



Appeal Decision

Site visit made on 6 September 2023

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2023

Appeal Ref: APP/D1265/W/23/3319201

Farnham House, Flat 9, Stile Lane, Lyme Regis DT7 3JD

- 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 D Russel against the decision of Dorset Council.
 - The application Ref P/FUL/2022/06377, dated 13 October 2022, was refused by notice dated 13 February 2023.
 - The development proposed is replacement dwelling.
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Decision 18 September 2023

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, having particular regard to the Lyme Regis Conservation Area and the setting of other designated, and non-designated heritage assets.

Reasons

3. The appeal site incorporates a modest single storey dwelling and is located in close proximity to Stile Lane within the Lyme Regis Conservation Area (CA). The site is largely unenclosed from the adjacent Farnham House, and the Council state this was part of the original garden of Farnham House, a non-designated heritage asset (the 'NDHA'). The NDHA forms a grouping of properties which contain a number of designated heritage assets including the Grade II listed Stile House (and associated wall), The Lawn and Buena Vista (the 'listed buildings') to the north of the appeal site.
4. I observed that the range of period villas, townhouses and quality of associated architectural detail, narrow historic routes and associated tall boundary walls, as well as the notable change between the spacious setting of period villas, and tight urban grain seen elsewhere, make a major contribution to the character of the CA. Furthermore, trees and mature planting in close proximity to the appeal site and the adjacent Langmoor Gardens contribute to a verdant character in the wider area.
5. I find the significance of the CA lies in both its architectural and historic interest with both appearance and spatial relationship of buildings and open space illustrating the character and historic expansion of the suburban and tourist resort. In terms of both the listed buildings and the NDHA, significance is derived much from their architectural detail, age and their pattern of development which is integral to the historic character, layout and appearance of this part of the settlement.

6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area, whilst Section 66(1) 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.
7. The National Planning Policy Framework (Framework) states that account should be taken of the desirability of sustaining and enhancing the significance of heritage assets and that new development should make a positive contribution to local character and distinctiveness. Furthermore, the Framework requires that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to the asset's conservation. In terms of non-designated heritage assets, the Framework requires that a balanced judgement is made when assessing the application, having regard to the scale of any harm or loss and the significance of the heritage asset.
8. The proposal seeks to replace the existing building with a two-storey flat roof structure of a contemporary appearance. There are examples of contemporary architecture elsewhere within the CA and my attention has been drawn to those for which planning permission has been granted in close proximity to the NDHA, one of which was completed, and the other under construction at the time of my site visit.
9. The appeal site is visible from the listed buildings, particularly Stile House. However, there would be a sufficient degree of visual separation due to both distance and intervening built form from the appeal site to not be read in conjunction with their historic open settings, thereby resulting in the proposal having a neutral impact on the significance of the listed buildings.
10. Due to the modest scale, low height and unimposing appearance of the existing dwelling, combined with being within the historic boundary wall, the existing building maintains a subservient visual relationship as a modest building within the spacious grounds of the NDHA.
11. Whilst it has been put to me that the proposal would result in a modest increase in height of 1.44m, the two-storey flat roof design would have greater massing than the existing dwelling and increase the prominence of built form and visible influence within the locality. I accept that from longer distance views from the south, the proposal would be seen in glimpse views as a continuation of built form along the ridge line, with the contemporary appearance blending comfortably with the adjacent recent development.
12. However, in combination with the proximity to Stile Lane, the contemporary architecture and massing, the proposal would draw the eye from nearby views, visually detracting from and diminishing the spacious setting of the NDHA. It would also therefore fail to maintain or enhance the distinctive characteristics and appearance of the area, in so doing adversely harming rather than positively contributing to the character and appearance of the CA.
13. I observed the completed development highlighted by the appellant and note the approved plans for the proposal under construction. However, these differ significantly from the proposal before me due to a combination of their spatial

relationships with adjacent built form and articulation of their design resulting in visual subservience to the NDHA, thereby limiting their equivalence to the current proposal.

