
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: 30 September 2019

Appeal Ref: APP/P1235/W/19/3224898

6 Leeds Crescent, Weymouth DT4 0HG

- 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 Charlton against the decision of Weymouth & Portland Borough Council (now Dorset Council).
 - The application Ref: WP/18/00572/FUL dated 2 July 2018, was refused by notice dated 29 January 2019.
 - The development proposed is erection of dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 1 April 2019, Weymouth and Portland Borough Council became part of a single unitary authority, Dorset Council.
3. The Appellant has invited me to make suggestions to amend the scheme if necessary and has referred to the option of a bungalow. However, I am required to determine the proposal before me, which is the scheme which has been consulted upon and determined by the Council.

Main Issues

4. The main issues in this appeal are:
 - a) The effect of the proposal on the living conditions of the neighbours at Nos 10-16 Liverpool Road, with particular regard to loss of outlook and
 - b) The effect of the proposal on the character and appearance of the local area.

Reasons

Issue a) Living Conditions

5. The appeal property is a semi-detached two storey property, on a wide triangular spaced plot fronting onto Leeds Crescent and turning the corner into Liverpool Road and within a predominantly residential area of both houses and flats. The proposal would extend the property to the side to create a new, attached three bedroom dwelling, with parking to the front.

6. Set at an angle to the rear of the site of the proposal are four flats, Nos 10-16 Liverpool Road, with limited open space to the boundary with the appeal property. Nos 10 and 12 would be behind the proposed new dwelling and I consider that the introduction of a two storey dwelling in such close proximity to the flats to the rear would be overbearing and enclosing and lead to a significant loss of outlook for the occupiers of the flats. The loss of outlook would be both from the windows facing towards the appeal site as well as from their shallow areas of amenity space closest to the appeal site. This would in my view unacceptably harm their living conditions.
7. I therefore conclude that the proposal would unacceptably harm the living conditions of surrounding neighbours, particularly in the flats to the rear of the site, with particular regard to loss of outlook. This would conflict with Policy ENV16 of the adopted West Dorset, Weymouth and Portland Local Plan (Local Plan) as well as the National Planning Policy Framework (Framework) and in particular paragraph 127, both of which seek for a high standard of amenity for existing and future occupiers.
8. I have taken into account that the existing neighbours in these flats to the rear did not object to the proposal. However, my consideration is based on its planning merits and moreover, the development would endure for future occupiers.

Issue b) Character and Appearance

9. The appeal property is sited on a generous corner plot with a wide area of garden to the side. The surrounding semi-detached and short terraces of both houses and flats are generally well spaced and there are good sized areas of communal open grassed space forming part of the pattern of development in the local area, including opposite the appeal site. There would still be a reasonable extent of garden land remaining to the side of the proposed property and the change from a semi-detached dwelling to a short terrace of three dwellings would not be out of keeping with the surrounding pattern of development, including both semi-detached and short terraces of dwellings.
10. However, I do have a specific concern regarding the relationship of the proposed dwelling with the residential flats to the rear at Nos 10-16 Liverpool Road. It would result in a pinch point of built development that would be out of character with the generally well-spaced pattern of development in the local vicinity. I have taken into account the development at the adjoining property, No 8 Leeds Crescent, including both its side and rear development, but these are predominantly single storey additions and do not therefore directly compare with the proposed two storey development before me. As a result, I agree with the Council's assessment that the proposed development, through its siting in relation to the development to the rear would erode the spacious character and appearance of the local area.
11. I therefore conclude that the proposed development would unacceptably harm the character and appearance of the local area. This would conflict with Policies ENV10 and ENV12 of the Local Plan and the 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

12. The Appellant has drawn my attention to other developments that have been permitted within close proximity to the appeal site. Each proposal must be considered on its individual merits but I have nonetheless had regard to these other developments. However, on the basis of the limited information before me, they do not appear directly comparable to the proposal before me, particularly in terms of their relationship with adjoining dwellings. They do not therefore persuade me to a different conclusion given the harm I have concluded in this case.
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 and creating a well designed and safe built environment are both key aspects 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 identified both to the living conditions of the neighbours to the rear as well as to the character and appearance of the area would be significant and as a result the social and environmental roles 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