
Appeal Decision

Site visit made on 20 August 2019

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2019

Appeal Ref: APP/P1235/W/19/3222063
59 Buxton Road, Weymouth DT4 9PL

- 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 and Mrs Tony and Helen Walker against the decision of Weymouth & Portland Borough Council.
 - The application Ref WP/18/00133/FUL, dated 2 February 2018, was refused by notice dated 20 September 2018.
 - The development proposed is to erect dwellinghouse.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The decision to refuse planning permission was made by Weymouth and Portland Borough Council, which ceased to exist on 1 April 2019, following a merger with East Dorset District Council, North Dorset District Council, Purbeck District Council and West Dorset District Council to form the new Dorset Unitary Authority. Provisions within the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 allow for any "plan, scheme, statement, or strategy" prepared by one of the merging authorities to be treated as if "it had been prepared and, if so required, published by the single tier council for the whole or such part of its area as corresponds to the area to which the particular plan, scheme, statement or strategy relates". The status of the West Dorset, Weymouth & Portland Local Plan (2015) (the Local Plan) has not therefore changed as a result of the merger.

Main Issues

3. The main issues are:
 - a) The effect of the development on the character and appearance of the area; and,
 - b) The effect of the development on the living conditions of occupants of neighbouring properties

Reasons

Character and appearance

4. The appeal property lies in a row of bungalows fronting Buxton Road, which have long gardens that slope down to the rear. Although some of these large

gardens contain sizeable outbuildings, a sense of spaciousness to the rear of the bungalows is retained. This openness is discernible through the gaps in the frontage development, and it is also evident from Southdown Road to the east of the site. From this viewpoint, the open area of land formed by the conjunction of the adjacent gardens can be seen through the appeal site.

5. The proposed dwelling would be sited in the back garden of the property, and it would have a plot-size markedly smaller than any of the immediately surrounding dwellings. It would be set back from the line of bungalows in Southdown Road and would only have a pedestrian access. As it would not have a road frontage, it would appear as an isolated intrusion into the open space to the rear of the frontage buildings. The restricted size of the plot, and its location in the open area behind the existing bungalows, would be out of character with the pattern of the surrounding development, and would be harmful to the spacious character of this row of bungalows.
6. My attention has been drawn to other "backland" development in the locality; in particular at 2a Southdown Road and 1a Southlands Road. However, I saw that both of these dwellings have a road frontage. Consequently, they fit more comfortably into the surrounding pattern of development than would be the case with the appeal proposal.
7. Although there are some houses to the south, the dwellings immediately surrounding the appeal site are all bungalows, albeit that some have dormer windows in their roofslopes. The 1½ storey design of the proposed dwelling, with dormer windows cutting through the eaves line, would therefore be out of character with the scale of the adjacent development. As a result, the dwelling would rise above the surrounding buildings, further drawing attention to its uncharacteristic backland siting.
8. I am mindful that the dwelling could be constructed in materials to match the surrounding development, but this would not disguise its incongruous siting, scale and design. The appellant highlights that the proposals would provide future occupants with sufficient outdoor amenity space, but the size of the plot would, nevertheless, be out of keeping with the surrounding pattern of development. I therefore conclude that the proposal would harm the character and appearance of the area. The development would therefore be contrary to Policy ENV12 of the Local Plan, which seeks to ensure that the design and positioning of buildings complements and respects the character of the surrounding area. As the development would not be sympathetic to local character, it would not accord with the aim of the National Planning Policy Framework (the Framework) to achieve well-designed places.

Living conditions

9. Due to the limited size of the plot, the proposed dwelling would be close to its southern boundary. The side gable of 2 Southdown Road, the bungalow to the south, is also close to this boundary. The proposed dwelling would be sited further to the west, so that almost all of its side gable would extend beyond the rear elevation of 2 Southdown Road. The 1½ storey design is said to have been adopted to avoid an overbearing impact. However, the proposed dwelling would have a significantly higher eaves level than the bungalow and would be built on higher land. Consequently, the gable end close to the boundary would be a very overbearing feature, which would dominate the small rear garden of 2 Southdown Road. It would also have a significant impact on the outlook from

the windows in the rear elevation of the bungalow, particularly those nearest to the appeal site boundary. The proposal would therefore result in harm to the living conditions of the occupants of 2 Southdown Road, through its overbearing appearance and a resultant loss of outlook.

10. The appellant suggests that buildings being close to their boundaries is a characteristic feature of the area. I saw that this is the case for much of the development in Southdown Road and Southlands Road. However, I did not see any examples where one dwelling extended so much further back than its neighbour, in such close proximity to the common boundary, resulting in the harmful impact I have identified above.
11. The proposed first floor window in the southern gable end of the dwelling would overlook the rear garden and windows of 2 Southdown Road at close quarters. However, this would not be the only window serving Bedroom 2 and, if I had been minded to allow the appeal, I could have imposed a condition requiring obscure glazing to be installed. The same is true of the proposed window in the northern gable, which would overlook the rear garden and windows of the host dwelling. I am therefore satisfied that, with appropriate conditions, there would not be a significant loss of privacy to the occupants of surrounding dwellings. As the proposed dwelling would lie to the north of 2 Southdown Road, there would also not be an unacceptable loss of light for the occupants.
12. I have found the proposals to have an acceptable impact on light and privacy for the occupants of surrounding dwellings. However, I conclude that there would be a harmful impact on the living conditions of the occupants of 2 South Down Road due to an overbearing appearance and loss of outlook. The proposal would therefore be contrary to Policy ENV16 of the Local Plan which, amongst other things, seeks to ensure that development does not adversely affect the living conditions of existing residents through excessive overbearing impact. As the development would not achieve a high standard of amenity for existing occupants, it would not accord with the aim of the Framework to achieve well-designed places.

Conclusion

13. For the reasons given above, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR