



Appeal Decision

Site visit made on 29 July 2025

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 August 2025.

Appeal Ref: APP/D1265/W/25/3360016

1 Marlborough Place, Wimborne Minster, Dorset BH21 1HW

- 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 and Mrs Gormley against the decision of Dorset Council.
 - The application Ref is P/VOC/2024/05169.
 - The application sought planning permission for sever land and erect detached dwelling, demolition of existing garage without complying with conditions attached to planning permission Ref P/FUL/2023/06978, dated 21 March 2024.
 - The conditions in dispute are Nos 2 and 6 which state that:
Condition 2: The development hereby permitted shall be carried out in accordance with the following approved plans: 1353/PPLAN/06b Location and block plans, 1353/PLAN/05 1 Site plan, 1353/PLAN/02 1 Proposed floor and roof plans, 1353/PLAN/01 2 Proposed elevations 1353/PLAN/03 1 Proposed Street Scene.
Condition 6: Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number 1353/PLAN/05 Rev:1 must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) there shall be no boundary enclosure erected forward of the principal elevation of the dwelling hereby approved except that shown on the approved plans.
 - The reasons given for the conditions are:
Condition 2: For the avoidance of doubt and in the interests of proper planning.
Condition 6: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. As set out above, planning permission was granted to demolish a garage and to erect a dwelling to the side of the host property, 1 Marlborough Place (No. 1). The appellants seek to vary the conditions to amend the design of the new dwelling. This would include increasing its eaves heights and altering its external appearance compared to the previously approved scheme.
3. The main issue is the effect of the dwelling as proposed to be amended on the character and appearance of the area, including the St Johns Rowlands Hill Conservation Area (CA), which lies adjacent to the site.

Reasons

4. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The closest part of the adjacent CA includes C19th and C20th vernacular buildings and plot sizes, and the narrowed, curved Rowlands Hill Road, which is confined by hedges and a steep wooded bank. Relevant to this appeal, its significance is the attractive, informal and semi-rural character of its buildings, spaces and street scenes.
5. The appeal site consists of the side and rear garden and driveway of No 1. This is a large modern detached dwelling on the corner of Marlborough Place, a cul-de-sac, and Rowlands Hill. The appeal site and its verdant boundaries forms something of a gap and green backdrop to the adjoining CA. No 1, and other dwellings within Marlborough Place, have a traditional and formal design, including centrally placed front doors and deep pitch roofs. As such, being a transition between formal and informal streetscapes, the site positively contributes to the significance of the adjacent CA.
6. The design of the dwelling as now proposed would have an overall footprint and ridge height the same as was previously approved. The vegetation would be retained and protected during construction. However, the previously approved dwelling would have a half-hipped roof and steep pitch, and its main door would be positioned to the rear. These would give it a semi-rural appearance, and a subservience to the host property, reflecting the comparatively small size of the new dwelling. It would also have a balanced front fenestration arrangement. The previously approved design would therefore complement the site and its surroundings.
7. As now proposed, the new dwelling would have raised eaves and a shallower roof pitch. This is intended to better reflect houses in Marlborough Place, including their roof pitches. That said, despite alterations made during the application, the proposed dwelling would appear wider and have an increased bulk and scale. As a result, it would not have a subservient or semi-rural appearance but would instead be more dominant in the street scene, giving an over-developed impression. Consequently, the proposal would detract from the immediate surroundings of the site.
8. The main door of the new dwelling would now be positioned to the front. However, being in an off-set position, it would unbalance its frontage, thus failing to reflect the formal style of other properties in the cul-de-sac. Nor would the design of the proposal particularly reflect the houses in Marlborough Place, given their much larger size and scale. Therefore, the visual relationship with these houses does not justify the revised design but would contribute to its incongruous appearance.
9. For the reasons given, the proposal would harm the character and appearance of the area, and detract from the adjacent CA as a whole, and its significance. On this basis, the proposal would conflict with policy HE2 of the Christchurch and East Dorset Local Plan, adopted April 2014. This requires development to be of high quality, to reflect and enhance areas of recognised local distinctiveness, and to be compatible with its surroundings. For the same reasons, the proposal would not accord with the Act.

10. In accordance with the National Planning Policy Framework (the Framework), I give great weight to the harm to the designated heritage asset and its significance, and to the more general harm to the character and appearance of the area. In the language of Framework paragraph 215, this harm would be less than substantial and so should be weighed against public benefits. The revised position of the front door would be more convenient for future occupiers of the dwelling. It would have higher ceilings, and its internal layout may be more functional for its future residents. However, to the extent that these are public benefits, I give them only limited weight, and so they do not overcome my concerns identified above.

Conclusion

11. For the reasons given, the proposed variation of conditions 2 and 6 would conflict with the Development Plan, read as a whole. No material considerations have been shown to have sufficient weight to warrant a decision other than in accordance with it. I therefore conclude that the appeal should be dismissed.

O Marigold

INSPECTOR