



Appeal Decision

Site visit made on 5 September 2022

by Thomas Bristow BA MSc MRTPI AssocRICS

an Inspector appointed by the Secretary of State

Decision date: 16th September 2022

Appeal Ref: APP/D1265/D/21/3289628

West House, West Road, Bridport DT6 6AE

- 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 Luke Thomas against the decision of Dorset Council.
 - The application Ref P/HOU/2021/00546, dated 29 January 2021, was refused by notice dated 4 November 2021.
 - The development proposed is described in the Council's decision notice as to 'replace and erect fencing'.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. I have used the Council's description of development in the banner heading above as it is more succinct than that in the application form. On 1 April 2019 Dorset Council was formed. Nonetheless, existing development plan documents of former District authorities remain extant, in this instance including the West Dorset, Weymouth and Portland Local Plan (adopted October 2015, the 'Local Plan'). Proposals must be determined in accordance with the development plan unless material considerations indicate otherwise.¹
3. The Council indicates that the rubblestone boundary wall to West House is listed. Section 1(5)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the '1990 Act') includes as listed 'any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948.' The appeal before me, however, is solely in relation to planning permission.

Main issue

4. The effect of the proposal on the setting of grade II listed West House.²

Reasons

5. West House faces the A35, close to it. Between the two is an area of garden, some planting, gated pedestrian access between ashlar stone piers set within a rubblestone boundary wall topped by a substantial hedge, footpath and grass verge or embankment. The latter rises to meet the carriageway, increasing in height as the ground level declines broadly from west to east.

¹ The development plan here also includes the Bridport Area Neighbourhood Plan, made May 2020.

² List entry No. 1287536, noting that section 66(1) of the 1990 Act places a duty on me to have 'special regard to the desirability of preserving the [listed] building or its setting...'.

6. The plot of West House extends beside the footpath, rather than to the rear. To the west it incorporates access and parking by the 'old flax shop'.³ To the east is a further, larger, area of garden. The topography declines markedly northwards. In that broad direction there are expansive views of the rural landscape, a patchwork of irregular fields cut by traditional hedgerows overlaying conical hills of the Chideock Hills Area of Outstanding Natural Beauty.
7. The list entry indicates that West House originated around 1800. It is of understated design, of a human scale, with traditional proportions. Consistent with local geology, it is constructed principally of coursed, dressed lias stone. Reflecting architectural preferences of that era, West House represents a transitional style between a simple rural character with polite architectural features (such as stone voussoirs and a later ashlar porch).
8. On account of its design, location, and as also alluded to by the old flax shop, West House grew up alongside increasing agricultural productivity and affluence around the turn of the nineteenth century. Therefore, insofar as relevant to this appeal, its significance derives not only from its traditional form, the use of local materials and historic craftsmanship, but also from its connection and affinity with rural surroundings. Those features honestly attest to the past in physical form.
9. Connecting, amongst other locations, Dorchester, Bridport and Axminster, the A35 is an arterial south-westerly route. Noise resulting from passing vehicles is readily apparent when within the garden of West House, as also reflected in the appellant's Noise Impact ('NIA').⁴ Understandably in that context, the proposal is to install solid timber fencing supported by steel posts designed to be of sufficient mass to provide some attenuation.⁵ The fence would be two metres high towards the west of the plot, stepping up to three metres eastwards. The fence would be set between the hedge bounding the property and various trees dotted about behind it.
10. The proposed fence would be somewhat obscured from view by virtue of the existing hedge. Most views of the proposed fence from the A35 would be fleeting and glimpsed, as opposed to from the north where the connection between West House and its rural surroundings is most clear. On account of the existing screening afforded by the hedge and established planting, West House is already somewhat enclosed. I also acknowledge that, as the appellant puts it, that the A35 may have historically been a 'muddy track' rather than what it is today. In that context the A35, aside from its route, is inherently anachronistic relative to a handcrafted historic property.
11. Nevertheless the proposed fence would be a substantial intervention. It would be blank and solid, more so than either the rubblestone wall or hedging above. It would jar against the human scale intrinsic to West House and its land. That disjuncture would, in my view, be particularly acute when seen in conjunction with the stone piers set within the boundary wall. Planting and hedges are

³ Converted to residential accommodation, to which planning permission and listed building consent Ref WD/D/17/001319 and WD/D/17/001320 respectively relate.

