



Appeal Decision

Site visit made on 18 July 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 22 August 2023

Appeal Ref: APP/D1265/D/22/3309900

Chapel Cottage, Briantspuddle, DORCHESTER, DT2 7HX

- 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 Damien Lewis against the decision of Dorset Council.
- The application Ref P/HOU/2022/01384, dated 8 March 2022, was refused by notice dated 16 September 2022.
- The development proposed is replacement of workshop with a new Oak frame workshop, garage and ancillary bedroom above.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted a set of revised plans before the Council made its decision. These are the Rev A plans. The Council has confirmed that it did not take these amended plans into account. These plans have been submitted with the appeal as well as those originally submitted to the Council. Accordingly, I shall treat them as amended plans and I need to consider whether it is appropriate for me to take them into account in my determination of the appeal.
3. The changes on the Rev A plans are limited to the north elevation of the proposed building and include a modest reduction to the width of the proposed dormer and a reduction to the size of the ground floor openings with the addition of side hung shutters. Both changes are modest. I am satisfied that no party would be prejudiced if I take them into account in my determination of the appeal. I shall therefore determine the appeal with reference to the Rev A plans.
4. The emerging Dorset Council Local Plan is at an early stage. Its Policies were not referred to by the Council when it made its decision, and I am satisfied that it should attract little weight in my determination of the appeal.
5. The emerging Purbeck Local Plan is at a more advanced stage. I am of the view that its Policies, which the Council referred to when it made its decision, should attract some weight in the determination of this appeal.

Main Issue

6. The effect of the proposal upon the setting of the grade II listed building known as Chapel Cottage, and whether the proposal would preserve or enhance the character or appearance of the Piddle Valley Conservation Area.

Reasons

7. 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.
8. The proposed building would stand within the curtilage of Chapel Cottage, to the east of the dwelling and close to a group of existing outbuildings. It would replace an existing timber building.
9. Chapel Cottage is a characterful vernacular cottage of three primary phases that each occupy a different level in response to the site's steeply sloping topography. Two sections are topped in thatch, which has a soft and undulating appearance that spreads over several different areas of roof. Eaves heights are modest and openings are arranged in a manner that appears largely functional although the northern section, which is the more recent 19th century phase, is more ordered. The southern part of the building was used as a Wesleyan Methodist Chapel for a significant period between the late 18th century to 1927.
10. The low scale and tumbling vernacular form of the building are significant contributors to its architectural interest. Historic interest arises from its previous use as a Chapel. The sloping topography of the land upon which the building has developed is an important aspect of its setting that has determined its form and is thus a characteristic that contributes to its significance. This relationship is enhanced by its largely isolated position and the low scale of its outbuildings, which stand away from the building to the east. These characteristics can be appreciated from the open land to the north where clear views of the building can be obtained from the road and the footpath to the west.
11. The appeal site stands within the Piddle Valley Conservation Area (PVCA). The PVCA incorporates a ribbon of four small rural settlements which overlook the former watermeadows laid out along the river. Its significance is derived from the prevailing use of traditional materials in its buildings such as thatch and cob, and its strong physical and spatial association with the river valley and its historic water meadows. The linear amalgamation of vernacular forms of the appeal building that follow the falling land levels are prominent to view from the open land to the north and contribute to the character and appearance of the PVCA.
12. The proposal would see an existing outbuilding replaced with a new outbuilding of a significantly greater height. The building would occupy one of the highest parts of the curtilage at a similar level to the highest part of the listed building. From the open land to the north it would be prominent to view owing to its elevated position. It would stand at a similar height to the highest part of the listed cottage with a dominant roof form that would be made more prominent by its outward facing dormer. For these reasons it would become a primary building at the site, and would compete with the primacy of the listed building.