14. A nearby Yew tree is covered by a Tree Preservation Order¹. Due to its size and prominence, this tree positively contributes to the verdant character of the wider area. A Tree Survey & Arboricultural Impact Assessment (AIA) accompanied the application, with an Arboricultural Method Statement (AMS) accompanying the appeal documentation. The proposal would occupy a similar footprint to the existing building albeit the Tree Constraints Plan indicate that the proposal would be within the root protection area of the Yew tree.
15. Notwithstanding, the AIA summarises that the proposal would not require any trees to be pruned or removed and the proposal should not adversely impact the Yew tree if specified precautions detailed within the AMS and Tree Protection Plan are followed. The AMS further notes that *'Replaced or upgraded foundations, within the root protection area of T1 must be constructed using a limited or no dig methodology. Limited dig foundations include pads and piles. No-dig foundations include slabs and cantilevers.'*
16. While there is a lack of detailed foundation design, given the conclusions of the AIA and AMS, I see no reason why, subject to the imposition of an appropriate planning condition, the proposal could not be constructed in a manner that would protect the Yew tree, or indeed other nearby trees. Furthermore, while I note the additional height of the proposal, the roof design is such that there would be no direct conflict. Given the existing overhanging relationship of the canopy and existing building, I see no reason why there would be additional pressure from future occupiers for pruning, over and above that of the occupiers of the existing building.
17. I appreciate the efforts of the appellant to revise the proposal in order to seek to provide a design solution that minimises any impacts on the adjacent properties and the area. However, whilst I accept the scale may have reduced from previous proposals, and it is put to me that an 'extensive planting' scheme would be implemented which would soften the lines and complement other new contemporary buildings in the area, and there would be no impact to the Yew tree, these aspects do not overcome the adverse effects previously outlined.
18. As the significance of the CA is linked to its character and appearance, for the reasons previously given, there would be harm to the significance of the CA, the degree of which I find to be less than substantial. Furthermore, taking into account the effect of the proposal on the setting of the NDHA, the proposal would also result in modest harm to the significance of the NDHA.
19. Irrespective of the degree of harm, the Framework is clear that great weight should be given to a heritage asset's conservation. The Framework requires that where less than substantial harm to the significance of a designated heritage asset is identified, this harm should be weighed against the public benefits of the proposal.
20. The Appellant has submitted that the proposal would result in the replacement of the existing 'unremarkable' bungalow with a quality contemporary building

¹ TPO 955

with sea views that meets the needs of visitors and provides local jobs, whilst also providing year around custom to restaurants and shops thus improving the economic and social conditions of the area. However, the existing building would also contribute to the economic and social conditions of the area, and I have found for the reasons provided above, that the proposal would result in harm to the character and appearance of the area. Therefore, this limits, and does not amount to a public benefit of significant weight. Accordingly, I find that there are insufficient public benefits arising from this proposal to outweigh the identified harm to the CA.

21. Consequently, while I find the proposal would have a neutral effect on the listed buildings, the proposal would have a harmful effect on the character and appearance of the area, including the CA and the setting of the NDHA. The proposal would therefore conflict with Policies ENV4, ENV10 and ENV12 of the West Dorset, Weymouth and Portland Local Plan 2015. These policies seek, amongst other things, to ensure development is of high quality that relates positively to adjoining buildings, contributes to local character and the maintenance and enhancement of local identity and distinctiveness, and conserves and enhances the historic environment. The proposal would also conflict with the overarching aims of the Framework with regard to the protection of heritage assets.

Other Matters

22. I note the appellant's desire for extra space. Whilst I have no doubt that the enhanced living accommodation would be beneficial to future occupants this is largely a private matter. Moreover, it has not been shown that the appeal scheme is the only way for the appellant to achieve this aim and as such carries limited weight in the determination of this appeal.

Conclusion

23. The proposal conflicts with the development plan, read as a whole. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington MA MRTP

INSPECTOR