



Appeal Decisions

Site visit made on 12 June 2024

by David Nicholson RIBA IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 July 2024

The Old Church House, 5 Mill Lane, Wimborne Minster, Dorset BH21 1JQ

- The appeals are made by Mr Christopher Slocock against the decisions of Dorset Council.
- The development/works proposed are: Construction of a Garden Room at first floor level

Appeal A: APP/D1265/D/24/3337795

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The application Ref P/HOU/2023/05425, dated 20 September 2023, was refused by notice dated 29 November 2023.

Appeal B: APP/D1265/Y/24/3339801

- 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 application Ref P/LBC/2023/05436, dated 21 September 2023, was refused by notice dated 29 November 2023.

Decisions

1. Appeal A and Appeal B are refused.

Main Issues

2. The main issues are the effects of the proposals on the listed building and conservation area; and on the risk from flooding.

Reasons

3. Wimborne Minster Conservation Area (CA) covers a large area and is characterised by a wealth of historic buildings around a mediaeval street pattern. Mill Lane is a narrow street near the heart of the CA. It is lined by mostly two-storey developments, with gaps, of very mixed ages and styles. The Old Church House stands at the end of the public thoroughfare with its garden facing a private section of road beyond the house. Listed at Grade II, I saw that it is a rare survivor of a Georgian townhouse with all its key features. It has recently had a conservatory added to the garden side.
4. The proposed Garden Room would be a first floor extension above a small shed on the far side of the garden, opposite the conservatory. The existing shed is set back from the Lane behind a part two storey structure, which slopes at a low pitch down to a single storey to the rear. The shed backs onto another single storey structure, beyond the site boundary, between the appeal site and the river, and is adjacent to a much taller building behind the garden.

5. The proposal would stand above the existing shed, projecting slightly to the front, and be faced in timber boarding. It would have a plain tiled roof and a small Juliet balcony facing the garden. Overall, I find that the proposed building would have the appearance of a further garden shed, one that would be raised up by one floor. Although modest, I find that the position of a rather utilitarian structure at first floor level, opposite such a fine house and rising abruptly from the structure in front, would jar and appear out of place, even in such a varied context. It would also grate when seen opposite the well-mannered and carefully considered conservatory. As it would be a storey higher than the existing shed, I judge that it could also be glimpsed from some angles along Mill Lane in front and from the car park behind.
6. To my mind, given the proposed materials, height and position, the garden room would harm the contribution that the setting of the listed building makes to the significance I have set out. It would distract from an enjoyment of the proportions of the house from Mill Lane and in views from the car park on the other side of the River. Despite the variety of buildings along Mill Lane, it would also detract from the character and appearance of the conservation area.
7. The proposal would conflict with Policies HE1 and HE2 of the Christchurch and East Dorset Local Plan 2014 which aim to protect and enhance the significance of all heritage assets and their settings; and to achieve high quality development. For similar reasons, and with regard to the listed building consent appeal in particular, it would conflict with relevant policy in Section 16 of the National Planning Policy Framework (NPPF).
8. The Environment Agency (EA) flood map shows the site in Zone 2. If it is in Zone 1, then a sequential test is not required. The Appellant has explained the town's flood defences and calculated the predicted water levels against these, including climate change, and explained why he considers that the site should be transposed into Zone 1. Following a revised Flood Risk Assessment (FRA), the EA repeated its objection with a new concern that the FRA did not take account of climate change. By my reading, the revised FRA makes 5 references to climate change, as well as addressing the concerns with the original FRA.
9. There are no proposed alterations to the ground floor and so there should be no interference with potential flood waters. There would be a theoretical risk to the safety of occupants at first floor, but there would be no likely increase in the number of occupants of the house and garden overall. In the absence of more specific concerns, I consider that the FRA is proportionate to the degree of risk and adequate to show that any occupants would be at no greater risk from potential flooding. I therefore find no conflict with Local Plan Policy ME6 'Flood Management, Mitigation and Defence', Section 14 of the NPPF, or paragraphs 20 to 21 of planning practice guidance on Flood Risk and Coastal Change. I note that the Appellant is aware that a Flood Risk Activity Permit would be required in any event.
10. Notwithstanding the lack of increased risk from flooding, I conclude that both appeals should be refused.

David Nicholson

Inspector