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## Appeal Decisions

Site visit made on 17 June 2024

**by Tom Bristow BA MSc MRTPI AssocRICS**

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

**Decision date: 02 July 2024**

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### **Appeal A Ref: APP/D1265/W/23/3328709**

#### **2 Chine Hill Cottages, Waterston Lane, Druce, Dorset DT2 7ST**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended (the '1990 Act') against a refusal to grant planning permission.
  - The appeal is made by Ben Dixon against the decision of Dorset Council.
  - The application is ref. P/HOU/2023/02112.
  - The development proposed is described on the application form as 'internal remodelling and loft conversion'.
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### **Appeal B Ref: APP/D1265/Y/23/3328716**

#### **2 Chine Hill Cottages, Waterston Lane, Druce, Dorset DT2 7ST**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the 'LBCA Act') against a refusal to grant listed building consent.
  - The appeal is made by Ben Dixon against the decision of Dorset Council.
  - The application is ref. P/LBC/2023/02113.
  - The works proposed are described on the application form as 'internal remodelling and loft conversion'.
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## **Decisions**

1. Appeals A and B are allowed. Planning permission and listed building consent is thereby granted for internal remodelling and a loft conversion at 2 Chine Hill Cottages, Waterston Lane, Druce, Dorset DT2 7ST in accordance with the terms of applications ref. P/HOU/2023/02112 and P/LBC/2023/02113 subject to the conditions below.

## **Preliminary matters**

2. The proposal relates to no. 2, part of grade II listed 1-6 Chine Hill (the 'listed building').<sup>1</sup> I have therefore approached the appeals in the context of sections 16(2) and 66(1) of the LBCA Act. Those provisions set out that, in considering whether to grant listed building consent for proposed works or for planning permission affecting a listed building, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
3. The current proposal follows applications ref. WD/D/20/003297 and WD/D/20/003298, both withdrawn to address the Council's former concerns regarding the structural feasibility of works. The appellant states that the Council did not previously object to the principle of a loft conversion or to the

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<sup>1</sup> List entry no. 1119112.

installation of rooflights. Nevertheless each proposal must be determined on its merits (and, in the event, the Council did not reach decisions previously).

4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 as amended requires that planning proposals are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan includes policies of the West Dorset, Weymouth & Portland Local Plan (adopted October 2015). The Local Plan remains, notwithstanding the establishment of Dorset Council in 2019. The development plan also includes the Puddletown Neighbourhood Plan (made June 2021).
5. I have had regard to all relevant material considerations including the National Planning Policy Framework (updated 20 December 2023, the 'NPPF'), the Planning Practice Guidance ('PPG') and the Technical housing standards-nationally described space standard (published 27 March 2015, the 'NDSS'). I understand that work on a Local Plan review is yet at a relatively early stage.

### **Main issue**

6. The main issue is whether the proposal would preserve the listed building and any features of special architectural or historic interest which it possesses.

### **Reasons**

#### *Special interest and significance*

7. Nos. 1-6 are set close to, and face, Waterston Lane (the B3142). In short order beyond the River Piddle, the B3142 turns into Druce Lane. Thereafter Druce Lane heads towards the A35, which arcs to the north of Puddletown. Waterston Lane and Druce Lane are themselves historic. They wind between field boundaries through a gently undulating and staunchly rural chalk downland landscape. On account of the landform and relative openness of the landscape there are glimpsed views of the listed building from various vantage points. Those include from along Waterston Lane heading westwards towards Manor Farm, and from bridleway C39/28 spurring off the B3142 to the south-east.
8. Nos. 1-6 are uniform terraced properties. They are all of brick, laid in Flemish bond, with accentuated ashlar window dressings, door surrounds and quoins beneath a gabled slate roof.<sup>2</sup> The list entry aptly describes the symmetry of their elevations facing Waterston Lane: 'Each cottage has a ledged door, with fanlight, stone jambs and lintel with projecting keystone. In each cottage, ground floor has one 3-light stone mullioned window, and cast iron glazing. First floor has one 2-light and one single-light similar window.' The list entry summarises how the listed building represents a 'good unaltered example of Victorian estate cottages.'
9. In all likelihood the listed building originated in connection with grade I listed Waterston Manor nearby to the west.<sup>3</sup> Whilst the Manor traces its origins to the sixteenth century, or further back still,<sup>4</sup> the list entry describes how the Manor was largely rebuilt after a fire in 1863. The architecture of nos. 1-6 is consistent with building of that era. The datestone of the listed building reads

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<sup>2</sup> Rather than plain clay tiles as the Council say.

