

Appeal Decision

Site visit made on 28 November 2022

by S Edwards BA MA TCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2023

Appeal Ref: APP/D1265/W/22/3301722

Chesil House, 12 West Street, Abbotsbury DT3 4JT

- 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 Mrs Pat Arnold against the decision of Dorset Council.
 - The application Ref P/FUL/2021/01005, dated 25 March 2021, was refused by notice dated 25 February 2022.
 - The development proposed is proposed alterations and extension to form semi-detached house.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Amended plans seeking to address the concerns raised by the Council were submitted during the course of the planning application. These include changes to the external elevations of the development. Having regard to the Wheatcroft principles, I consider that these changes would not fundamentally alter the nature of the development previously consulted upon and determined by the Council. As such, I am satisfied that my consideration of these amended plans would not prejudice anyone's case in the appeal. I shall therefore determine the appeal on the basis of the submitted drawings, together with the amended plans.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Abbotsbury Conservation Area, and preserve the special interest of listed buildings, as derived from their settings.

Reasons

4. The appeal site comprises a detached dwellinghouse located in the picturesque village of Abbotsbury, which is also designated as a Conservation Area. Insofar as it is relevant to this appeal, the special interest of this designated heritage asset largely resides in the survival of the historic village plan. Large coherent groups of historic buildings reflecting the local vernacular and materials, together with the walls, trees, spaces and other features, provide a pleasant visual and cultural experience.

5. This is complimented by what the Conservation Area Appraisal¹ (the Appraisal) describes as a 'superlative landscape setting, within the Dorset Area of Outstanding Natural Beauty (AONB) and adjacent to the Dorset and East Devon Jurassic Coast World Heritage Site, with dramatic topography, woodland, glimpses of the sea and other important trees and hedges'.
6. The appeal property is a large residence built in the first half of the 20th century which, due to its scale, use of materials and design approach, stands out as a detracting feature within the street scene, which is otherwise predominantly characterised by traditional cottages. For these reasons, the existing property stands as an intrusive feature within the setting of no 13 West Street (no 13), a Grade II listed building which, based on my own observations, owes much of its special interest to its architectural and historic significance as a traditional Dorset style cottage.
7. The appeal property sits within a relatively spacious plot, with the existing gap with no 13 providing long distance views towards the Grade I listed St Catherine's Chapel and the surrounding countryside. Due its prominent hilltop siting, the Chapel acts as a major landmark of very high value to the village and wider area. The significance of this Grade I listed building, constructed circa 1400, is primarily derived from its architectural and historic interest as a place of worship associated with the Abbey, and possibly holding a dual function as a pilgrimage chapel and as a seamark. The area around the Chapel is designated as a Scheduled Ancient Monument, which adds to the significance of the Grade I listed building.
8. The proposed development seeks to improve the street scene by replacing the existing building's front elevation. A large extension would also be constructed, which would enable the conversion of the appeal dwelling into a pair of semi-detached properties. Despite the use of sympathetic materials, the appeal development would create a built form of an even greater scale and bulk. It would enlarge the property to a significant degree and, in doing so, would exacerbate its undue prominence within the street scene. This, together with its excessive eaves height and overall design approach, would create a form of development which would not reflect its immediate surroundings, and have an adverse visual impact on the street scene. For these reasons, the appeal development would fail to preserve the character and appearance of the Conservation Area.
9. By reason of its scale and design, the incongruous nature of the development would also be harmful to the special interest of no 13, as derived from its setting, and to a lesser extent to the listed buildings set wider across the Conservation Area. Furthermore, and whilst the proposed development would not extend across the full width of the plot, the scale of the extension would nevertheless erode the ability to enjoy views of the surrounding landscape and appreciate the Chapel within its wider setting, to the detriment of its significance. The adverse effect of the proposal on these views, which are identified as important within the Appraisal, would add to the harm caused to the special interest of the Conservation Area.
10. The appeal scheme would cause less than substantial harm to the significance of each individual heritage asset, to which I ascribe considerable importance

¹ Long Bredy, Portesham, Chickerell, Abbotsbury & Langton Herring Conservation Area Appraisal (December 2007).

and weight. In such circumstances, the harm has to be weighed against the public benefits of the proposal, in accordance with the requirements of paragraph 202 of the National Planning Policy Framework (the Framework). The proposed development would enable the construction of an additional dwellinghouse, which can be regarded as a public benefit. However, and for the reasons detailed above, any alleged improvements to the appearance of the appeal property would be negated by the harm caused by the additional built form. Overall, there are no presented public benefits which would outweigh the identified harm.

11. Given the above, the proposed development would fail to preserve the character and appearance of the Abbotsbury Conservation Area and the special interest of listed buildings, as derived from their respective settings. It would therefore conflict with Policies ENV4, ENV10 and ENV12 of the West Dorset, Weymouth and Portland Local Plan – 2015 (WDWP LP), as well as Section 12 of the Framework. Amongst other things, these require development proposals to achieve a high quality of sustainable and inclusive design, by complementing and respecting the character of the surrounding area, whilst also conserving and where appropriate enhancing the significance of designated or non-designated heritage assets.

Other Considerations

12. As noted above, the appeal site lies within the Dorset AONB. Paragraph 176 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. As the site lies within the built envelope of Abbotsbury, I am satisfied that the proposal would conserve the landscape and scenic beauty of the Dorset AONB.
13. Since the determination of the planning application, the Council has advised that it is now able to demonstrate a five-year supply of deliverable housing sites. This is not disputed by the appellant. By reason of this change in circumstances, the Council has raised additional concerns regarding the location of the proposed dwelling. Policy SUS2 of the WDWP LP, which sets out the spatial strategy for the area, does not identify Abbotsbury as a settlement with a defined development boundary.
14. The proposal would therefore be sited outside a defined development boundary where, as per the requirements of Policy SUS2, development is strictly controlled and only permitted in restricted circumstances. I have been presented with no substantive evidence to demonstrate that the proposal would meet any of these exceptions. Therefore, the appeal scheme would also be in conflict with Policy SUS2 of the WDWP LP.
15. Even if I had considered the appeal proposal on the basis that the Council did not have five years of housing land supply, the presumption in favour of sustainable development set out in paragraph 11d) of the Framework would not have been engaged in this instance. This is because the application of policies in the Framework that protect areas or assets of particular importance, which includes designated heritage assets, provides a clear reason for refusing the development proposed.

Conclusion

16. The appeal scheme would make a contribution to housing supply, and support the local economy to some extent. I also note that the Parish Council has expressed support for the proposed development. However, in view of the harm I have identified, these considerations do not persuade me to reach a different conclusion.
17. There are no material considerations, which indicate that the appeal should be determined, other than in accordance with the development plan. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR