



Appeal Decision

Site visit made on 19 November 2024

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2024

Appeal Ref: APP/D1265/W/23/3332774

233 High Street, Swanage, Dorset BH19 2NG

- 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 Mrs Marianne Inkpen against the decision of Dorset Council.
 - The application Ref is P/HOU/2023/01158.
 - The development proposed is erection of a bin store in front garden to house the wheelie bin and recycling bins, replace fence.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In November 2023 all designated Areas of Outstanding Natural Beauty (AONBs) in England became National Landscapes and I have therefore replaced references to AONBs with National Landscapes (NL).

Main Issues

3. The main issues are:
 - Whether the development preserves or enhances the character or appearance of the Swanage Conservation Area (CA) and the setting of listed building 233 High Street; and
 - The effect of the development upon the Dorset NL.

Reasons

4. The appeal building comprises a Grade II listed dwelling that forms part of a small terrace of similar cottages that are also statutory listed. The cottages most likely date back to the early nineteenth century constructed from Purbeck Stone walls with slate roofs. The cottages are elevated and set back from the roadside with a stone retaining wall set back of pavement topped by ornamental iron railings. Despite this setback the cottages are notable presences in the street scene and together with other statutory listed dwellings, of a similar vernacular, positively contribute to the character and appearance of the CA on account of their architectural appearance and historic form.
5. The appeal site is located within the Swanage CA. Its significance insofar as it relates to the appeal is its historic morphology of Georgian and Victorian housing contrasting with the vernacular of earlier buildings. The use of local materials including Purbeck stone is an important characteristic of the CA.

6. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) outlines a duty to have special regard to the desirability of preserving listed buildings or their setting, or any features of architectural or historic interest which they possess. Section 72(1) of the Act outlines a further duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
7. The proposal includes provision of a bin store and a replacement timber fence. The bin store is to be positioned close to the road inside of the ornamental railings. It comprises a post and rail timber frame and horizontal slats. It would be a reasonably sizeable structure with a width of around 1.5m and a height of over 1.2m. It would be a permanent development within the front garden of the cottage. On account of its overall size and elevated position close to the roadside it would draw the eye appearing as a visually stark structure with a functional appearance. The proposal in the manner shown would be very apparent and intrusive and would have a negative effect on the special interest and significance of the host property and diminish the building's contribution to the collective setting and significance of nearby listed buildings.
8. The same could also be said for the proposed horizontal timber fencing, which despite its height would have a degree of solidity and would be a stark feature that would jar with the historic and architectural form of the dwelling and the ornamental iron railings that extend along the frontage of the cottages. In arriving at this conclusion, I note that the fence would replace an existing dilapidated fence, however, this is not justification for a proposal that I have found to be harmful.
9. With regard to the effect on the Swanage CA given the building's prominent location along the High Street the bin store and fencing would detract from its character and appearance diminishing the positive contribution that the listed building makes to the CA. Thus, the proposal would neither preserve nor enhance the character or appearance of the CA harming its significance as a designated heritage asset.
10. Given the above, I find that the proposal would fail to preserve the special interest of the listed building and the significance of the Swanage CA. As such, I give this harm considerable importance and weight in the planning balance.
11. I note the intention to stain the bin store and fence timber green in colour which may address their stark appearance, but it would not overcome my fundamental concerns in respect of the size, form and position of the structures in a highly sensitive location.
12. I acknowledge the use of different materials in the CA and there are examples of where contemporary development can sit comfortably side-by-side more traditional architecture. However, for the reasons set out above I do not find that there would be a harmonious relationship between the historic form and the proposed development.
13. At the time of my site visit I saw that there were some shrubs within the frontage, albeit intermittent. It would take time for new planting to grow to a height and volume that would screen it and there is nothing to suggest that the vegetation would remain for the lifetime of the development such that they would continue to do so. A condition requiring retention of the shrubs to screen

the structure would be difficult to enforce. As such, there is no certainty that planting would mitigate the harm identified.

14. I acknowledge that as a consequence of modern day living a number of bins are required for rubbish, recycling and food waste. However, based on the available information and having regard to the particular merits of the case I am not persuaded that the proposal before me is an appropriate solution. I note its potential to offset visual clutter that could arise from the storage of bins in the front garden or street but that does not justify the harm that I have identified.
15. No substantive evidence has been provided to demonstrate that the materials proposed would be of good quality or would weather well. Thus, I give this aspect of the appellant's argument limited weight in coming to my decision.
16. The National Planning Policy Framework (the Framework) advises, at paragraph 205, 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 advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
17. In this particular instance I find that the harm to be less than substantial 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.
18. The proposed development would conceal refuse and recycling bins and is intended to create a usable front garden, but any benefit, in my view, would be private rather than public. Moreover, this point does not offer clear and convincing justification for the scheme in the face of the harm identified.
19. Taking the above into consideration and in the absence of any defined public benefit, I conclude, that, on balance, the proposal would fail to preserve the setting of Grade II listed 233 High Street and the character or appearance of the Swanage Conservation Area. This would fail to satisfy the requirements of the Act, paragraphs 205, 206 and 212 of the Framework and conflict with Policy LHH of the Purbeck Local Plan Part 1 (2012) (LP) and the Purbeck Design Guide Supplementary Planning Document that, amongst other things, require proposals to conserve the appearance, character, interest and integrity of heritage assets.

The effect upon the Dorset NL

20. NL is a statutory national landscape designation and local authorities have a duty to have regard to the purpose of conserving and enhancing their natural beauty. Paragraph 182 of the Framework sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in NL, which have the highest status of protection in relation to these issues. It goes on to state that the scale and extent of development within such designated areas should be limited.
21. The proposed development would be located within the defined settlement boundary of Swanage and not in open countryside. Despite my findings in

respect of the historic environment I am not persuaded that it would harm the natural and scenic beauty of the Dorset NL.

22. As such, it would accord with LP Policy LHH and Policy C1 of the Dorset AONB Management Plan that, amongst other things, seek to conserve and enhance NL.

Other Matters

23. I appreciate that the appellant has attempted to overcome the concerns previously raised but the amendments would still result in a proposal that would be harmful to the historic environment.
24. The appellant has drawn my attention to a number of bin stores and types of fencing nearby which they consider relevant. However, based on the limited evidence before me I am not aware of the particular circumstances that led to them being installed. In any event every application and appeal must be considered on its own merits, as I have done. These examples do not lead me to reach a different conclusion in respect of the appeal.

Conclusion

25. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR