



Appeal Decision

Site visit made on 24 October 2023

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2023

Appeal Ref: APP/D1265/D/23/3319004

39 Sherborne Lane, Lyme Regis, Dorset DT7 3NY

- 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 Eimear Oliver against the decision of Dorset Council.
- The application Ref P/HOU/2022/07799, dated 13 December 2022, was refused by notice dated 24 February 2023.
- The development proposed is widening of front gateway at 39 Sherborne Lane.

Decision

1. The appeal is dismissed.

Procedural matter

2. The appeal site, No 39 Sherborne Lane (No. 39), is a residential property located in the Lyme Regis Conservation Area (CA). It is also proximate to 35-37 Sherborne Lane (Nos. 35-37) and Sherborne Lodge, which are both Grade II listed buildings. In considering whether to grant planning permission, I have been mindful of my statutory duties under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, having particular regard to the effect on relevant designated heritage assets; and
 - the effect on highway safety.

Reasons

Heritage assets

4. The CA designation encapsulates the small coastal town of Lyme Regis and includes parts of the waterfront, and the routes and spaces around that extend around its historic core and surrounding hillsides. From what I have seen and read, I consider the special interest of the CA is in part derived from the town's long history, evident within the diversity of its heritage assets, layout and surviving historic plots and traditional materials, which together reveal its built evolution over many centuries.
5. Sherborne Lane is an historic route located in the heart of the CA. It is tightly edged by traditional stone built and rendered properties that either directly address the edge of the lane, or feature small front gardens or yards set

behind boundary walls. The Council's Lyme Regis Conservation Area Appraisal (Review 2010) (the CAA) identifies the continuous building frontages or stone boundary walls that often define the edge of the highways that establish overall and impressive and varied character. Sherborne Lane is also identified as having particularly distinctive long and thin tenements and boundary walls that contribute to the significance of the CA. Consequently, the pattern of development, cohesive building groups, traditional materials, and boundary features along Sherbourne Lane are important components that contribute to the significance and special interest of the CA as a whole.

6. The Grade II listed building Nos. 35-37 comprises three, two-storey dwellings that front directly onto Sherborne Lane and have access doorways leading onto it. The significance and special interest of Nos. 35-37 is partly derived from its architectural execution, plot layout and historic value within the group of other listed properties along Sherborne Lane. Sherborne Lodge is situated opposite Nos. 35-37. The significance and special interest of which is informed by its early origins, architectural execution and surviving historic fabric, as well as wider group value with nearby listed buildings, including Nos. 35-37.
7. No. 39 is a residential property that flanks Sherborne Lane and has a small courtyard behind a stone boundary wall and timber gateway supported by brick piers. The existing boundary wall is evidently of some age albeit showing signs of disrepair and the timber gateway is relatively rudimentary. However, the narrowness of the gateway entrance allows for a large expanse of local chert/blue lias stone walling to dominate the frontage of No. 39 and this part of Sherborne Lane. Consequently, the existing boundary wall adds value to the cohesiveness of Sherborne Lane and make a positive contribution to the character and appearance of the CA as a whole.
8. No. 39 is attached to Nos. 35-37 and on the opposite side of the Lane to Sherborne Lodge. Due to the proximity, the appeal site falls within the settings of these listed buildings. No. 39 is on a different orientation to Nos. 35-37 and does not share an overall group value with it or Sherborne Lodge. However, No. 39 and the associated stone boundary wall underpin the cohesive, traditional nature and pattern of built form along Sherborne Lane, which makes some small contribution to the significance of these two listed buildings as designated heritage assets.
9. The appeal proposal would see the removal of a large section of the existing traditional stone boundary wall and insertion of larch-lap folding gates between re-built brick piers. Although some properties along Sherborne Lane benefit from off-street parking, the size of the proposed new opening would result in the loss of a substantial amount of traditional boundary walling to Sherborne Lane. Moreover, even if there are a variety of enclosures along the lane, the size and form of the replacement folding gateways would dominate the frontage of No. 39 and stand out as a modern intrusion at odds with traditional built form and cohesion that underpins its distinctive character. When the proposed gates are open, the distinctive building line and boundary edge that characterises Sherborne Lane would be undermined.
10. The impact of the proposal would be read as a clearly modern intervention within the settings of Sherborne Lodge and Nos. 35-37. In this context, the proposals would weaken the cohesive traditional nature and pattern of built form along Sherborne Lane. Consequently, the settings of the Grade II listed

buildings would not be preserved and their significance would, albeit in a small way, be harmed.

11. The proposed development would therefore fail to preserve or enhance the character or appearance of the CA, and the settings of Nos. 35-37 and Sherborne Lodge would not be preserved.
12. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.
13. Given the scale and nature of the proposals, I consider that the degree of harm to the significance of the relevant designated heritage assets in this case would be less than substantial, which Paragraph 202 of the Framework indicates should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
14. The appellant makes the case that the proposal would allow for better access to No. 39 from Sherborne Lane. I acknowledge that and that a wider gateway would enable better access to the small yard for vehicles, motorbikes and large mobility scooters, which could result in a better living environment for the occupiers of No. 39. However, as the property is undergoing upgrades for its use as a single dwelling, the benefits would largely be private ones.
15. Additionally, my attention has been drawn to the poor state of the wall and that the appeal proposal would allow repairs to the wall to take place. However, the majority of the traditional stone wall would be lost leaving a comparatively small section in situ. Even if there would be some short-term benefits associated with the construction phase, I also have minimal information before me that demonstrates that the benefits of the appeal scheme could not be achieved in a less harmful way.
16. All of these factors limit the weight I attribute to the public benefits of the proposals to a modest level, which is insufficient to outweigh the less than substantial harm to the relevant designated heritage assets.
17. For these reasons, I find that the proposed development would conflict with Sections 66(1) and 72(1) of the Act. The proposal would also fail to accord with Policies ENV4 and ENV12 of the West Dorset, Weymouth and Portland Local Plan 2011 – 2031 (LP) insofar as they seek to ensure development conserves and where appropriate enhances the significance of designated heritage assets, and for development to complement and reflect the character of the surrounding area. Additionally, the proposal would conflict with the historic environment protection policies of the Framework.

Highway safety

18. Sherborne Lane, despite its narrow width, is an adopted road and this is evidenced by vehicles parked in front of a few of the properties along the lane. It is understood that people drive along the lane in forward gear to their properties and then reverse back up the lane when leaving. The narrow width of the lane provides little refuge for pedestrians when a vehicle is travelling along it.
19. The proposal would result in the width of the existing gateway on to Sherborne Lane being increased to approximately 3.6 metres. I understand that the

appellant has no intention to park a vehicle within the appeal site and that it is to make access with a motorbike or mobility scooter easier, but it appears that the proposal would allow the potential for a vehicle to be parked within the site.

20. Given the narrowness of the route and the size of the yard, were a car to be parked at the appeal site, it would likely require reversing out onto Sherborne Lane and into the path of pedestrians. Pedestrians would be given very little room to get out of the way of a vehicle moving in a forward or reverse gear. There is no legal mechanism that would restrict the development or use of the land in any specified way and consequently no way to prevent cars being parked within the site to effectively mitigate against a potentially detrimental impact on highway safety.
21. Even if there was a mechanism to ensure that the appeal site would not be used for parking cars, the appellant has indicated that the site could be used to park motorbikes. In my judgement, the increase in the use of Sherborne Lane by motorised vehicles such as motorbikes would still undermine road safety, especially at times when there is an increase in pedestrian activity in Lyme Regis.
22. For these reasons, the proposed development would have an unacceptable and detrimental impact on highway safety. Consequently, the proposal conflicts with Policy COM7 of the LP, which seeks, in part, to prevent a severe detrimental effect on road safety, unless measures can be introduced to mitigate against potentially detrimental conditions.
23. Additionally, I have had due regard to the Framework, which indicates that development should be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

24. As part of determining this appeal proposal, I have had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability or age.
25. The proposed development would allow elderly relatives to access the site more easily when travelling to the site on a large mobility scooter. The appellant has explained that elderly relatives stay at the property during respite periods and it is a crucial element of the proposal for them to allow this to take place as easily as possible. However, this must be balanced against the great weight to be attributed to the conservation of designated heritage assets, and the matter of highway safety that would be in the wider public interest. I have been provided with limited evidence to demonstrate that improved access provision could not be delivered in a less harmful way, such as a narrower opening. Therefore, I conclude that these are not matters which outweigh the harms identified.

Conclusion

26. For the above reasons, the proposed development conflicts with the development plan, when taken as a whole, and there are no material

considerations that would outweigh this conflict. Accordingly, I conclude that the appeal should be dismissed.

K Reeves

INSPECTOR