
Appeal Decision

Site visit made on 20 December 2016

by David Walker MA MRTPI

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

Decision date: 19th January 2017

Appeal Ref: APP/P1235/W/16/3156346

Land to rear of 19 Beech Road, Weymouth, Dorset DT3 5NP

- 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 F Baugh against the decision of Weymouth & Portland Borough Council.
 - The application Ref WP/16/00036/FUL, dated 14 January 2016, was refused by notice dated 6 July 2016.
 - The development proposed is a single storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effect of the proposal on: the character and appearance of the area; the living conditions of occupants of nearby properties having regard to noise and disturbance; and highway safety.

Reasons

3. The appeal site is located in an established residential area and would be formed from part of the rear garden of No 19. Although a small plot would be consistent with the size of other plots in the area it would be accessed only via a narrow grass covered lane leading off from Jesty's Avenue.
 4. While there is no dispute between the parties over the design and siting of the proposal, it would result in a dwelling at a back land position where the prevailing pattern of housing along Beech Road and Jesty's Avenue is of buildings fronting their respective streets. A new dwelling located among the existing rear gardens of the area would give rise to a pattern of independent occupation and activity that would be incongruous in its setting and appear out of character. Although not widely seen from public vantage points the proposal would clearly be visible from the numerous properties with views toward the appeal site.
 5. Such a pattern of development as I find to be harmful would conflict with the requirements of Policies ENV10 and ENV12 of the West Dorset, Weymouth and Portland Local Plan 2015 for all developments to contribute positively to the maintenance and enhancement of local identity and distinctiveness, and to respect the character of the surrounding area, amongst other matters.
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6. I acknowledge the other examples of 'backland' type development located at the rear of 9 Beech Road and 590 Dorchester Road. These also break with the predominant pattern of development I have identified. However, I have no detailed knowledge of the circumstances leading up to the approval of these cases to identify any parallels. Moreover, I am required to determine the proposal before me in accordance with the policies of the development plan currently in force.
7. Turning to living conditions. Additional movements along the lane would undoubtedly give rise to noise and disturbance that could be harmful for the occupants of the adjoining properties along Jesty's Avenue. I am mindful of the available evidence that indicates the appellant has a right to use this lane at any time for access.
8. However, No 19 also benefits from a generous frontage access directly off Beech Road. In these circumstances the prospect of the appellant routinely using the constrained access provided by a narrow lane with security bollard would appear to be a theoretical proposition at best. On this basis I do not find the potential to utilise the lane to provide a realistic fallback position. It would not therefore offset the harmful effect of additional comings and goings along the lane in very close proximity to existing dwellings.
9. In relation to the highway safety dimension of the Council's reason for refusal, I note the anecdotal evidence of parking difficulties and obstructions along Jesty's Avenue provided by local residents. However, in the face of the expert advice of the Local Highway Authority raising no objection to the proposal I am satisfied that no significant harm to highway safety has been demonstrated.
10. In reaching my findings, I acknowledge the good location of the appeal site for access to services and the evidence of a lack of a five-year supply of deliverable housing sites as required at paragraph 47 of the National Planning Policy Framework. However, the harm I have identified would lead to adverse impacts that would significantly and demonstrably outweigh the limited social and economic benefits that would accrue from the addition of a single dwelling to the supply.
11. Overall, therefore, I conclude that the proposal would result in a harmful effect on the character and appearance of the area and to the living conditions of the occupants of the properties adjacent to the proposed access as a result of increased noise and disturbance.

Conclusion

12. For the reasons given above, and with regard to the development plan read as a whole, I conclude that the appeal should be dismissed.

David Walker

INSPECTOR