
Appeal Decision

Site visit made on 17 September 2019

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 27 September 2019

Appeal Ref: APP/P1235/W/19/3223567

1 Ludlow Road, Weymouth DT4 0HB

- 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 Steve Adams against the decision of Weymouth & Portland Borough Council (now Dorset Council).
 - The application Ref: WP/18/00905/FUL dated 1 November 2018, was refused by notice dated 23 January 2019.
 - The development proposed is erection of an end terrace house and creation of suitable off street turning and parking to address the refusal of application WP/18/00210/FUL 23/5/2015.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An additional plan (F106-09) was submitted at the application stage to address the comments from the Highway Authority. My decision is based on the plans determined by the Council and therefore includes this amended plan. Following receipt of this plan the Highway Authority confirmed that it had no objection on highways related matters, subject to the imposition of conditions. I have no reason to take a different view.
3. On 1 April 2019, Weymouth and Portland Borough Council became part of a single unitary authority, Dorset Council.
4. I understand that an earlier appeal for two dwellings on the appeal site has been dismissed, but the appeal decision has not been provided to me. My decision is based solely on the planning merits of the case before me.

Main Issue

5. The main issue in this appeal is the effect of the proposal on the character and appearance of the local area.

Reasons

6. The appeal property is an end of terrace residential dwelling which sides onto Lanehouse Rocks Road (B3156) and fronts onto a footpath linking through to Ludlow Road. The appeal property is within a predominantly residential area with mainly short terraces of two storey dwellings to the east and a wider mix

- of residential properties along Lanehouse Rocks Road. The house as existing has a good sized garden area to the front, side and rear.
7. The proposal would extend the existing terrace with a two storey addition to the side of No 1 Ludlow Road to create an additional house, together with the remodelling and additions to the existing house, including a rear ground floor extension and the addition of dormers to the front and rear roof slopes to match the proposed form and layout of the new dwelling. The existing vehicular access to the rear of the plot would provide for two parking spaces and turning space clear of the highway.
 8. I do not consider that the reduction in the size of the garden area would on its own justify refusal of planning permission, as the remaining garden area would appear to be of an adequate size to serve the existing and proposed dwellings. Furthermore, the rear gardens and parking and turning area would continue to provide appropriate spacing to the adjoining dwelling to the north to respect the pattern of well spaced dwellings in the local vicinity.
 9. However, and notwithstanding the garden area to the front and the rear, the overall extent of development on the site, including the extensions and roof additions to the existing dwelling to match the new dwelling would result in a cramped form of development within the existing plot. The creation of the additional dwelling would extend the terrace almost the full width of the side garden to the side boundary. Whilst there is a range of building styles along this part of Lanehouse Rocks Road, the predominant pattern of development is of well spaced buildings, generally set back from the road frontage; the extension of built development to the side boundary would be a visually discordant interruption to this pattern of development.
 10. I have taken into account the proposed small window on the side elevation, but nonetheless there would be a large expanse of unrelieved side wall close to the footpath. The proximity of the development to the side boundary and the overall scale of development with roof dormers to the front and rear would combine to create a visually over prominent development that would detract from the more spacious pattern of development within the local area. This would unacceptably harm the character and appearance of the local area.
 11. The Appellant has drawn my attention to the three storey block of flats approximately opposite the appeal site which I agree is sited further forward than the predominant pattern of development. However, its small set back together with the wide grass verge in front of it help to assimilate it into the street scene and reduce its visual impact. It does not therefore, in my view, directly compare with the proposal before me and does not persuade me that planning permission should be granted in this case, given the harm I have found.
 12. I therefore conclude that the proposal would unacceptably harm the character and appearance of the local area. This would conflict with Policies ENV10 and ENV12 of the adopted West Dorset, Weymouth and Portland Local Plan as well as the National Planning Policy Framework (Framework) and in particular Section 12, all of which seek a good quality of design which respects the local context.

Other Considerations and Planning Balance

13. The Council has acknowledged that it cannot demonstrate a 5 year housing land supply. Paragraph 11 of the Framework sets out that decisions should apply a presumption in favour of sustainable development and that, under criterion d) where the policies which are most important for determining the application are out of date, 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. Given the lack of a five year housing land supply, paragraph 11 d) of the Framework is engaged.
14. Whilst paragraph 57 of the Framework refers to the government's objective to boost significantly the supply of housing the provision of one additional unit would make little meaningful difference. When judged against some of the core planning principles the proposal would perform well in that it would be in an urban area where access to facilities is likely to be greatest. However, good design is also a key aspect of sustainable development.
15. In terms of its component dimensions there would be a small social benefit in providing an extra housing unit. Economic advantages would also arise from the construction and occupation of a new house. However, the harm to the character and appearance of the area identified would be significant and as a result the environmental role of sustainable development would not be achieved. When assessed against the policies in the Framework taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

16. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR