The Planning Inspectorate

Appeal Decision

Site visit made on 8 May 2017

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 24 May 2017

Appeal Ref: APP/P1235/D/17/3166909
841 Dorchester Road, Weymouth DT3 5JZ

- 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 & Mrs House against the decision of Weymouth & Portland Borough Council.
- The application, Ref. WP/16/00665/FUL, dated 16 September 2016, was refused by notice dated 2 November 2016.
- The development proposed is a two-storey and single storey extension.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the proposal would preserve or enhance the character or appearance of the Upwey Conservation Area, and (ii) the effect on the living conditions for the occupiers of No. 843 Dorchester Road as regards outlook and light.

Reasons

3. On the first issue, the Council's concern is that the proposed two-storey extension would have an adverse impact on the street scene through a reduction in spacing between Nos. 841 and 843, thereby disrupting the uniform pattern of the line of properties along this part of Dorchester Road.

4. From my visit to the site and its surroundings, I formed the view that the gaps between the pairs of semi-detached properties with no obstructions to the space between them at first floor height do make a positive contribution to the street scene, especially when seen in combination with the further substantial symmetry of the front elevations of the pairs of dwellings themselves.

5. Even though the extension would be set back to achieve the necessary subservience to the host dwelling, the loss of openness at first floor level would have a harmful effect on the rhythm of the row of houses and its symmetrical appearance. Bearing this in mind and having regard to the fact that these houses fall within the Upwey Conservation Area, it follows that both the character and appearance of the conservation area would not be preserved.

6. The grounds of appeal refer to the similar extension at No. 853, but as the Council points out, this is towards the end of the row and has less impact on the

symmetry and uniformity of the housing row's contribution to the street scene and the conservation area. In any event, it does not alter my assessment that the scheme proposed for No. 841 would be harmful for the reasons explained.

7. Turning to the second issue and firstly to outlook, No. 843 has a conservatory at the rear and a kitchen window in its flank wall. The two storey extension would be built tight to the shared boundary with that property and extend for several metres to its rear. In these circumstances I consider that the outlook from the kitchen window and the windows of the conservatory directly facing No. 841 would be significantly affected, as the relative proximity of the extension's wall combined with its height would result in it being overbearing.

8. The Council's Notice of Refusal and the Officer's report additionally cites a loss of light to the kitchen and landing windows as a result of the two storey extension, but with no distinction made between daylight and sunlight. Of these windows, I consider it is the kitchen that is the more important as it is a habitable room.

9. In my view the kitchen would be likely to suffer some reduction in daylight compared with the approved ground floor extension given that the proposed flank wall of the extension would be closer and longer than the existing. For the same reason there may well be some reduction in sunlight for limited periods at certain times of the year to both the kitchen and conservatory of No. 843, albeit given the orientation of the properties this is unlikely to be significant.

10. However, the Council has not produced any Building Research Establishment technical sunlight or daylight assessments as part of its analysis and I consider that the assertions regarding the effect on light are too vague to support its refusal of permission. I have not therefore taken those matters into account as contributing to the case against the appeal being allowed.

11. In summary on the second issue I conclude that the appeal proposal would have an unacceptable effect on the living conditions for the occupiers of No. 843 as regards outlook and in conflict with Policy ENV16 of the West Dorset, Weymouth & Portland Local Plan 2015 ('the Local Plan') and the core planning principles of the National Planning Policy Framework 2012 ('the Framework').

12. Returning to the first issue, my conclusion is that the proposed two storey addition to the building would not preserve the character and appearance of the conservation area and therefore be contrary to Local Plan Policies EN4 & ENV12, and Section 12 of the Framework. The latter includes a requirement to balance 'less than substantial harm' to the conservation area (as is the case here) with any public benefit. However, whilst I acknowledge that the proposal would be a public benefit in terms of a modest improvement to the quality of the housing stock of the area, this would be insufficient to outweigh the harm caused to the significance of the conservation area as a designated heritage asset.

13. The appeal is therefore dismissed.

Martin Andrews

INSPECTOR