



Appeal Decision

Site visit made on 14 November 2024

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 December 2024

Appeal Ref: APP/D1265/W/24/3338452

Wyke Regis Methodist Church, Portland Road, Weymouth, Dorset DT4 9AB

- 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 Mike Adams (Capital Securities Ltd) against the decision of Dorset Council.
 - The application Ref is P/FUL/2023/06652.
 - The development proposed is conversion of former church to form 6 flats with cycle and bin stores.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the proposed development would provide satisfactory living conditions for the future occupiers of the proposed flats, and whether the amenity of public space would be safeguarded, with particular regard to privacy.

Reasons

Character and appearance

3. The appeal site comprises Wyke Regis Methodist Church, now no longer used as an active church, situated in a mixed residential and commercial area. The church has a large slate roof. The roof can be seen for some distance along Portland Road to the south of the site. A large hall is attached to the church to its rear. The church is situated next to public gardens. A playground is located to the rear of those gardens.
4. The church is a prominent building in the street scene and it positively contributes to the character and appearance of the area through its distinctive and ornate architectural style and quality materials, which include red brick with stonework.
5. Although not a listed building, the main parties have referred to the church as being a non-designated heritage asset. The National Planning Policy Framework (the Framework) requires that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced

- judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
6. The proposed development would introduce a large array of roof lights across the south elevation of the building. As the remainder of the external appearance of the former church on its southern elevation would be largely unchanged, the placement of a large number of roof lights on this elevation as proposed would considerably clutter the slate roof.
 7. Although the siting of the roof lights would reflect the vertical proportions and pattern of the windows situated beneath them, and they would be framed in dark grey, their coverage across a considerable proportion of the roof would result in a conspicuous appearance which would clash with and detract from the attractive architectural qualities of the former church mentioned above.
 8. As such, the proposed roof lights would not sensitively integrate with the building as a whole but rather would undermine its positive contribution to the street scene. The proposed development would involve other external alterations to the building (including to the rear hall), and soft landscaping would be introduced on site, but due to the extensive coverage of the roof lights across the building these other alterations would not be sufficient to offset the adverse impacts identified. Harm to the character and appearance of the area would thereby result.
 9. The roof lights present on nearby buildings in and around Portland Road generally appear as discreet interventions which are congruent with the style of their host properties, which for the reasons given above would not be the case with respect to the proposed development. Their presence does not alter my findings above.
 10. The submitted photographs of Maiden Street Methodist Church (a Grade II listed building) indicate that the church underwent a substantial reconfiguration of its design, including what appears to be a new roof extension, which is not proposed in this appeal. The planning application relating to 1 St Martins Court was determined prior to the publication of the Framework in 2012, which contains an emphasis on requiring good design, and before the adoption of the West Dorset, Weymouth & Portland Local Plan 2011-2031 (adopted 2015) (Local Plan). As neither of these examples are directly comparable with the proposed development, they do not change my findings on this main issue.
 11. I consider that the amount and coverage of roof lights present on the Former United Reform Church does not set a desirable precedent. That example also does not change my findings on this main issue.
 12. I therefore find that the proposed development would have an unacceptable and harmful effect on the character and appearance of the area. It would conflict with the first bullet point of part i) of Policy HOUS4 of the Local Plan which provides that, amongst other things, proposals for flats should be compatible with the character of the area, and with part i) of Policy ENV10 of the Local Plan which provides that, amongst other things, all development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness.

13. The proposed development would conflict with part i) of Policy ENV12 of the Local Plan which provides that, amongst other things, development will only be permitted where the design complements and respects the character of the surrounding area or would actively improve legibility or reinforce the sense of place.
14. The proposed development would also conflict with paragraph 135 c) of the Framework which provides that, amongst other things, planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Living conditions & public space

15. The proposed development would incorporate a private amenity area to the south side of the building. Direct views into and out of that private amenity area would be effectively blocked by the proposed park side boundary treatment, which would include an obscure-glazed screen situated atop a brick wall. This boundary treatment would be located inside the existing chain link fence which abuts the public gardens, which would provide a further layer of screening. With these features in place, mutual overlooking between the private amenity area and the public gardens would not occur.
16. As only 6 flats are proposed, comprising 4 one-bedroom flats and two 2-bedroom flats, the level of activity within that private amenity area at any one time would likely be limited. Hence, any perception of overlooking into the public gardens from the private amenity area would not be significant. The proposed development would accordingly safeguard the amenity of that public space and the playground near it.
17. I therefore find that the proposed development would provide satisfactory living conditions for the future occupiers of the proposed flats, and that the amenity of public space would be safeguarded, with particular regard to privacy. The proposed development would comply with Policy ENV16 of the Local Plan which provides that, amongst other things, proposals for development should be designed to minimize their impact on the amenity and quiet enjoyment of both existing residents and future residents within the development and close to it.
18. The proposed development would also comply with paragraph 135 f) of the Framework which provides that, amongst other things, planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Other Matters

19. The finding on the second main issue above is a neutral matter, which does not weigh in favour of the proposed development.
20. I note that the proposed roof lights are an integral component of the proposed scheme, in that they would enable the creation of habitable spaces at first floor level with sufficient natural light and ventilation, and would provide passive solar gain. Even so, these are not matters which would alter the proposed development's adverse impact on the character and appearance of

the area. As a result, these matters do not change my findings on the main issues above.

Other Considerations and Planning Balance

21. The existing building on site is situated in an area with good access to services and facilities. The building is currently vacant, and has been without an active use for several years. In this regard, it is common ground between the main parties that the proposed development would comply with Policy COM3 of the Local Plan, which relates to the retention of local community buildings and structures, and I have no substantive evidence which indicates otherwise.
22. The proposed development would provide for the building's reuse, refurbishment, and upkeep, by bringing the building, which the main parties agree is a non-designated heritage asset, into habitable use. The proposed development would provide economic benefits to the local area, including by providing work for construction professionals and via the economic activity of the future occupants of the proposed residential units.
23. The proposed development would incorporate sustainable construction techniques and would provide a good standard of environmental performance in the building, including through passive solar gain and energy efficient lighting. Measures would be put in place to support local biodiversity, resulting in a net gain for biodiversity.
24. The proposed development would however provide a minimal amount of new housing, in the context of the Council being able to demonstrate a 5-year supply of deliverable housing sites. Due to the limited quantum of residential units proposed, the scale of the benefits accruing to the local area as summarised above would be modest.
25. The above-mentioned benefits of the proposed development would not be sufficient to overcome its conflict with the Strategic Objective set out in the Local Plan to achieve high quality and sustainability in design, reflecting local character and distinctiveness of the area. The proposed development would conflict with the development plan when considered as a whole. This strongly indicates that planning permission should not be granted.
26. Although the proposed development would receive support from the Framework in terms of encouraging the reuse of existing resources and via its contribution towards the Government's objective of significantly boosting the supply of homes, the overriding consideration is paragraph 131 of the Framework which provides that, amongst other things, the creation of high quality places is fundamental to what the planning and development process should achieve, which the proposed development would be at odds with.
27. Moreover, despite the Highway Authority previously stating that the site is within a town centre location, the Council have since confirmed that the site is not within the town centre. It follows that the proposed development would not receive support from the Framework's aim to ensure the vitality of town centres.
28. Overall, I find that the matters advanced in support of the proposed development, do not, either individually or collectively, indicate that this appeal decision should be taken otherwise than in accordance with the development plan.

Conclusion

29. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR