
Appeal Decision

Site visit made on 16 September 2019

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2019

Appeal Ref: APP/D1265/W/19/3230300

1 Down Lodge Close, Alderholt, Dorset SP6 3JA

- 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 & Mrs Franks against the decision of Dorset Council.
 - The application Ref 3/19/0532/FUL, dated 21 February 2019, was refused by notice dated 23 April 2019.
 - The development proposed is for the conversion and extension of the existing single garage at 1 Down Lodge Close into a 1-bedroom detached dwelling with associated driveway and hard and soft landscaping. In addition, the proposal seeks to erect a new detached garage and access driveway for the existing dwellinghouse (1 Down Lodge Close).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the development on the character and appearance of the area, and (ii) the effect on the Dorset Heathlands and their ecological significance.

Reasons

Character and Appearance

3. The site includes a dwelling towards the junction between Station Road and Down Lodge Close, with a detached garage to the rear. The site is of an irregular shape as it tapers to a narrow rear boundary. The garage is towards the rear boundary. The proposal is to convert and extend the garage to form a new dwelling. There is also proposed a new driveway for parking off Down Lodge Close to serve the existing house.
4. The new dwelling would be in the narrow section of the current plot, which tapers to the rear. Whilst there is some variety in plot sizes and dwelling type in the area of the site, the plot that would be formed by the proposal would be relatively small, even for a modest 1-bedroom dwelling. It would lack the spacious character of many housing plots within Down Lodge Close and the other streets in this residential area. As a consequence, the proposed dwelling within this restricted plot would appear cramped and an incongruous addition to the street and area.

5. There is a garage currently on site as the proposal is part conversion of this out-building. However, the existing garage would be significantly extended to form a dwelling. Furthermore, the garage is ancillary to the dwelling and is a subservient feature within the plot, which appears as being all within the same curtilage. The dwelling as proposed would be larger and would be a clear change in character from that of the existing ancillary outbuilding.
6. The existing plot is already different to others in the area in terms of its orientation and shape, for example. However, the plot is currently spacious, which is in keeping with the general area, whilst the proposal would split the existing plot into two much smaller curtilages. This would result in a much more cramped layout for both existing and proposed dwelling, when viewed in the context of the area. It would efficiently use the site to develop a dwelling within this constrained plot, but this would be at the expense of a development which would appear cramped within the plot when viewed within its context.
7. The new dwelling would be most visible from within Down Lodge Close. Whilst this is a small cul-de-sac it would be clearly visible from this public highway, and there would also be some views from Station Road, albeit limited due to existing houses and vegetation for example. Whilst the development would not be visible from a wide area, the impact to the character and appearance of the site would still be evident from public vantage points such as the adjacent highway. Landscaping would be beneficial, although given the plot size this would likely be limited in scope. The set back from the plot edge would do little to mitigate the cramped nature of the proposal.
8. The appellant has drawn my attention to other examples in the area for garage conversions and extensions which have been approved, but I do not have full details of these before me, such as the resultant plot sizes and their context. As such, although I note there have been garage conversions and extensions, this does not suggest that this proposed development is appropriate, with each case taken on its own merits also.
9. To conclude on this matter, due to the cramped form of development, the proposal would result in harm to the character and appearance of the area and the street scene. The proposal is contrary to Policy HE2 of the Christchurch and East Dorset Core Strategy 2014. This policy seeks to, amongst other things, require development to be of a high quality design and be compatible with its surroundings.

Dorset Heathlands

10. The Council's second reason for refusal relates to the absence of an appropriate contribution towards mitigating effects on ecology resulting from increased recreational pressure and potential for disturbance to the Dorset Heathlands Special Protection Area (SPA), Dorset Heaths Special Area of Conservation (SAC) and Ramsar, a likely significant adverse effect in that respect could not be ruled out. The appeal site falls within the five kilometre zones of influence of these protected areas, including the Verwood Heaths SSSI, with reference to the Dorset Heathlands Planning Framework 2015-2020 Supplementary Planning Document (adopted January 2016, 'SPD').
11. The intensification of residential development in and around these heathland areas and the pressures placed upon them by additional people who occupy these new dwellings near these protected areas could have an adverse effect.

The evidence submitted indicates the potential for damage to the Dorset Heathlands European Sites arises from the likelihood of increased recreational disturbance, such as trampling and disturbance of breeding birds for example, because of residential development in the area and the resultant increased local population.

12. Had I been minded to allow the appeal it would have been necessary for me to undertake an Appropriate Assessment of the development in order to confirm its effect and whether there is a need for mitigation. I would have also required a recent consultation response from Natural England regarding the proposed development in this location. However, I have identified significant harm as a result of the proposal to the character and appearance of the area.
13. The appellant has stated that they would submit a legal agreement for a contribution which would meet the requirement set out in the Dorset Heathlands Mitigation Strategy. I have not seen such a legal agreement and have no confirmation that it has been received by the Council. However, even if there were no likely significant effects to ecology to result in the proposals being in line with ME2 of the Local Plan Part 1 Core Strategy and the National Planning Policy Framework (the Framework), or if the effects could have been satisfactorily mitigated, this would be neutral in the planning balance rather than representing a positive factor weighing in favour of allowing the appeal.

Planning Balance

14. 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.
15. In the context of the development plan I have found that the proposed development would be contrary to Policy HE2 of the Christchurch and East Dorset Core Strategy 2014. For this appeal, I have found this policy to be generally consistent with the relevant aims of the Framework.
16. The proposal would provide a limited amount of short term employment through the construction of the development and some further modest benefits would result from the additional support to the vitality of the local community from the future occupiers of the proposed new dwelling. The new dwelling would make a modest contribution to the supply of housing and towards helping to address the Council's shortfall, particularly towards the need for 1-bedroom dwellings. I have also considered the accessible residential area of the site and how the design proposed reflects some of the other dwellings in the area. There are also bus links close by to allow for public transport access. I also note the appellant's statement that the garage is currently under-utilised. I give these matters modest weight overall.
17. 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

18. For the reasons given above the appeal should be dismissed.

S. Rennie

INSPECTOR