



Appeal Decision

Site visit made on 2 June 2023

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2023

Appeal Ref: APP/D1265/D/22/3310800

Weir View Cottage, Nottingham Lane, Weymouth DT3 4BJ

- 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 and Mrs J Lormor against the decision of Dorset Council.
 - The application Ref P/HOUS/2022/00801, dated 7 February 2022, was refused by notice dated 17 August 2022.
 - The development proposed is to erect a replacement lean-to rear extension.
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Decision

1. The appeal is allowed, and planning permission is granted for a replacement lean-to rear extension at Weir View Cottage, Nottingham Lane, Weymouth DT3 4BJ in accordance with the terms of the application, P/HOUS/2022/00801, dated 7 February 2022 and the plans submitted with it, subject to the conditions: -
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: 2011 28 03A, 2011 28 06A, 2011 28 09, PJW/01/FEB 2022 and PJW/02/FEB 2022.
 - 3) Prior to development above the damp proof course level details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.

Main Issues

2. The main issues are the effect of the development on the host property and the character of the area, including (i) the setting of Aprils Cottage (Grade II listed) and (ii) the Nottingham Conservation Area.

Reasons

3. The main parties explain that the building which is Weir View Cottage was originally outbuildings to Aprils Cottage. It is now a separate residential dwelling that has been extended and has a large well-defined garden with fencing demarking the western boundary with Aprils Cottage. The high stone and brick wall to the front extends between the properties and adjoins the front elevation of Weir View Cottage. The proposed development would be sited to

the rear of the wall replacing a lean-to glasshouse structure with a timber-clad sunroom with a slate roof. On-site, the main glazed structure has been removed, although the brick plinth and indications of where it was located and fixed to the wall are still visible.

4. The proposed development would have a more solid form, nonetheless the timber cladding and slate roof would have a barn-like appearance which, in my view, would both relate to its setting and the existing property which has timber cladding to the gable end and a slate roof. I do not find the general form overly modern, or an alien feature as suggested by the Council, and Aprils Cottage has a similar lean-to structure with a slate roof at the far end of the wall. The choice of timber cladding could affect its visual presence and assimilation, however, agreement with the Council on the specific details could be secured by condition.
5. While the development would be visible from Aprils Cottage, which has windows in its eastern flank elevation, due to the single-storey form and the separation, the proposed development would not be imposing. The neighbouring relationship with Weir View Cottage as a separate property is well established, and aligning with the height and siting of the previous structure the juxtaposition between the buildings would be maintained. Additionally, as there is no protrusion above the wall it would not be visible from the wider area. I thereby find that the proposed lean-to would be sympathetic to the host property and the general character and appearance of the area. Thus, it would accord with policy ENV12 of the West Dorset Weymouth and Portland Local Plan (2015) (WDWPLP) which amongst other things seeks high-quality design, which harmonises with the adjoining buildings and area.

Heritage Assets

6. The Planning (Listed Buildings and Conservation Areas) Act 1990 sections 66(1) and 72(1) require special attention to be had to the desirability of preserving or enhancing the character and appearance of a conservation area, and to have special regard to the desirability of preserving listed buildings or their setting.
7. I agree that Aprils Cottage and the cluster of buildings along the lane, including the wall, positively contribute to the Nottingham Conservation Area (NCA) which comprises a mixture of buildings and undulating countryside along the River Wey. There is however nothing before me to suggest that the glasshouse was of any particular special interest or was notable in the NCA to require a replacement of a glazed design. While having a different appearance and a direct connection into Weir View Cottage, located behind the stone wall it would visually have the same relationship with the NCA and its character would be preserved.
8. There is a disagreement between the main parties as to whether Weir View Cottage and the wall are listed by virtue of being curtilage buildings. Whilst applications for listed building consent have previously been submitted in relation to Weir View Cottage there is limited information before me regarding the curtilage and the buildings as existing on 1 July 1948 and, when Aprils Cottage was first listed, to consider this matter further.

9. Nevertheless, as noted by the appellant a subsequent application for listed building consent could be submitted (if required by the Council). However, this does not impede the determination of this separate application for planning.
10. I acknowledge that the information submitted with the application in relation to the heritage assets is limited, although this is a householder scheme for a replacement building. I have considered the proposed external changes to the lean-to on its own merits and as required I have had special regard to the desirability of preserving the setting of the listed building. Aprils Cottage is described in the listing as a late C18th or early C19 detached house, formerly 2 cottages or a cottage and outbuilding on the Nottingham Court Estate. In my view, its significance is derived from its architectural features and its setting within a rural context.
11. Weir View Cottage and the wall are part of its surroundings, irrespective of whether they are within the curtilage or not. There will be a cumulative increase in the size of Weir View Cottage, yet the extension would be proportionate to the property, and the different materials enable the various elements to be identified. It would also be part of a wider collection of low-level buildings to the east of the two-storey Aprils Cottage.
12. For the reasons already set out, the development would not adversely affect the existing relationship with Aprils Cottage and thereby I do not find it would be harmful to its setting or the NCA. Consequently, I have found that the development would accord with the requirements of WDWPLP policy ENV4 to conserve and where appropriate enhance heritage assets. Having found no harm, the balancing exercise as set out in the National Planning Policy Framework is not necessary.

Conclusion and Conditions

13. I therefore, conclude that the appeal should be allowed, subject to conditions to ensure compliance with the statutory requirements relating to the commencement of development and the plans in order to provide certainty.
14. I have also imposed a condition requiring details of the materials to be agreed, to ensure integration with the existing buildings and in the interests of the character and appearance of the area.
15. For the reasons set out the appeal is allowed.

G Ellis

INSPECTOR