



Appeal Decision

Site visit made on 7 November 2024

by A Dawe BSc (Hons), MSc, MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th November 2024

Appeal Ref: APP/D1265/Y/24/3341181

20 The Close, Blandford Forum DT11 7HA

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mrs Linda Wilson against the decision of Dorset Council.
 - The application Ref is P/LBC/2023/04398.
 - The works are described as UPVC windows at rear (kitchen extension and bathroom windows); UPVC door at rear of property; chimney breast in dining room at rear of property sealed with bricks and plastered over; plastic gutters surrounding rear wooden extension.
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Decisions

1. The works comprising UPVC windows at rear (kitchen extension and bathroom windows) and UPVC door at rear of property are dismissed.
2. The remaining works are allowed and listed building consent is granted for chimney breast in dining room at rear of property sealed with bricks and plastered over; and plastic gutters surrounding rear wooden extension at 20 The Close, Blandford Forum DT11 7HA in accordance with the terms of the application Ref P/LBC/2023/04398 and the details submitted with it.

Preliminary Matters

3. The description of the works in the above header is taken from the original application form, excluding details relating to when they were installed. Whilst I have noted those installation details, they do not describe the actual works and have therefore not been included in the header description or those elements of it referred to in my decisions above. For clarity, the submissions make it clear, as I also saw to be the case at my site visit, that all of the works concerned have been carried out, and I have determined the appeal on that basis.
4. Whilst no plans have been submitted showing the works concerned, based on the most recent of the photographic evidence submitted and from my observations, the works are clearly as described above. To add further clarity, the windows and door utilise white UPVC, and the guttering concerned consists of white plastic.
5. As the works concerned relate to a listed building and are in a conservation area, I have had special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
6. Policy ENV5 of the North Dorset Local Plan Part 1 dated January 2016 (the Local Plan) is referred to in the Council's decision notice. However, the Council

has confirmed that this was an error and that it should have referred to policy 5 of the Local Plan. The Appellant has had an opportunity to comment on this matter, and I also note that policy 5 is broadly consistent with the National Planning Policy Framework (the Framework) and the Act in respect of the issues under consideration. As such, I consider that the Appellant would not be prejudiced by that error. I have determined the appeal on that basis.

7. My decision is split between dismissing the elements relating to the rear UPVC windows and door and allowing those relating to the internal chimney breast and guttering surrounding the rear extension. I have been able to do this as the elements that I have allowed are clearly severable and distinguishable from those dismissed.

Main Issues

8. The appeal property forms one of three properties comprising the Grade II listed building known as 20-22 The Close (the LB). The works concerned are positioned on the rear elevation of No 20. In that context, the main issues are the effect of the works, that have already been completed, on the special architectural and historic interest of the LB and whether they preserve or enhance the character or appearance of the Blandford Forum Conservation Area (the CA).

Reasons

9. The LB derives its significance from its three historic 19th century terrace cottages, constructed in red brick to the front and flint and brick to the side and rear and including timber sash windows to the front. It has architectural and historic interest as part of the town's evolution.
10. The CA covers the historic town centre of Blandford Forum which comprises a high proportion of historic buildings of various designs, which together contribute strongly to the CA's significance. The central commercial streets including Market Place, East Street, West Street and Salisbury Street have a variety of relatively modern shopfronts on their ground floor levels. However, in those streets, there remains a strong use of traditional materials, albeit with some exceptions, including timber framed fenestration.
11. The site is located within the CA, forming part of a group of historic buildings comprising No 17, Nos 19 to 22 and Leslie House which is next to No 22. The Close leading into The Tabernacle includes a variety of different buildings, both historic and more modern. The group of historic buildings referred to above is prominently located at the point where The Close widens out into The Tabernacle and the open junction with The Plocks. As such, the appeal property, together with its associated group of historic buildings, contributes strongly to the significance of this part of the CA. The rears of the properties associated with the above group of buildings are not so prominent. Nevertheless, they are, to varying extents, visible from the footway running to the side of No. 20, including the significant flint and brick construction of the LB.
12. The rear of the terrace comprising the LB has seen various changes including the installation of UPVC windows and doors to all three properties, relatively modern single storey extensions to both Nos 20 and 22, and the use of plastic guttering and downpipes. Along with those works relating to this appeal, I have

no substantive evidence to indicate that listed building consent has been granted for those UPVC windows and doors relating to Nos 21 and 22. As such, those works to Nos 21 and 22 are not features that necessarily provide a clearly established change of architectural context. It is in these circumstances that I have considered the specific works relating to this appeal.

