
Appeal Decision

Site visit made on 22 July 2025

by **H Smith BSc (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 August 2025

Appeal Ref: APP/D1265/Y/24/3358253

165 Fortuneswell, Portland, DT5 1LU

- 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 Miss Nicole Dewar against the decision of Dorset Council.
 - The application Ref is P/LBC/2024/03286.
 - The works proposed are installation of conservation rooflights and repairs to roof, walls, and door.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal relates to a listed building located 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 (the Act).
3. A revised National Planning Policy Framework (Framework) was published in December 2024 after the Council made its decision. I have had regard to the revised Framework in reaching my decision.

Main Issues

4. The main issues are whether the proposal would i) preserve the Grade II listed building, or any features of special architectural or historic interest which it possesses, and ii) preserve or enhance the character or appearance of the Underhill Conservation Area.

Reasons

Special interest and significance

5. The appeal property, 165 Fortuneswell (No 165), is an early 19th century Grade II listed¹ building. It is a three-storey dwelling with attic space beneath a pitched roof and forms part of a wider terrace of varying properties. The front elevation faces north-west into a narrow alley and is constructed from exposed rubble stone. It features a 6-panelled wooden door with fanlight above, and several 16-pane timber sash windows, with brick segment arches to first and second floor windows, and a stone lintel to the ground floor window. The rear elevation has a deep two-storey back wing enclosing a small courtyard facing Coastguard Road. The rear

¹ List Entry Number: 1281856

elevation is mainly rendered with a mix of window types and garage door. The building's pitched roof is tiled in natural slate.

6. Given the above, I find the special interest and significance of this heritage asset largely derives from its historic and architectural interests. These are drawn from its illustration of a 19th century dwelling. Its age, historic fabric, and architectural form and design all make important contributions to its special interest and significance.
7. The listed building is located within the Underhill Conservation Area (CA). The CA encompasses the buildings and spaces around Fortuneswell and Coastguard Road. The special interest and significance of the CA mainly stems from the variety of architectural richness of its historic buildings that denote its evolution. By virtue of its historic and architectural integrity, the appeal building adds considerably to the historic and aesthetic charm of the surrounding built form. In doing so, it positively contributes to the character and appearance of the CA as a whole and thereby to its significance as a designated heritage asset.

Proposal and effects

8. The proposal seeks to replace four existing wood and metal velux rooflights to the front and rear of the property. These rooflights would be replaced with double glazed top-hung conservation rooflights. However, the submitted plans show that the front elevation would include a rooflight significantly larger in size.
9. Its considerable width and prominent placement on the front roof slope would make the proposed roof light an overly dominant feature, disrupting the visual harmony and traditional character of the pitched roof. The existing roof slope has a modest, uniform appearance with two existing rooflights of similar size. The scale of the proposed elongated roof light would appear disproportionate to the roof's size and unbalance its appearance. As such, it would constitute an incongruous addition to the plain tiled roof slope of the listed building. It would detract from the architectural integrity of the building and reduce its historical merit.
10. The appellant states that there would be no loss of historic fabric, and the proposal would replace a modern, high-profile rooflight with a lower-profile conservation style unit. However, due to its increased size, the proposal would overwhelm the roof slope and unacceptably harm the listed building for the reasons explained.
11. It would be seen from the narrow pedestrian alleyway leading to Albert Terrace and from neighbouring properties. Views of the proposed rooflight would also be possible from within the site itself. Nevertheless, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.
12. It is clear from the Council's decision notice that its concerns relate to the proposed rooflights. Given that the Council finds the proposed works to repair the roof, external walls, and front door to be acceptable subject to conditions, and on the basis of the evidence before me, I have no reason to find differently. However, the acceptability of these elements of the proposal do not justify the harm I have identified above.
13. Taking into account the building's positioning opposite neighbouring dwellings and the public views from the nearby pedestrian alleyway, it follows that the identified

negative effects to the listed building would also harm the positive qualities of the CA as a whole. In these regards, the proposal would not preserve or enhance the character and appearance of the CA and thus harm its significance as a designated heritage asset.

14. Drawing the above together, I find that the proposal would not i) preserve the Grade II listed building, or any features of special architectural or historic interest which it possesses, and ii) preserve or enhance the character or appearance of the CA. In doing so, it would harm the significance of these designated heritage assets.

Public Benefits and Balance

15. With reference to paragraphs 214 and 215 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the extent and fairly localised nature of the proposal, I find that the harm to the significance of the designated heritage assets assessed above would be 'less than substantial' but nevertheless of considerable importance and weight. Paragraph 215 of the Framework requires this harm to be weighed against the public benefits of the proposal including, where appropriate, securing the asset's optimum viable use.
16. In this case, economic benefits would be delivered through the manufacture and installation phase of the proposed rooflights along with the general investment into the property. Additionally, there would be heritage benefits generated through repairs to the roof, external walls and front door, which would help to prevent further damage from water ingress. These would represent benefits to the public at large that carry weight in favour of the appeal.
17. However, I am not persuaded that similar public benefits could not be achieved by a proposal which would be less harmful to the significance of the designated heritage assets. Additionally, no compelling evidence is before me which confirms that the property would not be usable or viable as a dwelling or that its future would be at risk if the appeal was to fail and the works as proposed were not implemented. In these respects, the identified harm to the significance of the listed building and the CA has not been clearly and convincingly justified as required by paragraph 213 of the Framework.
18. On balance, in giving considerable importance and weight to the harm to the significance of the designated heritage assets, I find that this would not be outweighed by the minor public benefits arising from the proposal.
19. I conclude that the proposal would not i) preserve the listed building, or any features of special architectural or historic interest which it possesses, and ii) preserve or enhance the character or appearance of the CA. It would therefore fail to satisfy the requirements of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment. It would also conflict with Policy ENV4 of the West Dorset, Weymouth and Portland Local Plan 2015. This policy, amongst other things, seeks to ensure developments conserve and where appropriate enhance the significance of heritage assets.

Other Matters

20. My attention has been drawn to other properties with rooflights in the local area. Nevertheless, the specific details and circumstances which led to these works being approved are not before me. On this basis, I am unable to draw any meaningful comparisons with the appeal proposal, which relates to a listed building. I have determined this appeal on its own individual merit based on the evidence before me and my observations on site.

Conclusion

21. Given the above and considering all other matters raised, the appeal is dismissed.

H Smith

INSPECTOR