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# Appeal Decision

Site visit made on 23 January 2024

**by K Reeves BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 April 2024**

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**Appeal Ref: APP/D1265/D/23/3329535**

**Waves Cottage, Britwell Drive, West Lulworth, Dorset BH20 5RS**

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Ben Dyke against the decision of Dorset Council.
  - The application Ref is P/HOU/2023/03414.
  - The development proposed is to raise the western section (only) of the roof to the dwelling, to allow for a loft conversion, to total one and half storeys, to provide two additional bedrooms.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 19 December and updated on 20 December 2023. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the matters relied on by the main parties are unchanged. Therefore, I did not need to consult with the main parties regarding the revised Framework and in determining this appeal, I have had regard to the most recent version.
3. On 22 November 2023, all areas in England and Wales designated as an Area of Outstanding Natural Beauty (AONB) were retitled National Landscapes. There has been no change to the legal designation and policy status of these areas, but I have replaced reference to the Dorset AONB with the Dorset National Landscape (DNL) in my decision to reflect this change.

## Main Issues

4. The main issues are the effect of the proposed development on:
  - the living conditions of the occupants of 1-3 Albion Villas, with particular regard to privacy; and
  - the character and appearance of the area including: (a) whether the development would preserve or enhance the character or appearance of West Lulworth Conservation Area, and preserve the setting of adjacent listed buildings; and (b) whether the development would conserve and enhance the natural beauty of the DNL.

## Reasons

### *Living conditions*

5. Waves Cottage is a residential property situated in West Lulworth. The proposed development involves raising part of the roof of the dwelling and this would include three dormer windows. Two of the dormer windows would serve bedrooms and the third would serve the stairwell. Given that someone would not be able to look out of the stairwell window, I have focused on the two other dormer windows.
6. The dormer windows would face towards Albion Villas, which include a shop and café on the ground floor and a flat on the first floor. There are windows in the elevation of Albion Villas facing the appeal site and a first floor terrace at the rear of the building, which forms the outdoor space for the flat.
7. There is some dispute between the parties regarding the distance of the dormer windows from the boundary and the rear elevation of Albion Villas. However, the disparity between the parties' figures is not significant. As such, whichever figures are used makes no material difference to my determination of the appeal.
8. There is an existing tree that would provide a degree of screening to the first floor windows of Albion Villas directly facing the indicated positions of the dormer windows. However, it would not maintain a suitable level of privacy for people using the terrace. Given that the dormer windows would be at a similar height to the terrace, the proposal would significantly reduce the privacy afforded to the occupiers of the flat when using their outdoor space. Whilst I acknowledge that the current occupier of the flat has supported the proposal, I am required to judge the impact on the living conditions of existing and future occupiers of the flat and the proposed development would lead to harmful overlooking of the first floor terrace at Albion Villas.
9. The Council have suggested that the dormer window to one of the bedrooms could be obscure glazed and fixed shut, but the other bedroom window could not as it would provide the only outlook from that room. Obscure glazing and fixing shut only one of the dormer windows would not mitigate the harmful overlooking. In any event, even if that window was obscure glazed, given the distance of the development from the neighbouring terrace, there would still be a strong perception of overlooking.
10. For these reasons, I conclude that the proposed development would have an unacceptably harmful impact on the living conditions of the occupiers of the residential flat at Albion Villas. Consequently, the development would conflict with Policy D of the Purbeck Local Plan Part 1 (Adopted November 2012) (LP), insofar as it seeks to avoid and mitigate effects of overlooking. Additionally, the proposal would conflict with the Framework, which seeks, in part, to ensure that there is a high standard of amenity for existing users of development.

### *Character and appearance (heritage)*

11. The appeal site sits in a backland plot to the rear of numerous properties within the West Lulworth Conservation Area (CA). Amongst the surrounding properties are the Grade II listed Coastguard Cottages and the Grade II listed Doll's House. In accordance with Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard must be

given to the desirability of preserving or enhancing the character or appearance of the CA, and the desirability of preserving the settings of the listed buildings.

