



Appeal Decision

Site visit made on 4 June 2024

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2024

Appeal Ref: APP/D1265/W/23/3334930

50 Clifton Court, Grove Road, Portland, Dorset DT5 1DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Charlton against the decision of Dorset Council.
- The application ref is P/VOC/2023/01711.
- The application sought planning permission for development described as extension and alterations to building and change of use from A4 to form 8 residential units and erect detached garage block, without complying with a condition attached to planning permission ref P/VOC/2022/01349, dated 14 April 2022.
- The condition in dispute is No 1 which states that: 'The development hereby permitted shall be carried out in accordance with the following approved plans: 2904:017 REV A Location Plan, 2904:002 REV D, Site Plan, 2904:003 REV B Ground floor plan, 2904:004 REV C Floor Plans, 2904:006 REV E Elevations, 2904:007 REV A Elevations 2904:008 REV B Garage'.
- The reason given for the condition is: 'For the avoidance of doubt and in the interests of proper planning'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's Application Form originally applied to vary planning permission ref WP/19/00606/VOC. However, the Council explains in its Officer Report that the applicant agreed to alter the description of development to a variation of Condition 1 of planning approval ref: P/VOC/2022/01349 and this is reflected in the Council's Decision Notice. There is no documented evidence before me to suggest the appellant objects to this change and this change is also acknowledged in the appellant's Appeal Form and in their Appeal Statement. I have therefore determined this appeal in accordance with these changes.
3. The proposal lies within the Grove Conservation Area ("the CA"). Section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on decision makers with respect to any buildings or land within a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
4. As set out on the Application Form, development has started. However, my assessment of the proposal is based on the plans before the Council at the time

of the application. I will refer to the 'proposed development' in a future tense throughout my decision, although certain aspects may already be completed.

Background and Main Issue

5. On the 14 April 2022, the Council granted planning permission ref P/VOC/2022/01349 for 'Extension and alterations to building and change of use from A4 to form 8 residential units and erect detached garage block. This decision was subject to several conditions which included a standard compliance with approved drawings condition (Condition 1).
6. An application, ref: P/VOC/2023/01711, was subsequently made by the appellant to the Council to vary Condition 1 of P/VOC/2022/01349. The Council state that the changes essentially comprise: 3 dormer windows on the road facing elevation which would be larger than the approved dormer windows, installation of timber cladding on the road facing elevation, and various fenestration changes. This application was refused on the 19 June 2023 for the reasons as set out in the Council's Decision Notice.
7. Given the above background, the main issue is whether the changes would preserve or enhance the character or appearance of the area including the CA.

Reasons

8. The appeal site sits near to the boundary of the CA and is surrounded by predominantly stone or render buildings. Given this boundary location, these buildings sit at the gateway into the CA, and the appeal building as a render building at this gateway makes an important contribution to the setting of the CA.
9. The CA Appraisal document identifies the diversity in building types and materials in this part of the CA. However, it also explains that most are tied together with the common use of materials, which creates a group value and sense of cohesion in this part of the CA. These features therefore make a positive contribution to the significance of the CA.
10. Three modest dormer windows have already been approved at the appeal building, however, the current proposal would considerably increase the dimensions of the dormer windows. This would create a visually dominant and top-heavy presence when the appeal building is experienced from Grove Road. Dormer windows do not feature prominently within this streetscape and those that do are of modest proportions sitting subserviently within the existing roofscape. The proposed dormer windows would be overly prominent and unsympathetic to the host building, eroding the group value of the buildings in this gateway to the CA, harmful to its significance.
11. While there are some dormer style windows to the rear of properties within this part of the CA, the siting to the rear has a different visual impact when viewed from the Grove Road side of the CA. I also appreciate that elsewhere in Grove Road, West Grove Terrace and Easton Lane, dormer windows face onto the street. However, these are some distance from the proposed development and lie outside the CA. This, therefore, has limited bearing on my overall findings.
12. As indicated above there is some diversity in existing building materials, however, the group value and cohesion is tied together by the predominant use of stone or render features in this part of the CA. The use of timber cladding

has been approved to the less prominent parts of this building, however, the meter boxes and tapered pillar style timber cladding to the frontage would have a piecemeal and functional appearance. It is not clear how this reflects or reinforces the significance of the CA given it would be markedly at odds with the adjoining buildings to this prominent elevation.

13. Timber cladding and large numbers of utility boxes to the front of buildings is not a feature of this part of the CA and the functional piecemeal design of these would be negatively jarring. This would be harmful to the important group value and cohesion of the buildings at this gateway to the CA.
14. It has not been robustly shown how these features on the street facing elevation relate to distinctiveness or compliment the character or appearance of this part of the CA. This would be harmful to the local sense of place and the significance of the CA.
15. Paragraph 205 of the National Planning Policy Framework ("the Framework") advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Given the limited scale of the proposal I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
16. There would be economic benefits during both the construction and occupation of the proposed development, it would also add dwellings to housing local housing stock. However, the proposed benefits, in combination, would be moderate given the scale of development. Accordingly, the quantum and scale of the benefits when considered collectively would not outweigh the importance and great weight given to the conservation of the heritage asset.
17. As a result, the proposed development would fail to preserve or enhance the character or appearance of the area including the CA. The proposal would therefore conflict with the relevant provisions of Policies ENV4, ENV10 & ENV12 of the West Dorset and Weymouth and Portland Local Plan (2015), Policies Port/EN4 & Port/EN7 of the Portland Neighbourhood Plan (2021), Weymouth & Portland Listed Buildings and Conservation Areas Supplementary Planning Document (2002) and the Framework. These, amongst other things, seek to preserve or enhance the significance of the character or appearance of the area including heritage assets.

Conclusion

18. For the reasons given above the appeal should be dismissed.

N Praine

INSPECTOR