<sup>3</sup> List entry no. 1119080.

<sup>4</sup> Being next to the scheduled remains of a medieval settlement (list entry no. 1017263).

1869. Many farms and country residences were remodelled in any event around that time on account of growing urbanisation, rural affluence and social consciousness in respect of workers' housing. In that context, insofar as it relates to these appeals, the special interest of the listed building derives principally from its architecture and materials authentically reflecting mid-Victorian socio-economic change in a rural context.

10. As the Council fairly observe, uniformity, symmetry and a relative lack of latter alterations contribute towards historic integrity and significance. Inherent in my reasoning above, however, is that significance or special interest is not derived exclusively from uniformity (as the Council's decision notices suggest). It should not be overemphasised. Nos. 1-6 were built at the same time and therefore, as with many other Victorian workers' cottages, uniformity and symmetry is unsurprising as opposed to possessing a particular historic resonance. Practically then, as now, it is easier to build to repeating patterns.
11. Whilst the rear elevations of nos. 1-6 are also symmetrical, they have become less so over time. At some point, likely around the mid-twentieth century judging by the use of more modern bricks laid in stretcher-bond, single storey rear additions to each of nos. 1-6 were built. Those additions likely allowed for the incorporation of water closets with the properties themselves, potentially incorporating former outbuildings. There is some variety in those rear additions; those at nos. 3 and 4 reach higher than those at nos. 1 and 2. The roof of the former is slate and incorporates a single rooflight serving each property (close to the party wall between nos. 3 and 4). The single storey outriggers to nos. 1 and 2 have instead deteriorating corrugated sheeting.
12. The landform also varies to the rear of the listed building, rising to greater extent near nos. 1 and 2 than nos. 5 and 6. Whilst rear gardens are offset from their respective property,<sup>5</sup> beyond the rear additions to nos. 1, 2 and 3 there are historic outbuildings set at a higher ground level, potentially former bank barns, whereas comparable outbuildings are not present elsewhere. The changeable level of rear gardens has variously been altered by way of hardsurfacing and paths to accommodate domestic use and paraphernalia.
13. Although significance and visibility are different concepts, there is nonetheless very limited visibility of the rear elevation and rear roofscape of the listed building from public vantage points (including those referenced in paragraph 7 above). There is no indication that any existing features at the listed building are unauthorised or subject to enforcement action.
14. Whilst significance is not inherently only embodied in the original fabric and form of a building, no. 2 has evidently suffered from a period of neglect. There are also a number of insensitive alterations to it including the installation of pipes, services, and cosmetic alterations which have obscured original fabric. I saw that the roof structure appears to be broadly consistent in era with single-storey rear additions (albeit that historic slates may have been reused with sarking beneath). Rafters and purlins are machined and tied in relatively poorly with walls. There is no indication that any alterations have occurred as

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<sup>5</sup> As shown on plan no. 'S-1437-01 A'.

anything other than successive practical responses to the condition of the listed building as opposed to consciously.<sup>6</sup>

15. Nos. 1-6 were originally built to meet, or to improve, the contemporaneous living conditions of occupants. They are, however, humble properties. The appellant states that the gross internal area ('GIA') of no. 2 is 66.5 square metres ('sqm'). Purely by way of illustration, the minimum NDSS recommendation for a 3 bed, 4 person, 2 storey dwelling is a GIA of 84sqm. The minimum NDSS recommendation for a 2 bed, 3 person, 2 storey dwelling also exceeds 66.5sqm (being 70sqm). Rooms are also modest. The appellant refers to what is annotated as 'bedroom 3' being around 4.5sqm.<sup>7</sup> 'Bedroom 2' is little larger. Again the minimum NDSS recommendation for a one bedspace room is 7.5sqm (for 2 bedspaces it is 11.5sqm).

