
Appeal Decisions

Site visit made on 6 July 2016

by **Simon N Hand MA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 July 2016

Appeal A: APP/R3325/C/16/3141932

The Dolphin Hotel, Fore Street, Chard, Somerset, TA20 1PT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs Lilliana Smith against an enforcement notice issued by South Somerset District Council.
 - The enforcement notice, reference 14/00219/OPERA, was issued on 11 December 2015. The breach of planning control as alleged in the notice is without planning permission the erection of an extension to existing single story outbuilding on the west side of the Burgage Plot (the Site) in the approximate position marked with a blue cross on the attached plan.
 - The requirements of the notice are 1. To wholly remove the unauthorised extension to the outbuilding situated on the west side of the Burgage Plot including the removal of the concrete oversight. 2. To restore the outbuilding situated on the west side of the Burgage Plot to its former condition before the breach took place including the making good of both abutting walls using materials to match the existing on each respective wall. 3. To wholly remove all rubble, building materials and detritus from the land in connection with the above steps.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
-

Appeal B: APP/R3325/W/15/3138534

The Dolphin Hotel, Fore Street, Chard, Somerset, TA20 1PT

- 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 Mrs Lilliana Smith against the decision of South Somerset District Council.
 - The application Ref 15/01366/FUL, dated 16 March 2015, was refused by notice dated 14 May 2015.
 - The development proposed is a single-storey extension.
-

Appeal C: APP/R3325/Y/15/3138571

The Dolphin Hotel, Fore Street, Chard, Somerset, TA20 1PT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mrs Lilliana Smith against the decision of South Somerset District Council.
 - The application Ref 15/01372/LBC, dated 23 March 2015, was refused by notice dated 14 May 2015.
 - The works proposed are erection of single storey extension to existing outbuilding to form store.
-

Decision – Appeal A

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Decision - Appeal B

2. The appeal is dismissed.

Decision – Appeal C

3. The appeal is dismissed and listed building consent is refused for the erection of single storey extension to existing outbuilding to form store

Main Issues

4. The impact of the development on the character and appearance of the setting of the listed Dolphin Hotel, on the character and appearance of the Chard conservation area and on the living conditions of the occupiers of the dwellings behind the development.

Reasons

5. The development is an extension to an existing outbuilding that stands to the rear of the Dolphin Hotel. The hotel has retained its traditional burgage plot which forms a courtyard and car park. The courtyard is lined on both sides by small scale lean-to buildings which back onto tall walls forming the boundaries of the plot. These have been in place at least since the late 19th century and are characteristic of this type of development in a typical burgage plot. They thus form part of the significance of the listed building. The walls run about halfway down the length of the plot, which is more open at its southern end, away from the hotel building. On the eastern side of the plot the land steps down to a car park, from where there are views across the back of the plot. On the western side, in Holly Terrace, a line of dwellings has been built, several backing onto the tall wall and others forming a terrace beyond. They have small rear courtyards, and those beyond the tall wall have views across the plot towards the car park beyond.
6. The lean-to buildings on the western side have been converted into letting rooms and the appellant decided the hotel needed more storage space, hence the new building. This is roughly the same size and scale as the neighbouring lean-tos. Although not complete it is intended to finish it in painted render. The lean-to buildings on the eastern side are finished in render as is the hotel itself, but those on the western side, which form a longer block than the eastern ones are all stone built with brick facings around the doors and windows. I agree that while there is render used in the plot, the lack of a stone and brick finish on the western side would make the new building stand out as a harmful modern addition.
7. Currently the building has a flat roof, but it was intended it would have a cat-slide roof, the same height and slope as its neighbour. However, the tall wall that sits behind the neighbouring lean-tos finishes at that point and the new building would create a new wall to the rear. To avoid the issue of overwhelming the occupiers of the dwellings behind, the taller rear wall has been reduced and a flat roof constructed. This clearly looks entirely out of

place, but the appellant intends to introduce an asymmetrical pitched roof. This would begin to the rear at the same height as the existing wall and fence of No 10 Holly Terrace, slope up to 3.3m and then down at the same angle as the neighbouring lean-to roof to the front. I agree with the Council this would look contrived and out of place. When completed the building would be clearly visible from the car park beyond the site from where it would stand out as a modern and somewhat incongruous addition. I consider this would harm the listed lean-tos and detract from setting of the Dolphin Hotel as a whole. It would also fail to preserve the character and appearance of the conservation area.

8. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) places a duty upon the decision-maker, in considering applications for planning permission, to have special regard to the desirability of preserving the listed building and its setting. There is a clear presumption in this duty that preservation is desirable, and I find that the special interest of the Dolphin Hotel would be diminished to an extent by the proposed scheme such that it would fail to preserve the significance of the listed building. The Framework further states 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. In framework terms I find the harm to be less than substantial. The public benefits of the proposal seem to be the need for extra storage for the hotel, although there would seem to be no reason why it should be housed in this particular building. Therefore, while the harm is not great, I find there are no public benefits to the proposal sufficient to outweigh that harm.
9. I was able to visit the rear courtyard of No 11 Holly Terrace, which is next to No 10, and was able to see the impact of the current building on both the rear courtyards. It was clear that although the pitched roof would begin at the height of the fence to the rear of No 10, it would rise further to its ridge, and the bulk of the building would overshadow and dominate both No 10 and No 11. Although the extra height is not huge, its effect is exacerbated because of the smallness of the rear courtyards and the proximity of rear windows to the building. This would be contrary to policy EQ2 of the South Somerset Local Plan (2015), which requires development to take account of site specific considerations and local context.
10. Taking all this together I find the appeal building when completed would be harmful to the listed lean-tos, to the setting of the listed hotel, would fail to preserve the conservation area and would harm the amenities of neighbouring occupiers. I shall dismiss the appeals and uphold the notice.

Simon Hand

Inspector