13. The distinct historic brick and flint banding on that rear elevation of the LB maintains continuity with the building's historic nature and as such also contributes to the CA's significance. However, the modern UPVC windows and door with thick frame profiles, particularly to the openable elements of the windows, the very smooth and uniform manufactured finish, and limited traditional moulding features, draws the eye and diminishes the integrity of the building's historic architectural features; causing harm to LB and CA.
14. The harm to the LB is not dependent on whether the works are visible from public vantage points as listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views are possible. Any lack of public visibility is also not necessarily a determinative factor in considering effects on conservation areas. Nevertheless, in this case, the harmful nature of the works, specifically the bathroom window and part of the top section of the kitchen window, are visible over the intervening high boundary wall from the footway running alongside No 20.
15. The Appellant refers to the large number of listed buildings in Blandford Forum and the extent to which exterior and interior changes to modernise such properties have taken place with or without permission. However, on that general basis, I have no substantive evidence of the extent of the changes referred to.
16. I noted the varying designs of properties in Salisbury Street, East Street, West Street and Market Place, including in respect of the ground floor shop fronts cited not to be of original Georgian design. However, as previously referred to, there remains a strong use of traditional materials, albeit with some exceptions, including timber framed fenestration. I have no substantive basis to consider that any changes to properties in these streets provide sufficient justification for the window and door works concerned with this appeal.
17. I have had regard to specific properties where it is claimed UPVC windows and doors have been installed without permission including those in Church Lane, White Cliff Mill Street, Damory Street and close by at 17, 21 and 22 The Close. With the exception of those at 1 Church Lane and The Close, I was unable to see the remainder at my site visit due to their rear locations and not being clearly visible from public vantage points. Notwithstanding that, the submitted photographic information, and the context previously referred to relating to the works at 21 and 22 The Close, I have no substantive details as to the circumstances of those specific properties. Furthermore, based on the submitted evidence and my observations of those visible from public vantage points, with the exception of The Close properties, they relate to different locations and associated contexts and so are not directly comparable. I have in any case determined this appeal on its own merits.
18. In respect of 17 The Close, notwithstanding the close proximity and degree of intervisibility with the rear of No. 20, the nature of that building's design at the rear is significantly different to that of Nos 20-22 and, again, I have considered the works concerned on their own merits.

19. The installation of white plastic guttering on the rear kitchen extension, whilst not a traditional material in the context of the LB, is not intrusive to an extent that it significantly draws the eye and detracts from the remaining historic features of the LB's rear elevation. As such, this element of the works concerned would in itself preserve the special interest of the LB and the significance of the CA.
20. The interior rear dining room chimney breast has been sealed up and plastered over flush with the projecting section of wall above and to its sides. However, notwithstanding the removal of that fireplace feature, there is no substantive evidence that historic fabric was lost as a result of these works. The projecting section of wall also retains some degree of evidential value in terms of indicating the former presence of the chimney breast. I therefore also consider those works in themselves not to have caused harm to the integrity of the LB and thereby preserve its special interest. Being internal works, no harm is caused by this element to the significance of the CA.
21. I note the submissions relating to when the various elements were installed prior to the current ownership. I also note that no objections have been received from neighbours, local councillors or the town council. However, I have determined the appeal on its merits based on the works installed, the submitted evidence and my observations, having regard to the integrity of the heritage asset concerned, rather than specifically who carried it out and when.
22. For the above reasons, despite having found the works relating to the internal chimney breast and guttering relating to the rear extension to be acceptable, the works comprising the rear windows and door fail to preserve the special interest of the LB and the significance of the CA. For the purposes of the planning balance, which I shall come on to, this harm carries considerable importance and weight.
23. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 goes on to state, amongst other things, that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
24. Given the relatively small-scale nature of the works in the context of the LB as a whole and the CA generally, the harm caused is less than substantial in this case. Having regard to paragraph 208 of the Framework, as I have found there would be less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the works including, where appropriate, securing its optimum viable use.
25. In terms of public benefits, no submissions have been made with the appeal in this respect. However, I note from the Council's officer report that the original application suggested that the introduction of UPVC greatly helps with reducing heat loss, and weather proofing. In these respects, I have received no substantive evidence to demonstrate that there are not alternative measures to the use of UPVC that could be taken, whilst using traditional materials as are present to the front of the property. I therefore give little weight to any such claimed benefits.

26. For the above reasons, the public benefits would be insufficient to outweigh the less than substantial harm caused to the LB and to the CA by the rear windows and door.
27. In light of the above, the works relating to the rear windows and door fail to preserve the special architectural and historic interest of the LB and fail to preserve the character and appearance of the CA. Those works therefore fail to satisfy the requirements of sections 16(2) and 72(1) of the Act. Furthermore, for the same reasons, they would be contrary to policy 5 of the Local Plan which states, amongst other things, for any development proposal affecting a heritage asset, the need to have regard to the desirability of sustaining and enhancing the significance of that asset and securing a viable use for it that is most consistent with its conservation; that great weight will be given to its conservation when considering any proposal that would have an impact on its significance; that clear and convincing justification for any development that would cause harm to the significance of a designated heritage asset will be required; and that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
28. The works are also contrary to paragraph 203 of the Framework which highlights, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets.
29. However, also in light of my findings above, the works concerned relating to the sealing of the internal chimney breast and guttering to the rear extension would preserve the special architectural and historic interest of the LB and preserve the character and appearance of the CA. Those particular works therefore satisfy the requirements of sections 16(2) and 72(1) of the Act. Furthermore, for the same reasons, they would accord with policy 5 of the Local Plan and paragraph 203 of the Framework.

Conditions

30. In respect of those elements that I have found to be acceptable, relating to the infilling of the chimney breast and the guttering concerned, the Council has not suggested any conditions in the event of the appeal being allowed. As the works concerned have already been installed, I do not consider any conditions to be necessary in this case.

Conclusion

31. For the reasons given above the elements of the appeal that relate to the rear UPVC windows and door should be dismissed; and those relating to the sealing in of the chimney breast in the dining room at the rear of property, and the plastic gutters surrounding the rear wooden extension, should be allowed.

A Dawe

INSPECTOR