, the main issue is the effect of the works on the special architectural and historic interest of the Wall, the setting of the Mill and if or not the works would preserve or enhance the character or appearance of the CA.

Reasons

4. The significance of the Wall lies in its form and fabric, with hammer dressed stone under a strong linear band of ashlar coping and a gateway embellished with pyramidal cappings. It possesses historic interest as nineteenth century infrastructure which retains West Street and helped channel part of the Brit as a millrace. It follows that it also contributes to the significance the Mill draws from its setting. The Wall's low height allows for views down to the river as it meets the Mill and its remnant sluice metalwork. It therefore makes a public contribution to the engineering heritage and thus the significance of the CA.
5. Although the fence rises from behind the Wall, it is a highly conspicuous addition which, given also its siting and height above the coping stones and cappings, the clearly intended tops of the building, significantly undermines its intended scale and the hierarchy of its design. Moreover, whilst relatively sophisticated for a fence, it is nonetheless a rudimentary addition when contrasted with the highly crafted stonework below. The utilitarian bolting of the fence posts halfway up the retaining wall lacks integrity. As such, the works fail to preserve the special architectural and historic interest of the Wall.

6. The fence, aside from a brief point at the gateway, also blocks public views of the river and its path to the Mill. It therefore conceals a critical facet of the Mill's historic functionality and an important aspect of Bridport's engineering heritage. Consequently, the works would harm both the significance that the Mill derives from its setting, and the character and appearance of the CA.
7. I would characterise the level of harm in each case to be less than substantial. Paragraph 199 of the National Planning Policy Framework (the Framework) explains that great weight should be given to the conservation of designated heritage assets. Paragraph 202 goes on to require decision makers to weigh any less than substantial harm to a designated heritage asset against the public benefits of the scheme, including securing its optimum viable use.
8. That balancing exercise must take place in the context of s.16(2) and s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which set a strong presumption against a grant of listed building consent for works that would cause harm to the special interest of a listed building and fail to preserve or enhance the character or appearance of a conservation area.
9. The appellant has clearly been an important custodian to both the Mill and the Wall, investing in the Mill's restoration, and that of what is now its garden, which included the reflowing of this section of the Brit along the Wall and under the Mill. However, these are public benefits which are not directly attributable to the proposed works before me, which relate to the fence.
10. The appellant has referred to security, but there is no evidence of this posing a substantive problem and, even if there was, it could potentially be addressed by other means, such as CCTV. Any notable reduction in pollution within the Mill's grounds and improvements to the privacy of residents attract little weight within this town centre location, where such effects and a level of mutual overlooking is to be anticipated. There is public benefit in the reduction of litter within the river and its reed bed. However, whilst I can imagine it is challenging to maintain this area, I find it nonetheless viable as an alternative to the works. One could make use of a long litter picker, for example. As such, these public benefits are modest and fail decisively to outweigh the harms identified.
11. These conclusions also draw the works into conflict with Policy ENV4 of West Dorset, Weymouth and Portland Local Plan 2011-2031 (adopted 2015) insofar as it seeks to protect heritage assets, including designated heritage assets.
12. The appellant has suggested that the works could be reversed, but given the circumstances, I do not see a feasible scenario where occupants would wish to remove the fence. My attention has been drawn to a short section of neighbouring fence along the Wall at its east end. I do not know the exact circumstances of these works, but, even with a degree of weathering, the fence does not set a positive design precedent for the appeal proposal in any event.
13. For these given reasons, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones
INSPECTOR