### *The proposal*

16. In summary the proposal is to alter the layout of no. 2 including so as to enable the attic space to be converted to accommodation. At ground floor level internal works would be limited, respect both the historic plan form of the property and existing openings, and affect principally non-original fabric. At first floor level 'bedroom 3' would be repurposed as a bathroom. A staircase would be installed in the location of a cupboard to bedroom 1, which would wind upwards to enter the attic space beneath the ridge. The asbestos roof to the rear addition to nos. 1 and 2 would be replaced with insulated corrugated sheeting.
17. The attic would become a bedroom (with areas of restricted head height and eaves storage). The 'original' proposal is that the second floor bedroom would be served by two rooflights inserted in the south-east (rear) facing roof slope,<sup>8</sup> near flush with roof tiles.<sup>9</sup> Providing loft access would involve removing a section of the existing truss between principal and rear elevations and reinforcing the roof structure accordingly, effectively creating an aisle truss arrangement.<sup>10</sup> The appellant has submitted a revised scheme post-dating the Council's decision notice of 14 June 2023,<sup>11</sup> reflecting that the loft conversion could be served by a single rooflight. Otherwise the works proposed via the revised scheme would remain as described above.
18. The revised scheme is advanced in the eventuality that the original scheme is found to be unacceptable. There is no procedural issue with my considering the revised scheme; any change relative to the original scheme is minimal. Revised plans have also been available at appeal, and there have been no third party representations at any point. Either scheme would inevitably entail some tying in with the existing fabric of the building, making good, and cosmetic internal finishes (the details of which could be specified via appropriately worded conditions were the proposed works otherwise acceptable). Either proposal would also entail the repairing or refurbishment of windows and doors.

<sup>6</sup> With regard to PPG reference ID: 18a-014-20190723.

<sup>7</sup> Plan no. 'S-1437-02 A'.

<sup>8</sup> Comparing plan nos. 'S-1437-03' and 'PL-1437-201 A'.

<sup>9</sup> Details shown on plan no. 'CR\_CRSS\_LS\_D'.

<sup>10</sup> Details shown on plan no. '22002-VDE-XX-00-DR-S-001 C1'.

<sup>11</sup> Plan nos. 'PL - 1437 - 200 C' 'PL - 1437 - 201 B' and 'PL - 1437 - 202 B'.

### *The effect of the proposal*

19. Inherent in my reasoning in paragraphs 16 and 17 above, other than in respect of any rooflights proposed, is that the scheme would at least preserve significance. Although arrived at independently, that is also common ground between the appellant and Council. Any rooflights within the rear-facing roof slope would, however, be at odds with the existing uniformity and symmetry of a 'good unaltered example of Victorian estate cottages'. I have reasoned above that, albeit to qualified extent, those characteristics contribute to authenticity and significance. As such the effect of the original and revised scheme in that respect specifically cannot be described other than as harmful.

### *Consideration*

20. It is for the decision-taker, having identified that harm would result, to consider its magnitude. As reasoned above the importance of uniformity or symmetry should not be overemphasised. There is now less formality to the rear of the listed building, which is also less readily visible. In that context, all told the installation of modest near-flush rooflights would represent a very slight change, 'less than substantial' with reference to NPPF paragraphs 205 and 208. Moreover, within a spectrum of harm within that categorisation, the original proposal may fairly be described as falling towards the low end thereof.
21. In my view there is a further distinction in terms of the extent of harm that would result from the revised proposal compared to the original. As shown on plan 'PL-1437-201 A', the installation of two rooflights would be clearly asymmetric; the rooflight proposed nearest no. 1 would not align with the first floor rear window beneath it (or the rear window at the single storey addition beneath that). The consequence is that the original scheme would appear somewhat haphazard and jarring.
22. The single rooflight proposed in the revised scheme would, however, align with the windows beneath it at both first and ground floor levels. I note that the rooflights in the first floor addition at nos. 3 and 4 also align with windows above them. It would therefore be fair to describe the harm arising from the revised scheme as at the lowest end of the spectrum.
23. Less than substantial harm does not, however, equate to a less than important planning consideration. NPPF paragraph 208 sets out that, in such circumstances, the extent of harm should be 'weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. I now turn to that balancing exercise.

### *The planning balance*

24. Although many individuals accept quirks of historic buildings as the corollary of living in a property with a rich history, there are particular constraints in this instance. In respect of layout, a ground floor kitchen communicating with a bathroom would be considered a sub-optimal arrangement by many, if not most, people. I have also set out in paragraph 15 above how the size of the property, and 'bedroom 3' in particular, is extremely cramped.
25. Potentially on account of those factors, insensitive alterations over time, the rural location of nos. 1-6 and their relationship to offset gardens with

changeable levels, it is fair to say that there are particular constraints in respect of the listed building. That appears to have adversely affected its upkeep. At the time of my site visit various windows at nos. 1-6 were in a poor state of repair, and no. 1 appeared to be vacant.

