



Appeal Decisions

Site visit made on 26 September 2023

by H Porter BA(Hons), MSc PGDip, IHBC

an Inspector appointed by the Secretary of State

Decision date: 1st November 2023

Appeal A Ref: APP/D1265/W/22/3310145

The Warwick, 9 The Esplanade, Weymouth, DT4 8EB

- 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 Vinod Gupta against the decision of Dorset Council.
 - The application Ref P/FUL/2022/01834, dated 25 May 2022, was refused by notice dated 28 July 2022.
 - The development proposed is alterations to the existing level basement, the internal layout, and rear extensions with a roof terrace as well as the proposed front entrance to the basement.
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Appeal B Ref: APP/D1265/Y/23/3315627

The Warwick, 9 The Esplanade, Weymouth, DT4 8EB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Vinod Gupta against the decision of Dorset Council.
 - The application Ref P/LBC/2022/01835, dated 25 May 2022, was refused by notice dated 28 July 2022.
 - The works proposed are alterations to the existing level basement, the internal layout, and rear extensions with a roof terrace as well as the proposed front entrance to the basement.
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Decisions

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

Preliminary Matters

2. The appeals concern works and development at 9 The Esplanade (the appeal site), which is part of the Grade II* listed building 'Numbers 7-12 Pulteney Buildings (Terrace)' (List Entry Number: 1145965). The appeal site is also situated within the Weymouth Town Centre Conservation Area. Accordingly, in deciding these appeals, I have borne in mind the statutory requirements placed on decision makers by sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. Although the statutory regime for the planning appeal (Appeal A) and the listed building appeal (Appeal B) are different, as the proposals concern the same site and the same scheme, I have dealt with both appeals together within a single decision letter.
4. The National Planning Policy Framework (the Framework) was updated on 5 September 2023, after submission of these appeals. The historic environment policies have remained unchanged within the revised version of the Framework, which is a material consideration.

Main Issues

5. The main issues for both appeals are whether the proposed works and development would preserve the Grade II* listed building 'Numbers 7-12 Pulteney Buildings (Terrace)' or its setting or any features of special architectural or historic interest which it possesses; and, whether the proposals would preserve or enhance the character or appearance of the Weymouth Town Centre Conservation Area.

Reasons

6. The Grade II* listed building comprises a terrace of six early-19th century townhouses. Each house within the listed terrace, including the appeal site, has three storeys, plus attic and basement, featuring two-storey flat oriel bow windows fronting The Esplanade, with stone steps up to arched doorways, with timber six-panel doors and fanlights above. To the rear, upper storey timber sash windows look over Weymouth Harbour and small service yard areas, featuring small service wings and lean-tos, have timber access gateways onto Custom House Quay.
7. The significance and special interest of the Grade II* listed building as an entity is derived from its historic association as 'summer lets' accommodation, part of the development of Weymouth as a seaside resort. The material treatment and detailing, including dark red brick, timber sash windows, and canted bay and oriel windows, are indicative of a late Georgian neo-Classical aesthetic, which contributes to a wider group value.
8. Significance also derives from historic integrity, to which the legibility of original plan-form, hierarchy of spaces, and surviving historic fabric all contribute. Though less opulent than the front, the small rear yards, service wings and lean-to rear additions within the rear of the terrace reflect part of the buildings' early form and the inherent hierarchy within their elevations. These are further aspects that contribute to the significance and special interest of the Grade II* listed building as an entity.
9. The appeal site (No. 9) is in use as a small hotel, with self-contained accommodation at basement level. The Esplanade frontage of No. 9 features stone steps up to an arched entrance with a timber 6-panel door and decorative fanlight, all of which appear to be original. The front lightwell is infilled and bound by white metal area railings, common to the rest of the terrace. The red brick front elevation and window openings also correspond with the form and appearance of the wider listed terrace. Consequently, No. 9 makes a valuable contribute to the overall integrity and cohesive frontage of the Grade II* listed building.
10. To the rear of No. 9, a modern 'conservatory' links the service wing and lean-to at basement level. Whilst of no architectural or historic interest, the modest scale and footprint of the 'conservatory' makes it relatively unassuming whilst preserving the legibility of the lean-to/coal store, service wing, and rear yard. Other properties within the listed terrace have seen upward extension of the service wing, or single-storey extension out into the rear yard, highlighting the relative authenticity of the appeal site. Notwithstanding changes to it over time, the surviving fabric, plan-form and hierarchy legible within its elevations are elements at No. 9 that contribute to the significance and special interest of the Grade II* listed terrace as an entity. On the other hand, the introduction of

non-authentic materials, changes to fenestration and the obscuring of traditional features have been to its detriment.

11. The significance and special interest of the Weymouth Town Centre Conservation Area (CA) as a whole is derived from its history and development, including as a fashionable summer resort from the late 18th century. The character and appearance of the CA are, in part underpinned by the late Georgian and early Victorian townhouses and civic buildings, which are representative of its built evolution and social history.
12. For the purposes of the Council's Weymouth Town Centre Conservation Area Character Appraisal SPG, 2012 (the CACA), the appeal site lies within the Sub-Area 'The Esplanade'. Pulteney Buildings, which includes the appeal site, are identified amongst the key listed buildings within the CACA and noted as an unspoilt group with a rhythm of segmental bow windows and recessed doorways. Consequently, the appeal site is part of the late-19th century built backcloth of Weymouth that makes a valuable contribution to the character and appearance of the CA as a whole. Where listed terraces and individual buildings within them have been subject to unsympathetic alterations they have failed to preserve the special interest of the CA.
13. It is proposed to excavate the front lightwell and insert a new set of external stairs, leading to a new access to one side of the basement window on the Esplanade frontage of No. 9. Internally, at basement level, changes to the extant stud partitions would facilitate the creation of an ensuite bathroom and separate shower room. Towards the core of No. 9, a new doorway would be inserted leading from the front bedroom into a kitchen. The extant basement-level sash, part of the rear wall, the flank wall of the service wing, as well as the lean-to/coal store, would all be removed to facilitate creation of a lounge accessed off the central kitchen. It is also proposed to add a single-storey 'conservatory' and small shower room, which would project beyond the rear elevation of the service wing into the rear yard. Two sets of external stairs are proposed, one from the yard to the conservatory and the other to a terrace on the flat roof of the lounge, while a blue painted metal roll-up door is proposed to replace the timber access gates onto Custom House Quay.
14. The proposed works and development would largely be concentrated at basement level, nevertheless, they would entail a departure from the legibility of the original planform at No. 9, as well as the loss of historic fabric. Another house within the terrace has an excavated lightwell and, subject to conditions to control structural stability at No. 9, I do not consider this aspect of the proposals would be harmful. However, the proposed insertion of a flight of stairs and new gate in the area railings would be entirely at odds with the frontage detailing of other houses within the wider terrace. The proposed new access at basement level would not only involve a loss of a section of original red brick fabric, but it would also disrupt the cohesion across the wider listed terrace wherein front access is via stone steps up to ground floor entranceways. This element of the proposals would also undermine the historic circulation through the building.
15. Subject to conditions to control necessary detailing and services, the insertion of new stud partitions and bathrooms would not be harmful per se. However, the creation of an opening between the front bedroom and proposed creation of a wide opening between the proposed kitchen and lounge, and removal of the

lean-to/coal store and the flank wall of the service wing would involve a loss of fabric and undermine the integrity of the building's original plan form.

16. Furthermore, the proposed lounge would extend the entire plot width, introducing larger room proportions compared with the existing, as well as establishing the largest room within the building to the rear. Although there would be no upward extension of the service wing, the basement level of the rear elevation would be subsumed by new development. The combination of differing roof heights, stairs and materials would create a complicated and confused elevation, completely at odds with the relative simplicity and authenticity of its rear elevation.
17. Fundamentally, the proposed works and development proposals would weaken the integrity and authenticity of a component within the wider listed terrace. Thereby, the special architectural and historic interest of Grade II* listed building would not be preserved, and its inherent group value undermined, causing harm. Conflict therefore arises with sections 16(2) and 66(1) of the Act.
18. Although the appeal site is a relatively small component within the CA, it is one of the Georgian townhouses and an element within a listed terrace that reflects the built evolution and social history of the CA. The harmful impact of the proposals would be observable from The Esplanade, from Custom House Quay when the access gates are open and from nearby properties and would also weaken the aesthetic and historic contribution No. 9 makes to the special interest of the CA as a whole. It follows that the neither the character nor the appearance of the CA would be preserved or enhanced. Consequently, there would also be conflict with section 72(1) of the Act.
19. Paragraph 199 of the Framework advises that when considering the impacts to the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weights should be). Bearing in mind the scale and nature of the proposal, I consider the harm to the Grade II* listed building and the CA, as designated heritage assets, would be less than substantial. Paragraph 200 of the Framework states that any harm to, or loss of the significance of a designated heritage asset, should require clear and convincing justification, while paragraph 202 makes clear that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
20. The Appellant contends that the proposals would help to resolve issues relating to light and damp at basement level, and that the existing layout does not offer an adequate drainage system. Improvements that would invest in the built fabric of a listed building, ensuring its ongoing conservation, reductions in carbon emissions, and improved accessibility would all constitute public benefits.
21. However, there is no compelling evidence to indicate the precise cause of any damp, mould or drainage issues, nor plans or methodology to indicate how such problems would be improved. There is no measure of the amount of natural light within the front bedroom, nor how this would be increased through opening up the lightwell, or could be improved in other ways. In any event,

opening the frontage lightwell would only benefit the front bedroom, a space most likely occupied at night or during the early hours.

22. The case is made that the proposals would improve accessibility at the appeal site, for the benefit of the Appellant as well as guests who tend to be of older age, some with mobility issues. The majority of the bedrooms are contained within the upper three floors of No. 9. Therefore, even if the basement area were to be let out for guests, only one bedroom within the hotel would be accessible via the new stairs. In any case, no stair lift is shown on the proposed plans and overall, the scope of accessibility improvements the proposals would realise would be limited.
23. The benefits put forward by the Appellant relate principally to increasing the size and circulation within the basement accommodation, which even if it could be let, would principally be of private benefit. There would be some economic benefit associated with the construction phase and general investment in the fabric of the listed building. However, the benefits of the proposal would largely accrue to the Appellant and while there may be areas of deterioration within the fabric of No. 9, there is no indication that the preservation of the building and wider public benefits could not be achieved in less harmful ways.
24. That there would not be harm in relation to flood risk, living conditions, security, or structural integrity of the building, and a lack of objection from Weymouth Town Council, are neutral factors that weigh neither for nor against the proposals in the overall balance. That other properties within the wider listed terrace have undergone alterations, including potentially more extensive internal changes or extension, does not justify allowing the harm I have identified. Nor do the alterations made to No. 9 to date. Rather, I have assessed the proposals on their own merits bearing in mind the site-specific circumstances and my statutory obligations regarding preserving listed buildings and conservation areas.
25. On the other hand, the proposals would harm the significance and special interest of the listed building and fail to preserve or enhance the character or appearance of the conservation area, matters which carry considerable importance and weight. On balance, the sum of public benefits are insufficient to outweigh the harm to the significance of the listed building designated heritage assets, and the considerable importance and weight this carries.
26. The proposed works and development therefore conflict with the historic environment protection policies within the Framework. The proposals would also lead to conflict with policies ENV4 and ENV12 of the West Dorset, Weymouth & Portland Local Plan 2015 insofar as they seek to: ensure development conserves, and where appropriate enhances, the significance of heritage assets; require any harm to the significance of a designated heritage asset is justified; and require development a high quality design that complements and respects the character of the surrounding area.

Other Matters

27. I note the Appellant's disappointment in relation to the Council's dialogue and engagement in handling their application. However, such matters sit outside of my considerations for these appeals. Furthermore, I do not consider that the fundamentally inappropriate elements of the proposals could have been made acceptable through the imposition of conditions. The Appellant's statement

indicates that there could be scope to remove certain elements of the proposals. However, if they consider the amending of their scheme would overcome the Council's concerns, fresh planning and listed building consent applications should be submitted.

28. A statutory list description is just an aid to identification. That the interiors or any other element within the listed terrace were not inspected or mentioned does not preclude their special interest.

Conclusion – both appeals

29. For the reasons given above, and having considered all other matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

H Porter

INSPECTOR

