
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: 2nd February 2017

Appeal Ref: APP/P1235/W/16/3157320

47 Preston Road, Weymouth, Dorset DT3 6PX

- 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 Seymour against the decision of Weymouth & Portland Borough Council.
 - The application Ref WP/15/00732/FUL, dated 28 September 2015, was refused by notice dated 17 March 2016.
 - The development proposed is demolition of existing residential dwelling and erect 8 apartments.
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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 effect of the proposal on the living conditions of existing and future occupants in relation to scale and proximity and having regard to the availability of outlook, and
 - whether the proposal would provide adequate provision for affordable housing.

Reasons

Character and appearance

3. The area around the appeal site is characterised by single dwellings, with large detached houses along Preston Road and smaller bungalows to the rear along Melstock Avenue and Oakbury Drive. The proposal would replace the existing two storey house with a larger building, also of two storeys, containing 8 apartments and a reconfigured frontage to accommodate 10 cars. It is a revised scheme following the refusal and subsequent dismissal on appeal¹ of a scheme for 7 apartments.
4. Although the Inspector in that appeal considered the site was capable of accommodating a higher density of housing no threshold was established. It therefore remains a matter of detailed design as to when an appropriate density has been achieved. While the scheme before me has sought to

¹ Appeal Ref: APP/P1235/W/14/2229339

consolidate the roof forms of the earlier scheme and reduce the height of the building at the rear into an element with a more ancillary scale, it would retain a substantial footprint. The resulting building would be significantly wider than the existing dwelling and project rearwards by an estimated additional 17m.

5. An existing tall hedge would largely screen the proposal in views from Melstock Avenue with only the roof remaining visible. However, on approach along Preston Road the extent of the rearwards projection of the proposed apartments would be readily visible and would appear out of scale with adjacent houses. The stepping down of the height of the rear element of the proposed building and incorporation of two separate hipped roofs would not alleviate the harmful effects of the scale and massing of the development to an acceptable degree.
6. While the positioning of the car parking to the front of the proposal would overcome the noise and disturbance problems associated with a rear parking arrangement, it would create an expanse of hard surfacing and parking in a streetscene characterised by verdant planted frontages. It would conflict with Policy ENV11 of the West Dorset, Weymouth & Portland Local Plan 2015 (the Local Plan) which seeks to avoid parking dominated streets and places.
7. I acknowledge that the neighbouring property No 45a has a large rear extension. However, this is of a domestic scale and being set at a lower level in the streetscene is not prominent. My attention has also been brought to other flatted developments along Preston Road. I have no detailed knowledge of their planning background. In the circumstances I have assessed the proposal on its merits and in the context of its immediate surroundings.
8. I conclude that the harm to the character and appearance of the area I have identified would also conflict with design Policies ENV10 and ENV12 of the Local Plan. These policies require new development to be in harmony with adjoining buildings and the area as a whole, and contribute positively to the maintenance and enhancement of local identity and distinctiveness, amongst other things.

Living conditions

9. The two storey rear element of the proposal would deliver a sizeable mass of built form in close proximity to the common boundaries where none exists at present. Although existing tall hedges would provide satisfactory screening such mitigation is potentially short lived. The hedges could die back or be removed. At which point the scale and massing of the development in close proximity would appear overbearing in the back gardens setting, leading to a harmful outlook for neighbours. While a replacement hedge could be provided it would take some time to become established.
10. In relation to the living conditions of future occupants of the proposal I acknowledge that the kitchen/living rooms would retain an unobstructed outlook over the garden to the rear. However, the second bedrooms of the proposed apartments would be single aspect with small windows looking straight out onto the hedges. Such close proximity would undoubtedly result in an unsatisfactory outlook and may lead to pressure for the removal or reduction of the hedges by future occupants to alleviate these unwanted effects.

11. On this issue I conclude that the proposal would have a harmful effect on the living conditions of the occupants of the adjacent properties and the proposal. As a result it would conflict with Policy ENV16 of the Local Plan for development to not have a significant adverse effect on the amenity of the occupiers of properties through excessive overbearing impact, amongst other considerations.

Affordable housing

12. Policy HOUS1 of the Local Plan requires new open market housing development in Weymouth to provide affordable housing at the level of 35%. However, it is the Government's policy as expressed within the Written Ministerial Statement of 28 November 2014 (the WMS) as incorporated into the Planning Practice Guidance at paragraph ID: 23b-031 that affordable housing should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres.
13. In the absence of any evidence that Policy HOUS1 should prevail I find the policy of the WMS to be a consideration of significant weight. As the proposal would fall under the threshold established in the WMS a contribution toward affordable housing is not therefore justified. My findings under this issue do not outweigh the significant harm and conflict with the policies of the Local Plan I have identified under the other main issues.

Conclusion

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

David Walker

INSPECTOR