26. The proposal would rationalise the existing layout and provide for additional space, both interventions more conducive with modern expectations. In that respect, as with rear additions in the mid-twentieth century, the proposal would effectively adapt the property to meet contemporary standards (assisting in forestalling further decline). Article 5 of the 1964 Venice Charter, the International Commission on Monuments and Sites context to domestic statute and policy, sets out how conservation is facilitated by making use of heritage assets 'for some socially useful purpose'. The PPG says similar.<sup>12</sup>
27. The replacement of a deteriorating asbestos roof with insulated corrugated sheets would be beneficial to both safety and energy efficiency. Similarly renovating or refurbishing all existing windows and doors would be to the benefit of preserving those elements of historic fabric which remain and to maintaining no. 2 in the long term. As such there are several public benefits which weigh in favour of the revised scheme in terms of maintaining the optimal viable use of the listed building. Collectively they provide clear and convincing justification; essentially the same benefits, but greater harm, would result from the original scheme.

## Conclusion

28. Consequently the revised proposal would accord with the expectations of sections 16(2) and 66(1) of the LBCA Act, with the relevant provisions of Local Plan policy ENV4, neighbourhood plan policy 5, and with NPPF paragraphs 195, 205, 206 and 208. Having considered the development plan as a whole along with all other relevant material considerations, I therefore conclude that appeals A and B should be allowed subject to the conditions in the first and second schedule to this decision respectively.

## Conditions

29. In addition to requiring commencement within the relevant statutory periods,<sup>13</sup> I have imposed conditions requiring that the proposal is carried out in accordance with the approved plans reflecting the revised scheme (for certainty and so as to ensure that the scheme is implemented as above).
30. In relation to appeal A, condition 3 within the first schedule is also necessary to secure appropriate ecological mitigation.<sup>14</sup> In relation to appeal B, condition 3 within the second schedule is also necessary to ensure that works are implemented in a manner which integrates sensitively with the fabric of the building. Following my reasoning at paragraphs 14, 16 and 18 above in particular, only those works that would abut or affect historic fabric need to proceed in line with a method statement (as opposed to works affecting existing modern interventions).

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<sup>12</sup> PPG Reference ID: 19a-002-20190723.

<sup>13</sup> Section 91 of the 1990 Act in respect of appeal A and section 18 of the LBCA Act in respect of appeal B.

<sup>14</sup> With reference to section 40 of the Natural Environment and Rural Communities Act 2006 as amended, notwithstanding protection afforded to ecology by other regimes (notably the Wildlife and Countryside Act 1981 as amended).



31. In imposing conditions I have had regard to the tests in the NPPF, PPG, and to relevant statute. Accordingly I have amended the wording of certain conditions proposed to ensure that they are appropriate, without altering their aims.

*Tom Bristow*

INSPECTOR

### **FIRST SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be undertaken in accordance with the following approved plans: 'S-1437-01 A', 'S-1437-02 A', 'S-147-03', 'PL-1437-200 C', 'PL-1437-201 B', 'PL-1437-202 B', '22002-VDE-XX-00-DR-S-001 C1' and 'CR\_CRSS\_LS\_D'.
- 3) The development hereby permitted shall accord with the recommendations in the Ecology Report prepared by KP Ecology Ltd., dated 28 June 2021, and the associated Biodiversity Plan dated 29 June 2021, certified 9 July 2021. Those recommendations shall be implemented before the loft conversion hereby permitted is first occupied, and retained as such thereafter.

### **SECOND SCHEDULE OF CONDITIONS**

- 1) The works hereby authorised shall begin not later than 3 years from the date of this consent.
- 2) The works hereby authorised shall be undertaken in accordance with the following approved plans: 'S-1437-01 A', 'S-1437-02 A', 'S-147-03', 'PL-1437-200 C', 'PL-1437-201 B', 'PL-1437-202 B', '22002-VDE-XX-00-DR-S-001 C1' and 'CR\_CRSS\_LS\_D'.
- 3) No works hereby authorised shall be undertaken until a method statement has been submitted to and agreed in writing by the local planning authority. The method statement shall contain details of how any works hereby authorised will abut, connect with, or be tied in to, the historic fabric of the building, along with details of any associated making good, renovation or refurbishment of the existing fabric of the building. The works hereby authorised shall be undertaken in accordance with the agreed method statement.