
Appeal Decision

Site visit made on 9 September 2019

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 19 September 2019

Appeal Ref: APP/B1225/W/19/3231954

11 Huntick Estate, Lytchett Matravers BH16 6EB

- 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 P & A White & Hibberd against the decision of Purbeck District Council.
 - The application Ref 6/2019/0003, dated 17 December 2018, was refused by notice dated 28 February 2019.
 - The development proposed is described as 'segregate plot. Construct detached 2-bed chalet bungalow'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 1 April 2019 Purbeck District Council merged with East Dorset District Council, North Dorset District Council, West Dorset District Council and Weymouth and Portland Borough Council to become Dorset Council. The development plans for the merged local planning authority remain in place for the former area of Purbeck District Council until such a time as they are revoked or replaced. It is therefore necessary for me to determine this appeal with reference to policies set out in the plans produced by the now dissolved Purbeck District Council.

Main Issues

3. The main issues are:
 - a) the effect on the character and appearance of the area,
 - b) whether the proposal would secure adequate living conditions for future occupiers of the proposed dwelling, with regard to privacy, and
 - c) the effect on the living conditions of existing occupiers of Nos 11, 12 and 13 Huntick Estate and No 9 Foxhills Crescent, with regard to privacy and outlook.

Reasons

Character and appearance

4. The area within which the appeal site is located is characterised by widely spaced post war dwellings, set back from the road in large plots. At my visit to

the area I saw many instances of more recent higher density development in the form of small estates or individual new buildings. Some of these have replaced older dwellings that were part of Huntick Estate, such as the development at Nos 19 and 20. Other development is largely self-contained and has had little impact on the wider character of the area, such as the small development of Hann Gardens. Despite these changes the spatial arrangement of the original estate is still very much evident, particularly from the main roads of the estate that run to the front of the existing dwelling. The Lytchett Matravers Townscape Character Appraisal 2012 (TCA) suggests that the estate consists of a fairly standard type of housing that lacks local distinctiveness. Whilst this may be the case, at my visit I found that the regular spacing of the properties and the generous plot sizes gives a strong sense of uniformity and spaciousness to the area. The TCA recognises that there is some potential for infilling behind frontages where rear gardens are sufficiently large.

5. The existing property is one of a semi-detached pair, which faces the road junction at an angle and stands in a generous plot with gardens to the front and rear. The proposed dwelling would sit behind the existing dwelling and would be easily viewed from the road from the west and southwest. It would be close to No 9 Foxhills Crescent (No 9), which is a recently constructed dwelling to the southeast, erected to the rear of No 10 Huntick Estate (No 10). This new dwelling is somewhat of an anomaly in the area and I accept that it has had an impact on the area's spacious character.
6. However, unlike the proposed dwelling, No 9 faces away from Huntick Estate towards the development to the northeast with large dormers and an open parking area, and as such presents fairly blank elevations to the west where it is seen from the road. Although close, it has a perpendicular relationship with the original property and occupies a reasonably central position within its plot. In contrast, the proposed dwelling would be pushed into the corner of its plot, very close to the rear and side boundary, and set at an angle that would not relate well to the existing dwelling. Furthermore, No 9 occupies a well enclosed plot with high evergreen hedges. The rear elevation of the proposed dwelling would be very close to the boundary to the north, and would face out over the gardens in this direction, which are fairly open with low boundaries. Although this would not necessarily be a public view it would have an impact that would be felt by a number of residents.
7. As a result, the proposed dwelling, so close to No 9, would consolidate built form in this back-land position. It would appear cramped and at odds with the consistent spacing and spacious character of the area, which is in part derived from large undeveloped rear gardens. With reference to the TCA, the rear garden is not therefore considered to be sufficiently large to accommodate the proposal successfully.
8. In summary, the proposal would have a harmful effect on the character and appearance of the area, contrary to Policy D of the Purbeck Local Plan Part 1 adopted 2012 (PLP) and Policies 1 and 2 of the Lytchett Matravers Neighbourhood Plan made 2017 (LMNP), which together seek to ensure that development proposals are well designed and positively integrate with their surroundings. Furthermore, the proposal does not accord with advice contained within the Purbeck District Design Guide 2014 (DG) with regard to consideration of the balance of buildings to open space, the pattern of building and the visual character of surrounding development.

9. The Council referred to Policy LHH of the PLP in its first reason for refusal. This Policy relates to landscape, historic environment and heritage and appears to be unrelated to the proposal before me. As such this Policy has not been determinative.

