



Appeal Decision

Site visit made on 11 July 2017

by K Taylor BSc (Hons) PGDip MRTPI

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

Decision date: 18th August 2017.

Appeal Ref: APP/P1235/W/17/3171985

21 Mount Pleasant Avenue South, Weymouth DT3 5JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Juno Developments UK Ltd against the decision of Weymouth & Portland Borough Council.
 - The application Ref WP/16/00629/OUT, dated 31 August 2016, was refused by notice dated 8 March 2017.
 - The development proposed is demolition of the existing buildings and construction of eighteen houses with associated parking, access and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing buildings and construction of eighteen houses with associated parking, access and landscaping at 21 Mount Pleasant Avenue South, Weymouth DT3 5JF in accordance with the terms of the application, Ref WP/16/00629/OUT, dated 31 August 2016, subject to the conditions in the attached schedule.

Procedural matter

2. The application is in outline with all matters for consideration at this stage except for landscaping. I have treated the elements of the drawings which show landscaping as indicative only in determining this appeal.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

Character and appearance

4. The southern portion of Mount Pleasant Avenue South is characterised by large detached dwellings. These houses occupy much of the width of each plot and are set back from the road with front gardens which incorporate parking. The styles of these properties vary, however many incorporate front projecting gables, bay windows, and hanging tiles. In the northern section of the road property styles are more varied. No.54 is an L shaped building which contains a number of flats. The front of the building contains several porches and doorways and the roof steps down with the changing land levels. This has resulted in the front of the building, to an extent, resembling a terrace.
5. Mount Pleasant Avenue South continues to the north, but becomes a private road. The appeal site contains a former nursing home which is primarily a 2 storey building of a rather institutional appearance. A children's residential care

home is located beyond the appeal site which is also a building of institutional appearance. There are two pairs of semi-detached houses, set perpendicular to the road, located to the front of the care home.

6. The dwellings in the southern portion of the road follow a broadly similar building line, with long rear gardens. In the northern portion the buildings, including No.54, the appeal site, and the children's care home extend significantly towards the rear of the plots.
7. The appeal scheme would introduce 6 dwellings along the site frontage following a broadly similar building line to the houses located to the south. The remaining properties would be set into the site. The design of the proposed dwellings would not mimic any of the existing properties, however they would pick up on a number of design features including front facing gables, bay windows, and hanging tiles.
8. The properties would not have private front gardens but would have more open and communal frontages incorporating parking and landscaped areas. Although this is different to the dwellings to the south, it would not be out of keeping with the development in the northern portion of the road. The development includes a number of semi-detached properties and a terrace. This type of development is also not represented in the southern portion of the road, but the appeal development would act as an appropriate transition between the development to the south and that in the northern section of the road, where semi-detached properties and large blocks of built development are present.
9. Two areas of access, with parking located off it, are proposed at the front of the site. Sections of communal parking are not out of character with the area and these are present at No.54, the children's care home, and formed part of the appeal site when the nursing home was in operation. Landscaping would assist in softening the appearance of the site frontage and I have no reason to doubt that an appropriate scheme could be provided. The detail of that however, including the protection of any existing trees and other landscaping, would need to be dealt with through the reserved matters application.
10. I therefore conclude that the development would not result in harm to the character or appearance of the area. There would be no conflict with 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 comply with the aims of the National Planning Policy Framework (the Framework) to reinforce local distinctiveness.

Other matters

11. The proposed development would incorporate 32 parking spaces. This is a little less than 2 spaces per dwelling. There would be a mix of house sizes, between 2-4 bedrooms, with a weighting towards the smaller properties. Some spaces, including the tandem spaces, are likely to be allocated to a single property. However other spaces, such as those in the parking courts, could be unallocated providing parking efficiently and allowing for some sharing and for visitor parking. Overall the level of parking proposed would be appropriate.
12. The road is reasonably straight and there is a pavement to one side. Adequate levels of visibility would be achieved in either direction from both proposed

access points. Although the site would be accessed at a point where the road narrows, and it is used as a cycle route, there would be adequate room for vehicles to safely manoeuvre into and out of the site. I have no reason to conclude that the accesses would be hazardous; indeed the narrow nature of the road, and its shared use by vehicles, cyclists, and the presence of pedestrians are all likely to serve to adjust driver behaviour so that speeds are low and ingress and egress is carried out with care. The layout of the site itself incorporates areas where vehicles could be turned and this would allow for adequate access for service vehicles into the site.

