



Appeal Decision

Site visit made on 4 July 2017

by K Taylor BSc (Hons) PGDip MRTPI

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

Decision date: 12 July 2017

Appeal Ref: APP/P1235/W/17/3170715

604 Dorchester Road, Weymouth DT3 5LH

- 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 S Howe against the decision of Weymouth & Portland Borough Council.
 - The application Ref WP/16/00493/FUL, dated 5 June 2016, was refused by notice dated 23 August 2016.
 - The development proposed is to erect a detached house in the rear garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of the existing dwelling and the future occupiers of the proposed dwelling in respect of overlooking and the provision of garden land.

Reasons

Character and appearance

3. The appeal site is located in an area which is primarily residential in character, although there are some commercial uses including properties located next to the site. Close to the appeal site, properties typically front onto Dorchester Road and have long rear gardens. In the wider area there are houses set back from the main road, but these tend to be positioned a good way to the rear of the frontage properties creating a significant degree of separation between buildings. This has resulted in a spacious setting to the houses.
4. The appeal scheme would result in a dwelling located behind No. 604. It would appear uncharacteristically close to this property and the neighbouring buildings that front onto Dorchester Road. This would harmfully erode the spacious setting to the rear of these properties and the dwelling would appear harmfully discordant with the established character of the area.
5. Planning permission has been granted for a development of 3 dwellings at the adjacent 606 Dorchester Road, most recently in May 2013. That scheme included a pair of semi-detached dwellings located in the rear portion of the site. The design of those dwellings and their positioning is similar to the appeal development, which would sit broadly in line with those houses. I have little

evidence as to the current status of that permission. However there were no obvious signs that the permission had been implemented and I note it was subject to a condition that development must commence within three years of the date of the permission. It is not certain that those semi-detached dwellings will be constructed, without which, the appeal scheme would appear as an isolated dwelling located to the rear of the established building line on this section of Dorchester Road.

6. Although there is a range of designs of dwellings in the locality this would not minimise the harm that would arise from the development due to its siting. While other properties are located to the rear of Dorchester Road, the appeal scheme would be significantly distant from these buildings and therefore it would also not relate well to them.
7. I conclude that the development would result in harm to the character and appearance of the area. It would be contrary to Policies ENV10 and ENV12 of the West Dorset, Weymouth & Portland Local Plan which seek to ensure development achieves high quality design that is informed by the character of the site and its surroundings and contributes positively to the maintenance of local identity and distinctiveness. It would also be contrary to the aims of the National Planning Policy Framework (the Framework) to reinforce local distinctiveness.

Living conditions

8. Typically the dwellings in the immediate area have long rear gardens where the other properties, located to the rear, are positioned well back from the houses in Dorchester Road. The appeal development would be located close to the rear of No.604, and it would contain a rear bedroom at first floor level. This window would have an outlook towards the rear of No.604 which has windows serving bedrooms and a reception room in the rear of the property. Those windows would be in very close proximity resulting in harmful mutual overlooking to the houses and both rear garden areas.
9. The appeal dwelling and No.604 would have small rear garden areas. Taking the modest size of these gardens together with their overlooked nature, leads me to conclude that the outside space afforded to the dwellings would be substandard and out of keeping with that commonly found in the locality. I note the appellant has suggested the scheme could be altered to increase the rear garden area. Any alternative proposals are not before me and I must determine the appeal based on the proposal submitted to the Council. In any event, moderately altering the siting of the dwelling would not overcome the concerns in respect of the character of the area.
10. I conclude that the development would result in unacceptable living conditions for the occupiers of the existing dwelling and the future occupiers of the proposed dwelling in respect of overlooking and provision of garden land. It would be contrary to the aims of the Framework which seeks to ensure that there is a good standard of living conditions for all existing and future occupants of land and buildings.

Other matters

11. The appellant has sought to address the initial concerns of the Council through submitting an amended application for a smaller dwelling in a revised position.

I also note that the level of local opposition to the proposal was relatively light. However, these factors do little to weigh in favour of the development which I must determine on its substantive planning merits.

Conclusion

12. The adverse effects of the development are sufficient to mean that it would conflict with the Development Plan when taken as a whole. Only modest benefits would arise from the addition of a single dwelling to the housing stock and this would not outweigh the harm I have identified. For the reasons given above I conclude that the appeal should be dismissed.

K Taylor

INSPECTOR