The Planning Inspectorate

Appeal Decision

Site visit made on 24 September 2019

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2019

Appeal Ref: APP/P1235/D/19/3232164
48 Goldcroft Avenue, Weymouth DT4 0ES

- 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 Graham Hill against the decision of Dorset Council.
- The application Ref WP/18/01018/FUL, dated 14 December 2018, was refused by notice dated 2 May 2019.
- The development proposed is described as a "rear 1st floor roof terrace with french door access and obscure glass screens".

Decision

1. The appeal is allowed and planning permission is granted for a "rear 1st floor roof terrace with french door access and obscure glass screens" at 48 Goldcroft Avenue, Weymouth DT4 0ES in accordance with the terms of the application, Ref WP/18/01018/FUL, dated 14 December 2018, subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01a/17/18, 03/17/18, 04/04/18.

   3) The roof terrace hereby permitted shall not be first brought into use until both flanking privacy screens have been fitted with obscured glazing (of at least level 3). Once installed the obscured glazing shall be retained thereafter.

Main Issues

2. The main issues are the effect on the:
   i) living conditions of 50 Goldcroft Avenue having regard to disturbance, loss of privacy and loss of light; and
   ii) the character and appearance of the host building.

Reasons

Living conditions

3. 48 Goldcroft Avenue is a 2-storey semi-detached property located within a street of similar dwellings. To the rear, the host building and the adjoining No 50 both have a bedroom at first floor level facing east, overlooking their rear gardens. There is existing overlooking of neighbouring gardens at oblique angles from first floor windows along Goldcroft Avenue, and due to the

topography, overlooking from the ground floor windows as well. Such oblique overlooking also occurs from the patios and raised decking areas.

4. The proposal would create a first-floor roof terrace. This would provide additional outside amenity space accessed from a bedroom of the host dwelling. Given that it is accessed from a bedroom I consider it is unlikely to be used regularly as an area for entertaining. Moreover, it is located only a few metres from the existing main outside amenity space for the property. Therefore, over and above the existing situation, I do not consider that the proposal would cause any unacceptable level of disturbance to the living conditions of No 50.

5. The glazed screens would restrict oblique overlooking from the existing bedroom to the neighbouring gardens, moderately enhancing privacy. The potential of overlooking from the additional, elevated outside amenity space would be largely mitigated by these flanking privacy screens, albeit some oblique overlooking would occur, similarly to the existing situation from the bedroom window. As such, I find overall that there would be a broadly neutral impact in terms of overlooking.

6. The obscure glazed screens would be transparent and allow some natural light to pass through. Given this, the relative orientation and the limited height over the existing flat roof I consider that the proposal would not lead to any significant loss of light to No 50.

7. Additionally, I note the 3rd party concerns raised in regard to potential glare from the materials, people's shadows being visible through the obscure glass and overbearing impacts. However, I note similar potential glare from other domestic structures, in similar situations, and do not find this to result in any detrimental impact to living conditions. Additionally, given that the flanking screen would be of limited height I do not consider that it would be overbearing or oppressive. Finally, I do not consider that the potential for the silhouette of a person or persons would cause harm to the living conditions of neighbours.

8. In conclusion on the first main issue, the proposal would not harm the living conditions of No 50 having regard to disturbance, loss of privacy and loss of light. The proposal would not conflict with policy ENV16 of the West Dorset, Weymouth and Portland Local Plan 2011-2031 (LP) adopted October 2015 which amongst other aims seeks to ensure that development minimises the impact on the living conditions of existing residents close to it.

Character and appearance

9. The proposed development would not be prominent from Goldcroft Avenue, with only very limited glimpses between Nos 46 and 48. To the rear there are relatively distant views, including from the nature reserve. At the rear, the appeal site, like the surrounding residential properties, is characterised by a range of alterations and extensions. These include raised decking and terraces and, at least on one nearby property, a first-floor balcony with screens. The proposal would be viewed against and in the context of this variety. It would be sympathetic in terms of its scale to the host building, projecting no further than the existing built form.

10. In conclusion on the second main issue, the proposal would not appear unduly prominent on the rear elevation and would cause no harm to the character and

appearance of the host building. The proposal would not conflict with policy ENV12 of the LP which amongst other aims seeks to ensure that extensions and alterations are well related to their surroundings.

Conditions

11. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty. In order to protect the living conditions of neighbouring property I have also imposed a condition requiring the glazed privacy screens to be obscured to a minimum of level 3. This is consistent with the Council's decision (ref: WP/14/00832/FUL) referenced by the appellant within their evidence.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

James Taylor

INSPECTOR