⁴ Undertaken by Healthy Abode Acoustics, Ref HA/AD725/V1.1.

⁵ As shown on drawing No J7/01403.

consistent with rural surroundings. Visually they are lively, soft, and changeable (including the degree of screening they provide at different times).

12. By contrast the proposed fence would be unrelieved, constant and impermeable. There is no information before me as to the implications of the fence for the health of the hedge, for example on account of groundworks. Moreover a condition requiring that the hedge be maintained in its current form in perpetuity would be imprecise and unreasonable; the current level of screening afforded by the hedge cannot therefore be relied upon to remain. Whilst timber fences are not an uncommon feature of the area, neither timber nor steel are characteristic of West House. Standardised and engineered forms would also be discordant with historic craftsmanship here.
13. Consequently the proposal would be at odds with the form, materials and aesthetic of West House, and would detract from the present affinity of the listed building with its surroundings (characteristics from which significance derives). The scheme would therefore fail to preserve its setting and significance contrary to the clear expectations of statute, and also of criterion i) of Local Plan policy ENV4. However, on account of the factors set out in paragraph 10 of this decision, and as only part of the setting of West House would be affected, that harm would be 'less than substantial' (with reference to paragraph 199 of the National Planning Policy Framework, 'NPPF'). NPPF paragraph 202 guides that where less than substantial harm would result, that should be weighed against the public benefits, a balance to which I now turn.

Other matters

14. I accept that the proposal would be beneficial to those making use of the garden. The NIA forecasts that the fence would reduce the level of sound experienced with the garden by between 6dB and 7dB relative to current levels, a perceptible change. If achieved, that would likely bring the 'ambient' recorded levels closer to the World Health Organisation ('WHO') recommended 55dB LA_{eq} limit.⁶ There would also be similar benefits in respect of louder noises, noting that the NIA shows readings occasionally significantly exceeding the study-period averages above. I note the support from Symondsburry Parish Council, who reference the potential implications of the Vearse Farm development. I also acknowledge that the proposal would provide a partial barrier to vehicular emissions along with increasing the privacy, safety and defensibility of West House. Those may all be considered public benefits, in that they would improve living conditions for any occupants, thereby helping to secure the optimum viable use of the listed building.
15. In that context I understand the appellant's motivation for seeking planning permission. However NPPF paragraph 200 is clear that any harm to the significance of a designated heritage asset, including that which is less than substantial harm, should require 'clear and convincing justification'. In that context, a perception of noise is inevitably subjective, with WHO recommendations formulated in a different context to domestic planning. Even with the fence in place, to some the ambient noise levels in the garden would be unwelcome. However, to others, noise at present would be an accepted corollary of living in an historic property in such a location. Dwellings located

⁶ Noting that position 1, in front of West House, was found in the NIA to have an ambient level of 73dB LA_{eq} over the study period (another point further away within the garden area to the east recording some 63dB LA_{eq}).

comparably close to the A35, or to other main roads, are not uncommon in Dorset where settlements often have a dispersed form.

16. Critically, there is nothing to suggest that West House is inherently unviable without the scheme, nor that it has suffered on account of periods of vacancy since the A35 assumed its present form (whether on account of noise, emissions, privacy, safety, defensibility or otherwise). There is no evidence before me in respect of emissions measurements here, or the reduction the proposal may entail in that regard. Similarly, there is no substantive evidence before me in respect of crime, or of less harmful measures that could have been taken to improve security and defensibility (but have been discounted). Consequently the public benefits of the scheme do not provide clear and convincing justification to outweigh the harm, and no other material considerations justify allowing the appeal.

Conclusion

17. For the above reasons, having taken account of the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR