



Appeal Decisions

Site visit made on 8 November 2023

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2023

Appeal A: APP/D1265/W/22/3305631

West Manor, Church Street, Weymouth, Dorset DT3 5QB

- 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 J Rugg against the decision of Dorset Council.
 - The application Ref P/HOU/2022/02923, dated 9 May 2022, was refused by notice dated 25 July 2022.
 - The development proposed is a replacement extension.
-

Appeal B: APP/D1265/Y/22/3305633

West Manor, Church Street, Weymouth, Dorset DT3 5QB

- 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 J Rugg against the decision of Dorset Council.
 - The application Ref P/LBC/2022/02924, dated 9 May 2022, was refused by notice dated 25 July 2022.
 - The works proposed are a replacement extension.
-

Decisions

Appeal A: APP/D1265/W/22/3305631

1. The appeal is dismissed

Appeal B: APP/D1265/Y/22/3305633

2. The appeal is dismissed.

Main Issues

3. The main issues in relation to these appeals are

- a) whether the works would fail to preserve the special architectural and historic interest of this Grade II listed building and cause harm to its significance, and,
- b) (in relation to Appeal A only) whether they would fail to preserve the character or appearance of the Upwey Conservation Area and harm the significance of that designated heritage asset.

Reasons

4. Although now occupied independently, the Grade II listed West Manor was originally added to the adjoining, Grade II* listed, 17th Century Upwey Manor as a guest wing. The appeal property was constructed at the start of the 20th Century in a pleasing 16th Century vernacular revivalist style to sympathise with the Manor to which it was attached. This is demonstrated in aspects such

as its scale, its proportions, its materials and its detailing, and, externally, is particularly apparent on its main south- and west-facing elevations. It also displays the affluence and status of the Manor. Such factors add to its special architectural and historic interest, and make a positive contribution to its significance.

5. The proposed extension would be on the dwelling's western side, and would take the form of a small building of stone and glass with a traditional pitched roof, which would be connected to the house by a short, glazed link.
6. When looking from the south at the dwelling's principal elevation, the gable of the proposal would rise to roughly level with the bottom of the first floor windows. However, it would be substantially concealed by the tall wall that encloses the garden, which would also serve to separate it, to a great extent, from the context of this elevation. Moreover, the presence of the link means it would stand apart to a degree. As a result, to my mind it would not challenge this elevation or cause it harm. Furthermore, given the separation and the set back of Upwey Manor, the works would not harm the setting of that neighbouring listed building.
7. The west elevation is particularly prominent as it faces towards the gateway into the property, and contains one of the dwelling's main entrances. It is also slightly elevated, as there is a terrace, about 0.5m high, along this side of the house, dropping down to the garden below. I accept that the proposal would contain an appreciable amount of glazing, but with its roof and end wall it would also be a relatively solid structure. Mindful of this and given its dimensions and location, the extension would be a dominant presence against this elevation, which would be exacerbated by the need to build up the terrace around to account for the fall in the land. Furthermore, its scale means it would also obscure a notable amount of this façade, inhibiting an awareness of the architectural detailing. For these reasons, I consider the scheme would detract from and diminish this listed building, so causing harm, albeit less than substantial, to its significance.
8. Turning to the Upwey Conservation Area, this contains a range of buildings of a variety of ages and these, along with the spaces, boundary treatments and the road network in between, reflect its evolution as a historic rural settlement. Such aspects add to its character and appearance, and so enhance its significance as a designated heritage asset. West Manor, being a building of some status, makes a positive contribution to this.
9. Views of the works from the public domain would be limited due to the depth of the plot, the intervening planting, and the boundary wall. As a result, the extension would not cause any harm to the significance of the conservation area when looking from outside of the site. However, I consider that less than substantial harm would result by reason of it detracting from and diminishing an important listed building within the conservation area.
10. In assessing this impact, I am aware that the proposal would result in nothing beyond a minimal loss of historic fabric. It would also be replacing an existing conservatory that is in a poor condition, does not relate well to the dwelling's window openings, and even if properly maintained, would do little to preserve the special architectural and historic interest of the house. However, the conservatory has a much smaller floor area than the proposal and is also much lower. It is a lighter structure too, being mainly glazing and timber-frame

above cill height. Any adverse effects it may have on an appreciation of the building are therefore not as great as those of the proposal. As a result, despite its design limitations, I consider its removal and replacement does not outweigh the harm of the scheme before me.

11. The *National Planning Policy Framework* (the Framework) states that great weight should be given to the conservation of a designated heritage asset, and any harm to its significance should require clear and convincing justification. Moreover, if less than substantial harm is caused to the significance of any such asset, that harm should be weighed against the public benefits.
12. I have been told that the appellant's family will soon need a ground floor bedroom and so this extension is required to form a replacement dining area. I have given this matter appreciable weight in my reasoning. However, the limited information supporting this means it does not, to my mind, provide a clear and convincing justification for the scheme that outweighs the great weight that should be given to the conservation of the assets.
13. Accordingly I conclude the proposal would fail to preserve the special architectural and historic interest of this listed building, and as a consequence it would not preserve the character or appearance of the Upwey Conservation Area, causing less than substantial harm to the significance of each of those designated heritage assets. In the absence of any public benefits to outweigh this harm, the scheme would conflict with Policies ENV4, ENV10 and ENV12 in the *West Dorset, Weymouth & Portland Local Plan 2015*, which broadly seek good design that reflects its context and has regard to the significance of heritage assets, and with the Framework.

Conclusion

14. I conclude that the appeals should be dismissed.

JP Sargent

INSPECTOR