



Appeal Decision

Site visit made on 12 June 2023

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 June 2023

Appeal A: APP/D1265/W/22/3307779

The Stone House, The Street, Charmouth, Dorset DT6 6PE

- 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 Dorothy Heath against the decision of Dorset Council.
 - The application Ref P/HOU/2022/02513, dated 19 April 2022, was refused by notice dated 11 August 2022.
 - The development proposed is retain repairs to boundary wall and installation of gate.
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Appeal B: APP/D1265/Y/22/3307781

The Stone House, The Street, Charmouth, Dorset DT6 6PE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
 - The appeal is made by Mrs Dorothy Heath against the decision of Dorset Council.
 - The application Ref P/LBC/2022/03354, dated 27 May 2022, was refused by notice dated 11 August 2022.
 - The works proposed are retain repairs to boundary wall and installation of gate.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. A listed building includes any structure that is within its curtilage which has existed since before 1st July 1948. In this case the Grade II listed building is the dwelling known as The Stone House, and the works relate to part of the rear boundary wall which encloses the historic linear plot of which the dwelling stands. This is not specifically mentioned within the statutory list description. It is however clearly of a considerable age. In the absence of any evidence to the contrary, I am therefore satisfied that the wall should be considered as covered by the listing of The Stone House, and thus that it forms part of the designated heritage asset.
4. The Act requires that works to listed buildings are authorised. Works are authorised where written consent for them has been granted, and they have been executed in accordance with the consent and any conditions attached to it. It is an offence to do otherwise. That being so, if Appeal B was to be allowed, any consent granted would be for retention of the works only and would have no bearing on the legality of their execution.

5. The Council's submissions include the assertion that the section of wall subject of the appeals has been completely rebuilt. However, neither the photos submitted nor the evidence on site supports this claim. Though the appellant confirms that a presumably small part of the wall had collapsed prior to the works taking place, I have again been provided with no clear evidence of this. Indeed, whilst it is apparent that a short band of brickwork has been removed from the top of the wall, no major rebuilding appears to have taken place. I have therefore considered the appeals on the basis that the works chiefly involved formation of a gateway and repointing.

Main Issue

6. The main issue is whether the works have preserved a Grade II listed building, its setting and any of the features of special architectural or historic interest that it possesses, and whether the scheme has preserved or enhanced the character or appearance of Charmouth Conservation Area (the Conservation Area).

Reasons

7. The Stone House is a Grade II listed building, which is located within the Conservation Area, each of which are designated heritage assets. Here the Act sets out the desirability of preserving listed buildings, and preserving or enhancing the character or appearance of conservation areas. Paragraph 199 of the National Planning Policy Framework (the Framework) further makes clear that great weight should be given to the conservation of designated heritage assets.
8. Insofar as it is relevant to these appeals the special interest and significance of The Stone House resides in its mid C18th date, and its relationship with other buildings forming part of the historic townscape. The contribution made by the boundary wall lies in the role that it plays in providing a historic means of plot definition, which in turn holds broader significance in fixing the building within the historic layout of the settlement. It further defines the key space from within which the character and significance of the rear elevation of The Stone House can be appreciated, thus helping to shape its immediate setting.
9. The listed building is located within the Conservation Area. Again, insofar as it is relevant to these appeals the significance of the Conservation Area resides in the historic layout of the settlement, and the collection and interrelationship of historic buildings and spaces that it contains. The Stone House is one such building, and the boundary wall at the back of the plot helps to define the historic settlement edge. This is similarly marked the rear of adjoining plots with the effect of providing a visually striking, more or less continuous wall line, albeit one whose construction varies. The section of wall in question therefore makes a positive contribution to the significance of the Conservation Area.
10. The wall is of random rubble construction, adjoining sections of which are buttered with mortar. The finish is similar to that which has been provided by the pointing recently undertaken. In each regard the wall contrasts with the stonework seen to the rear of The Court, which is both of higher quality and shows pronounced erosion of jointing, with some loss of stonework.

11. In these circumstances it is apparent that any new repointing would be visually conspicuous both in itself and relative to sections of wall not subject of repointing. In this case however the apparency of the new pointing is accentuated by its colour, which strongly contrasts with that of the stonework. This presumably reflects the aggregate used, though no precise details of the mortar mix have been supplied. Whilst the works appear to have helped to consolidate the face of the wall, the benefits of this are somewhat reduced by the level of visual contrast.
12. The gateway opening formed within the wall has altered its character insofar as it is no longer blank. That said, it has not fundamentally undermined the role that the wall plays in enclosing and defining the plot, nor the role that the wall plays in helping to define the historic settlement edge. The opening has however been crudely defined with grey bricks, which, if not concrete, exhibit the appearance of concrete. The gate set within the wall is additionally undersized and has been hung back to front. These features together provide an incongruous appearance, to which additional attention is drawn by the surrounding pointing.
13. The section of brickwork removed from the top of the wall was clearly a previous addition, perhaps introduced in relation to a since removed structure, other traces of which continue to exist. Its loss, which has enabled the top of the wall to revert to a single line, is not harmful. Given my findings above the overall effect of the works is nonetheless negative.
14. I find therefore that the works physically and visually detract from appreciation of the wall and the contribution that it makes the significance of both the listed building, and Conservation Area, each considered as a whole. The adverse effects are modest, but nonetheless give rise to less than substantial harm. This attracts great weight in relation to the listed building, and considerable importance and weight in relation to the Conservation Area. In accordance with paragraph 202 of the Framework it is necessary to balance this harm against the public benefits advanced in favour of the appeal scheme.
15. The main consideration advanced in favour of the works is that they have seen the wall repaired. I have however considered this above, and, having found the overall effect of the works to be negative, can attach no weight to this benefit.
16. Installation of the gateway and gate have helped the appellant to access the field beyond. This is however a private benefit, to which no weight can be attached.
17. I therefore find that the public benefits of the works do not outweigh the harm that they have caused. This provides an indication that the appeals should be dismissed.
18. For the reasons outlined above I conclude that the works have not preserved the special architectural or historic interest of the listed building, nor preserved or enhanced the character or appearance of the Conservation Area. In relation to Appeal A, and insofar as it is relevant to Appeal B, the works therefore conflict with Policy ENV 4 of the West Dorset, Weymouth and Portland Local Plan 2015 which generally seeks to secure the conservation of heritage assets. In relation to both Appeals the works otherwise fail to satisfy the requirements of the Act and heritage policy as set out within the Framework.

Other Matters

19. The parties each refer to communications following refusal of the applications and the potential, or lack of, to remediate harm caused by the works. However, insofar as the apparent content of these communications simply reflects the differing positions of the parties, they have no additional bearing on my assessment of the scheme.

Conclusion

20. For the reasons set out above the works have caused unacceptable harm to designated heritage assets, and, in relation to Appeal A, conflict with the development plan. There are no other considerations which alter or outweigh these findings. I therefore conclude that Appeals A and B should be dismissed.

Benjamin Webb

INSPECTOR