



Appeal Decision

Site visit made on 10 March 2025

by **D R Kay BA Dip.Arch RIBA**

an Inspector appointed by the Secretary of State

Decision date: 29 April 2025

Appeal Ref: APP/D1265/W/24/3355612

Flat 1, 1 Kings Road, Dorchester, Dorset, DT1 1NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Cobb against the decision of Dorset Council.
 - The application Ref: P/FUL/2024/03073, dated 6 June 2024, was refused by notice dated 17 September 2024.
 - The development proposed is 'Retain brick wall with brick piers and capping & reduce height of timber gate (remove timber fence). Existing unsafe wall demolished'.
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Decision

1. The appeal is allowed, with the effect that planning approval is granted to 'Retain brick wall with brick piers and capping and reduce height of timber gate (remove timber fence). Existing unsafe wall demolished', at Flat 1, 1 Kings Road, Dorchester, Dorset, DT1 1NJ, in accordance with the terms of the application ref: P/FUL/2024/03073, dated 6 June 2024, subject to the attached schedule of conditions.

Preliminary Matters

2. The Council have determined the appeal application on the basis that the appeal property, because of its location within the Dorchester Conservation Area, was subject to an Article 4 direction.
3. Evidence before me identifies via the Appendix 2 – Article 4 Direction Plan (as amended) of the Dorset Council (Dorchester Conservation Area) Article 4 (1) Direction 2019, made 5 June 2020, that the appeal property is not identified as one of the properties which are subject to the Article 4 direction. Therefore, I have determined the appeal on the basis that the appeal case property is not covered by the Article 4 direction.
4. Based on my observations during the site visit, the appeal proposal has been built and has replaced a front boundary wall enclosure (previous wall). Accordingly, I have determined the appeal on the basis that this aspect of the proposed development is being sought retrospectively.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the Dorchester Conservation Area.

Reasons

6. The appeal site is located adjacent to 1 King's Road, a small local convenience store, and provides the private garden space for occupants of the flat situated above the shop. The property is within the Dorchester Conservation Area (DCA).
7. The DCA covers a wide area including Dorchester's historic town centre and several of the surrounding suburbs. The appeal site is situated at the very eastern boundary of the DCA, in an area known as Fordington Cross, at a junction of six roads, which has a very open character. The appeal site is visible in some vistas, but not in others, and so is not overly prominent.
8. The area around the appeal site comprises detached, semi-detached and terraced properties of a variety of ages and architectural styles, set back from the road with small forecourt gardens enclosed by wall or railing boundary treatments, and following consistent building lines. Whilst the area does not have any one specific over-riding architectural language, the use of brick, of varying shades and types is a common factor, along with some common elements of detailing in windows, doors and other features. Cumulatively, the properties have a coherent and uniform quality and provide a sense of perimeter enclosure around the busy road junction.
9. Boundary treatments in the vicinity also range in their design, height and materials, and include low level painted render walls, bare concrete block walls, stone and brick walls and painted steel railings. The properties at number 60 and 62 King's Road, opposite the appeal site, have open frontages, providing parking in front of the dwelling or to accommodate refuse bin storage.
10. Therefore, in so far as it relates to this appeal, the conservation area derives some of its significance from the coherent scale, appearance and layout of period suburban housing in the vicinity of Fordington Cross.
11. The appeal proposal replaces a previous wall which was continuous in height, detail and material to, and contiguous with that of the wall to numbers 1 and 3 St Georges Road. The wall of numbers 1 and 3 St Georges Road consists of natural stone to the lower portion, with brindled brickwork above in half brick thicknesses with single brick thickness piers at intervals, and with a half round coping brick to the top. This wall, which performs a retaining function to the ground behind, follows the slope of the road down St Georges Road to the junction with Alington Road and King's Road. The lower section of stone is random rubble pattern. The brick wall section above has no discernible foundation on top of the stone wall. This retained section of wall at No.'s 1 and 3 St Georges Road has a significant lean outward over the footpath.
12. The appeal proposal joins to the existing wall at No.1 St Georges Road but is maintained level to the top. Piers at regular intervals, provide structural integrity together with detail and are used to step down the road in level. From record photographs submitted in evidence, the height of the replacement wall at the position where it joins 1 King's Road is consistent with the level of the previous wall.
13. Whilst the detail of the proposed wall is not consistent with that which it replaced, the use of piers at regular intervals, together with a projecting tile detail beneath a brick-on-edge coping detail to the top, provides a satisfactory level of detail to the wall. The bricks used in its construction are a mixed red/brown brindle, which,

whilst they are not as dark as those of the existing property, have not had the benefit of 100+ years of weathering and are not inconsistent with the colour of brickwork in surrounding dwellings, and are therefore not incongruous in the area. Moreover, the height of the proposal is consistent with other boundary enclosures in the area, including the adjoining neighbouring wall. I therefore find that the replacement wall will preserve the character of the Dorchester Conservation Area.

14. The pre-application consultation with the Councils' conservation officer identified that the height of the existing gate should be reduced to match that of the wall, and that the existing trellis was not in keeping with and was detrimental to the setting of the Dorchester Conservation Area and should be removed. I concur with those recommendations.
15. The area enclosed by the replacement wall had previously been semi-derelict scrub land. The proposal has enabled the development of this area as a landscaped garden which has benefits for the setting of the conservation area. From pictures submitted in evidence, the wall which has been replaced was of poor construction and semi-retaining but was in poor condition with a significant lean, as evidenced by the remaining section at No.'s 1 and 3 St Georges Road. The replacement of the wall has therefore removed the potential danger of collapse onto the public footpath. I therefore conclude that the proposal will not harm the character and appearance of the Dorchester Conservation Area.
16. It follows therefore, that I find that the proposal accords with Policy ENV4 of the West Dorset, Weymouth & Portland Local Plan (2015), which requires, among other things, that development should conserve and where appropriate enhance the significance of a heritage asset.

Conditions

17. Conditions 1 is necessary to comply with the requirements of Section 91 of the Town & Country Planning Act 1990. Condition 2 is necessary to safeguard the character of the locality and in the interests of the appearance of the development.

Conclusion

18. For the reasons set out above, I conclude that the appeal proposal will not be contrary to the development plan as a whole, and that there are no material considerations, including policies in the NPPF, that would justify determining other than in accordance with it. Therefore, the appeal should be allowed.

D R Kay

INSPECTOR

Schedule of Conditions

1. The development permitted shall be carried out in accordance with the details shown on the following approved plans: Site Location Plan 0461/L1, Proposed Site Plan/Elevations 0461/02.
2. Within 3 months of the date of this decision, the timber trellis shall be removed, and timber gate reduced in height, in accordance with drawing number 0461/02.

***** End of Schedule*****