Living conditions for future occupiers

10. The area of usable garden for the proposed dwelling would be limited to a small area to its west. Although small, it would relate well to the layout of the proposed dwelling and would be well orientated to receive adequate levels of daylight and direct sunlight. However, it would be heavily overlooked by first floor windows at the rear of Nos 11, 12 and 13 Huntick Estate. These neighbouring first floor windows would also face towards the principle windows of the kitchen and living space, which, owing to the close distances, would result in an unacceptable level of overlooking into these rooms and the garden area.
11. In summary, the proposal would not secure adequate living conditions for future occupiers of the proposed dwelling, contrary to Policy D of the PLP and Policies 1 and 2 of the LMNP, which together seek to ensure that development proposals avoid overlooking and include attractive private spaces.

Living conditions of existing occupiers

12. The proposal would leave the existing dwelling with a very small area of rear garden that would face northeast and would therefore not benefit from good levels of daylight or direct sunlight. A significant area of the front garden would be given over to parking, and in any case this garden area could not provide an appropriate level of privacy as it is open to the road. I accept that there are examples of similarly small gardens in the area, however owing to its poor orientation, and the fact that the existing dwelling is a good sized family home, I am not satisfied that this level of private garden provision would be sufficient.
13. The proposed dwelling would be visually dominant when occupiers of the existing dwelling look out from the small rear garden and rear windows, owing to its proximity and scale. This would contrast starkly with the open outlook over neighbouring gardens that occupiers currently enjoy, and would therefore have an adverse effect on their outlook.
14. The proposal would include vehicle access to the proposed dwelling, which would pass through a narrow gap to the side of the existing dwelling. The restricted width would not allow for the formation of any meaningful defensible space alongside the existing dwelling. As a result, the extent that the existing ground floor doors and windows on this elevation would open directly out onto the access drive. The proposal would therefore have an adverse effect on the living conditions of occupiers of the existing dwelling, owing to disturbance from vehicle movements in such close proximity to existing doors and windows.
15. The proposed dwelling would be close to the rear of No 12 Huntick Estate (No 12). It would be visually dominant from rear windows of this dwelling and from the rear garden, although there would be no overlooking between the garden areas owing to the height of the existing fence. Occupiers of this dwelling currently enjoy an open outlook to the rear over neighbouring gardens. The presence of the proposed dwelling, in such close proximity to No 12 and its

garden area would have an adverse effect on the living conditions of the occupiers of this dwelling, owing to its effect on outlook.

16. Although No 13 Huntick Estate (No 13) is further away from the site and offset, the proposed dwelling would be dominant from its rear garden. I note that the current occupiers of this dwelling have not objected to the proposal. However, the siting of the new dwelling, owing to its scale and in such close proximity to what is currently an open south facing aspect of the neighbour's garden, would have a significant adverse impact on the outlook currently enjoyed by occupiers of this dwelling, and its presence would be overbearing.
17. Five openings would face towards the garden at the rear of No 13. However, I accept that these could be obscurely glazed and the rooflights could be fitted at a high level to prevent future occupiers from looking out over the neighbouring garden. In terms of daylight and direct sunlight the effect would not be adverse, as significant areas of garden would be unaffected.
18. Although No 9 is offset it would be very close to the proposed dwelling. A substantial hedge stands between the site and this existing dwelling, however this could not necessarily be relied on to mitigate the effects in perpetuity, and in any case at its current height it would appear that overlooking from the south facing dormer of the proposed dwelling towards the existing dormer window of No 9 could easily take place. The proposed dwelling would therefore have an adverse effect on the living conditions of the occupiers of this dwelling owing to the potential for overlooking. This would be unlike the relationship that already exists between No 9 and No 10, where the two dwellings are perpendicular to one another, thereby avoiding direct overlooking into habitable rooms.
19. In summary, the proposal would have a harmful effect on the living conditions of existing occupiers of Nos 11, 12 and 13 Huntick Estate and No 9 Foxhills Crescent, with regard to privacy and outlook, contrary to Policy D of the PLP and Policies 1 and 2 of the LMNP, which together seek to ensure that development proposals avoid overlooking and include attractive private spaces. Furthermore, the proposal does not accord with advice contained within the DG with regard to consideration of impacts on neighbour amenity.

Other Matters

20. In support of the proposal the appellants have referred to the Council's view that the principle of locating a new dwelling in the area is acceptable, and that the proposal would make efficient use of land. Whilst I agree that these are positive factors, they are not sufficient to outweigh the harm I have identified in relation to the main issues.

Conclusion

21. For the reasons above, the appeal should be dismissed.

Andrew Tucker

INSPECTOR