
Appeal Decision

Site visit made on 27 September 2019

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th December 2019.

Appeal Ref: APP/P1235/W/19/3230323

111 Portland Road, Weymouth DT4 9BG

- 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 Taylor/Edge against the decision of Weymouth & Portland Borough Council.
 - The application Ref WP/19/00037/FUL, dated 10 January 2019, was refused by notice dated 27 March 2019.
 - The development proposed is to demolish existing garage and storage and erect 2 No dwellings.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether or not the proposal would provide satisfactory living conditions for future occupiers with particular regard to amenity space; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is an area to the rear of No 109 and 111 Portland Road. Nos 109 and 111 are both currently in use as commercial premises and are situated close to the junction of Portland Road and Hillbourne Road. At the time of my site visit, partially demolished outbuildings were in situ.
4. Portland Road is a wide, main road which hosts a variety of dwellings interspersed with commercial units and shops set back from the road behind areas of parking. Hillbourne Road has a more residential character, with pairs of semi-detached dwellings and some bungalows fronting the road. Residential properties in the area largely benefit from reasonably large rear gardens and fairly spacious plots.
5. The proposal is to demolish the existing outbuildings on site and erect two, two-storey, three-bedroom dwellings which would form a semi-detached pair. The dwellings would be set back from the road behind a parking area and would each have a small rear garden with a patio area and a lawn.

Living conditions

6. The rear gardens of each property would be of a sufficient size to incorporate a patio, a grass area, a shed/bike store and an area for the storage of bins. However,

the proposed dwellings would each have three bedrooms and could therefore be considered as family homes. I acknowledge that the Council do not have any specific adopted space standards, however, policies contained within the LP set out the requirements for development to provide an appropriate level of amenity for existing and future residents. In this instance, the proposed garden areas would not be large enough to meet the typical requirements for gardens as might reasonably be expected based on the size of the dwelling and the likely accompanying character and scale of its occupation. As such, the level of amenity would not be appropriate.

7. I note that the Council consider some degree of overlooking to be commonplace in the area and, as such, they do not consider the views into the proposed rear garden areas from the rear of the properties on Portland Road to be unsatisfactory in this instance. However, in my view the restricted size of the proposed garden areas would limit any opportunity to create a sense of privacy for future occupiers of the proposed dwellings. The lack of privacy which would be afforded to future residents of the proposed dwellings would, in my view, further undermine the adequacy of the amenity space.
8. Whilst the appellant makes reference to the existence of other properties with similarly sized or smaller gardens no specific details surrounding the planning history or specific sizes of these examples have been provided. Each case must be determined on its individual merits and the circumstances in each case are likely to be different.
9. I acknowledge the appellant's suggestion that many people do not want or need large gardens. However, in my view, due to the size of the proposed dwellings and their potential use as family homes this is likely not to be the case in this instance and, in any event, the planning system has a duty to ensure that the homes it delivers provide a certain standard of amenity. This duty is reflected by the Policies in the West Dorset, Weymouth and Portland Local Plan 2011 – 2031, adopted October 2015 (LP) and the National Planning Policy Framework (The Framework).
10. The Council submitted a copy of Policy ENV16 of the LP as part of the appeal documentation. In my reading, this policy relates to the impact of new development on existing residents rather than the potential amenity of future occupiers of a new development. As such this policy is not directly relevant to this appeal.
11. For the reasons outlined above, the proposal would fail to provide satisfactory living conditions for future occupiers in respect of amenity space. Accordingly, the proposal would conflict with Policy ENV11 of the LP. Amongst other things this policy seeks to ensure that development makes provision for private amenity/garden space appropriate to the use proposed.
12. The development would also fall short of the expectations of The Framework which states that developments should create a high standard of amenity for existing and future users.

Character and appearance

13. The proposed dwellings would front Hillbourne Road, would be constructed of render and brick and would appear similar in design terms to others in the vicinity. The area has a mixed character and appearance with a variety of building designs and uses. The proposed dwellings would complement this variety and the

opportunity for redevelopment would also yield some improvement in appearance to the street facing elevation of the site through its replacement of a largely concrete site which currently plays host to a semi-demolished building.

14. I acknowledge that the proposed dwellings would have smaller gardens than others in the vicinity, would occupy a significant proportion of their plots and would be sited close to the boundaries of the site, particularly to either side. However, this would not be to such an extent so as to appear cramped or out of keeping with the prevailing pattern of development in the area.
15. In my view, the proposal would not cause harm to the character and appearance of the area. Consequently, I find that the proposal would accord with Policies ENV10 and ENV12 of the LP which, amongst other things, state that development will only be permitted where it achieves a high quality of design and complements and respects the character of the surrounding area.
16. In this respect I find no conflict with the Framework which promotes high standards of design and states that developments should be visually attractive and sympathetic to the character of the area.

Other Matters

17. The proposed dwellings would be situated next door to No 1 Hillbourne Road and would have a window in the side elevation facing No 1. This window, however, would appear to serve a bathroom and would be obscure glazed to prevent any undue loss of privacy to the residents at No 1. This could be secured by a suitably worded planning condition.
18. I have noted other issues raised; including the potential effect of the development on highway safety. However, such concerns are not shared by the Council or Highway Authority and I have little reason to conclude otherwise.
19. There is no dispute that the Council does not currently have a five year housing land supply. A presumption therefore exists in favour of granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The addition of two new dwellings which would contribute towards the housing supply in the area would undoubtedly be a benefit of the scheme. I have also identified a benefit in respect of the character and appearance of the area. However, the cumulative benefits associated with the additional dwellings, would not outweigh the harm I have identified above.

Conclusion

20. The proposed development would fail to accord with the development plan and the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, for the reasons given above I conclude that the appeal should fail.

L J O'Brien
INSPECTOR