12. The West Lulworth Conservation Area Appraisal (2015) explains that the CA consists of two constituent parts – the main village just inland and the smaller cluster of development at the cove. The site is located within the latter. The Appraisal confirms that the significance of the CA is principally derived from the structure of the village and its mixed architectural character, the 18<sup>th</sup> and 19<sup>th</sup> Century buildings and its relationship with the sea as a historic calling point for steam ships. This area of the CA also contains many buildings that can be regarded as traditional in terms of age and appearance, such as Albion Villas. Although these buildings are not listed, they can be regarded as non-designated heritage assets that contribute positively to the significance of the CA.
13. Coastguard Cottages is a row of eight dwellings that are listed as a group at Grade II. They were constructed in the early 19<sup>th</sup> Century and are noteworthy for their distinctive tall chimneys that create a prominent and historically positive feature within the CA. They also have a consistent appearance and opening layout across their principal elevations, apart from minor variations in the form of porches. Their significance is derived, in part, in their architectural features, consistent plot layout and historic value within the group of other traditional buildings in the CA.
14. The Doll's House is a Grade II listed building that the listing description indicates was probably constructed in the 18<sup>th</sup> Century. It is a particularly attractive building amongst its traditional surroundings and its significance derives, in part, from its probable origins as an 18<sup>th</sup> Century building, its bijou and endearing form and features, and its historic value within the group of other traditional buildings in the CA.
15. Coastguard Cottages, Doll's Cottage and other traditional buildings are set in three rows that all have their rear elevations facing on to the appeal site. It appears that the site used to form part of the garden(s) of the surrounding properties. Together, the surrounding buildings are a building group that essentially constitutes three straight sides of a square. Waves Cottage forms part of the backdrop to the surrounding buildings, including the listed buildings, when viewed through the open corners of the building group.
16. The existing building is single storey and its massing and bulk is broken up by a flat roof link between the two sections with dual pitched roofs. When it is seen through the open corners of the aforementioned building group, it currently has a subservient presence relative to the surrounding buildings. Additionally, its overall appearance means that it is not easily read as a residential property, and this is appropriate within its surrounding context.
17. The proposal would see the currently modest proportions of the existing building increased through the raising of the roof. The larger massing and bulk of the building and the introduction of dormer windows would result in the building standing out amongst its surroundings, and it would become a visually competing feature within the background of the listed buildings, harming appreciation of their significance. The installation of dormer windows would lead to the use of the building as a dwelling becoming strikingly more apparent and, as such, they would form incongruous features within the backland context of the site. The introduction of timber cladding at a higher level on the

exterior of the building would also mean that there would be a discordant mixture of external materials that would be at odds with the single material palette of the surrounding buildings.

18. There are other dormer windows on buildings in the local area and the nearby Heritage Centre has dormer windows. However, in the context of the appeal site and its existing appearance as a subservient building that is not overtly residential, dormer windows would not be appropriate.
19. The development would fail to preserve or enhance the character or appearance of the CA and fail to preserve the settings of listed buildings, and so cause harm to their significance.
20. The Framework states that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.
21. 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. Such harm attracts considerable importance and weight. The Framework indicates that the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
22. The benefits presented by the appellant include being able to continue living locally and expand their family. However, these are private benefits that are attributed limited weight. There will be associated benefits to the local economy during the construction process and a potential increase in the council tax incurred as a result of enlarging the dwelling, but given the small scale of the development, these benefits would be limited as well.
23. I note that the appellant intends to expand their family through adoption, and this would provide a long-term home for children in need of a stable home environment. However, I have minimal information before me that demonstrates that this benefit of the appeal scheme could not be achieved in a less harmful way and this limits the weight I attribute to this benefit of the proposal to a modest level.
24. Additionally, it is asserted that there would be no harm to biodiversity, an issue from a climate change perspective or lead to an increase in surface water run-off. However, these are neutral factors.
25. The above stated benefits are therefore insufficient to outweigh the less than substantial harm to the relevant designated heritage assets.
26. For these reasons, I conclude that the proposed development would cause unacceptable harm to the character and appearance of the area, failing to preserve or enhance the character or appearance of the CA and failing to preserve the settings of listed buildings. Consequently, the proposal would conflict with Policies D and LHH of the LP, insofar as they require development to positively integrate with its surroundings and expect the conservation of the appearance, setting, character, interest, integrity, health and vitality of heritage assets. Additionally, the proposal would conflict with the historic environment protection policies of the Framework.

*Character and appearance (landscape)*

27. The site is also within the DNL. In accordance with the Framework, great weight should be given to conserving and enhancing its landscape and scenic beauty.
28. The site is situated within the constituent part of West Lulworth that is near the cove. The surrounding landscape is dominated by chalk hills rising above the built-up area. The site and the buildings around it are nestled down within the landscape in an area that transitions from the coastal environment to the chalk formed landscape and mosaic agricultural pastureland.
29. In terms of long-distance views into the site and the overall impact of the proposal on the landscape and scenic beauty of the area, the existing building is lost amongst its surroundings and the proposed development would not result in it standing out harmfully in the context of the wider landscape.
30. Turning to the impact on the DNL's dark night sky, the three rooflights have the potential to create upward light spill. However, the small scale and quantum of this part of the development would not result in a notable impact on the dark night sky, particularly when taking into account that they would serve bathrooms and a landing, which are areas of a dwelling where internal lights are likely to be used infrequently and sporadically.
31. For these reasons, I conclude that the proposed development would not harm the natural beauty of the DNL. Consequently, the development would comply with Policies D and LHH of the LP, insofar as they seek development to integrate with, and conserve, the appearance, setting, character, interest, integrity, health and vitality of the landscape. Additionally, the proposal would comply with the natural environment protection policies of the Framework.

**Conclusion**

32. For the reasons given above, the proposed development would conflict with the development plan, when taken as a whole. Material considerations, including the Framework, do not indicate that I should make a decision other than in accordance. Accordingly, I conclude that the appeal should be dismissed.

*K Reeves*

INSPECTOR