13. The use of a slate roof with straight gables would be very different to the soft and undulating forms of the thatched roof of the listed building and would make it more dominant. Although part of the cottage has a slate roof with a straight gable, this is the part that is at the lowest level and has a secondary appearance, with the thatched roof forms rising up behind it.
14. For these reasons the proposal would cause harm to aspects of the listed building's setting that contribute to its significance. It would also harm the character and appearance of the PVCA by virtue of its prominent appearance and manner by which it would detract from the tumbling vernacular form of the listed building.
15. I do however accept that its orientation with a ridge that is at 90 degrees to the linear form of the cottage would not in itself be problematic, given the orientation of the outbuildings that it would sit alongside and the general organic layout and siting of buildings in the area. Additionally, it would not appear overscaled when viewed from the driveway to the southeast. From this perspective, although it would be highly visible, it would correspond with the level of the driveway rather than being viewed from a lower level. Additionally, it would face it with a simple roof slope and would be set back behind the front of the adjacent outbuilding to the east.
16. I note that the proposed building would be constructed in high quality materials that would be left to weather down naturally and that considerable thought has gone into its design. Whilst the weathered appearance of its materials would mitigate its visual impact to an extent, particularly in the context of the painted walls of the listed building, they would not fully address the harmful overall form of the building.
17. I have reviewed the permission that the Council granted in 2018 to replace the existing outbuilding with a garage. Although the permitted building would have a substantial floor area and be of a basic design, it would have a low overall scale as a result of its low pitched roof and lack of roof level accommodation, which would mean it would be far less prominent and would thus not have the same harmful visual impact as the appeal proposal.
18. In terms of the National Planning Policy Framework (the Framework) the harms I have identified are 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.
19. Solar panels would be fitted to the building's south facing roof. I note that options for an alternative ground mounted system within the curtilage of the listed building would be difficult owing to the northward slope of the land and difficulty finding a spot that would be unshaded, and mounting panels on the roof of the listed building would cause considerable harm to its appearance. The installation of the panels would provide the occupants of the dwelling with a sustainable energy source. This is a public benefit that should attract considerable weight.
20. It is suggested that the removal of parked cars would benefit the setting of the listed building and should therefore be accepted as a public benefit. I note that the building appears to have the potential to house two cars, however this area is also referred to as a studio, and given the extensive glazing at the rear I consider it unlikely that it would be used primarily for the storage of cars.

Additionally, the driveway leading to the house would remain, which allows occupants of the dwelling to park close to the house and a space would be created in front of the garage that would be suitably sized for car parking and prominent to view when the listed building is approached along the driveway. For these reasons I am of the view that this is a public benefit that should attract little weight.

21. I accept that the existing garage is in a dilapidated state and is difficult to use. The replacement building would provide flexible accommodation that includes a large first floor room that could be used as a guest bedroom or home office. Whilst the additional accommodation would be advantageous to the current occupants of the dwelling, there is nothing before me to suggest that the accommodation or layout of the listed building is inherently deficient, to the extent that the additional accommodation proposed is essential for it to remain in use as a family dwelling. For these reasons I am of the view that the additional accommodation would primarily be a private benefit to the occupants of the dwelling.
22. I have found that the public benefits of the proposed solar panels carry considerable weight. I need to consider this in the context of Paragraph 189 of the Framework which states that heritage assets are an irreplaceable resource, and Paragraph 199 which establishes that great weight should be given to the conservation of a heritage asset.
23. There is nothing before me to demonstrate that alternative energy sources have been considered, or whether the installation of the panels forms part of a whole building approach that considers thermal performance as well as how energy is generated. These are factors that lessen the weight I should give to the installation of the panels as a public benefit. I have found that the proposal would cause harm to aspects of the setting of the listed building that contribute to its significance. It would also fail to preserve the character and appearance of the PVCA. In weighing these matters together, I am not satisfied that the benefits would be sufficient to outweigh the degree of harm identified.
24. In summary, the proposal would fail to meet the requirements of the LBCA as it would harm the special interest of the listed building and would fail to preserve the character and appearance of the PVCA. It would be contrary to Policies D and LHH of the Purbeck Local Plan Part 1 2012 and Policies E1, E2 and E12 of the Emerging Purbeck Local Plan 2019, which together seek to ensure that development proposals positively integrate with their surroundings by conserving heritage assets.

Conclusion

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

A Tucker

INSPECTOR