13. I observed that on-street parking of vehicles was limited on Mount Pleasant Avenue South, although it was prevalent in surrounding roads, including Roman Road. In places the parking effectively reduces the carriageway to single width and it is clear that this causes some necessity for vehicles to wait while another passes. The cul-de-sac nature of the roads is also such that some turning in the street does occur. This is not an unusual situation in residential streets and it can also serve to aid with keeping traffic speeds low.
14. I have no empirical data as to the number of vehicle movements typically generated at the site in its former use. However, even if the appeal development were to increase this, I saw nothing to suggest that modestly adding to the overall traffic volumes using these local roads would create a hazard or severe congestion.
15. The end of Mount Pleasant Avenue South is a private road, and it does not appear as though there is an intention to change this if planning permission is granted to develop the appeal site. I note the concerns in respect of future ownership, responsibilities, and maintenance. However this section of the road is currently private and shared by a number of users. I have no evidence that the use of the appeal site for housing, rather than its former nursing home use, would create any significantly increased difficulties in planning terms. Nor do I have any reason to doubt that appropriate ownership and maintenance responsibilities could be provided.
16. Some noise from the comings and goings of pedestrians and vehicles as well as from the general residential use of the site will arise. Some such noise would have arisen from the use of the site as a nursing home. Even if this were to increase, it would not be beyond that usually associated with residential areas. As such there would not be a significant adverse effect on the living conditions of the existing nearby residents allowing for continued quiet enjoyment of their homes.
17. Several of the plots would be located closer to the boundaries with neighbouring properties than currently exists with the nursing home building. The dwellings located with the rear elevations facing the common boundary with No. 59 would be set some way back. Plots 10 and 11, which are closest to the dwelling and the area of garden located to its immediate rear, would be set to allow increased separation. These plots would also be at a lower level than the neighbouring property which would further reduce any overlooking impacts. The retention and/or provision of boundary planting could also aid with filtering views, although this latter matter is not for consideration at this stage. The separation distances between the existing houses and the appeal dwellings would be similar to that common in residential areas such that overlooking would not be to an unacceptable degree. Some side windows could result in

overlooking at close quarters, however these serve either bathrooms or landings and as such overlooking can be addressed through obscure glazing.

18. The evidence before me suggests that the Council is unable to demonstrate a five-year supply of deliverable housing sites, albeit only by a very small margin. In these circumstances, having regard to paragraphs 49 and 14 of the Framework, this means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. I have found no significant harm would arise from the development. The social benefits that would arise from an increase in the housing supply, and the economic benefits that would arise from the construction of the dwellings weigh in favour of the development.

Conditions and planning obligation

19. I have imposed a condition specifying the relevant plans as this provides certainty. To prevent unacceptable harm to the living conditions of nearby residents I have imposed a condition to secure a construction management plan; to be effective the details must be approved before any development can commence. As buildings are to be demolished a check for bats is necessary and if any are present, a mitigation scheme would need to be approved and carried out. To be effective the details required by this condition would also need to be approved before development commences. In the interests of the character and appearance of the area a condition to require the approval of external materials is necessary. A condition to require the approval and implementation of a drainage scheme is necessary so that suitable drainage arrangements are provided.
20. So that there is adequate access and parking it is necessary to ensure that these are provided before the dwellings are occupied. To provide adequate levels of privacy it is necessary to ensure a number of side windows are provided with obscure glazing and a restricted means of opening. It is however not necessary to require that the plots are pegged out and then that this is approved by the Council. The condition requiring that development is carried out in accordance with the approved plans is sufficient. Should development be carried out contrary to this, powers exist for the Council to take enforcement action if it were expedient to do so.
21. A completed planning obligation has been submitted to secure a contribution towards the provision of off-site affordable housing. The Council's committee report sets out why this is appropriate in the circumstances and confirms the amount is adequate in view of the Vacant Building Credit. I have no reason to reach a contrary view and therefore I consider it is necessary, directly related to the development, and reasonably related in scale and kind. The Undertaking requires that the payment is made before development commences.

Conclusion

22. For the above reasons, I consider that the development accords with the development plan when taken as a whole. I conclude that the appeal should be allowed.

K Taylor
INSPECTOR

Schedule of Conditions:

- 1) Details of the landscaping, (hereinafter called "the reserved matter") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matter shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the reserved matter.
- 4) In so far as the details relate to access, appearance, layout, and scale, the development hereby permitted shall be carried out in accordance with the following approved plans: 8775/100 F, 8775/101 B, 8775/102 A, 8775/103 A, 8775/104 A, 8775/105 A, 8775/106 A, 8775/107 A, 8775/108 A, 8775/109 A, 8775/110 A.
- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vii) delivery, demolition, and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 6) No development shall take place, including the demolition of the existing buildings on site, until a bat check of the buildings to be demolished has been carried out and the details have been submitted to and approved in writing by the local planning authority. In the event that signs of bats are found, a mitigation scheme shall also be submitted to and approved in writing by the local planning authority and the demolition and development shall thereafter be carried out in accordance with the approved mitigation scheme.
- 7) No development involving the use of any external facing materials shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 8) No dwelling shall be occupied until the accesses, parking, and manoeuvring space has been laid out within the site in accordance with drawing no. 8775/100 F and that space shall thereafter be kept available at all times for access purposes and the parking and manoeuvring of vehicles.

- 9) No development shall take place in respect of the construction of the dwellings until a full surface water drainage scheme and a programme of implementation has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details including the programme of implementation.
- 10) Each plot listed below shall not be occupied until the specified window/s at first floor level have been fitted with obscured glazing, and no part of that/those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing and means of opening shall be retained thereafter.
- Plots 1, 13, 15, and 17: north elevation.
 - Plots 7, 9, and 10: east elevation.
 - Plots 8, 11, and 12: west elevation.
 - Plots 14 and 16: south elevation.
 - Plot 18: north and south elevations.