
Appeal Decision

Site visit made on 10 December 2019

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2019

Appeal Ref: APP/D1265/D/19/3237627
26 Dudsbury Avenue, Ferndown BH22 8DU

- 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 Neil McTaggart against the decision of Dorset Council.
 - The application Ref 3/19/0815/HOU, dated 27 March 2019, was refused by notice dated 3 July 2019.
 - The development proposed is described as 'demolish conservatory and construct new single storey additions to existing house. Demolish existing garage and construct new enlarged garage. Replace front porch. Construct new external bar room.'
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Decision

1. The appeal is allowed and planning permission is granted to 'demolish conservatory and construct new single storey additions to existing house. Demolish existing garage and construct new enlarged garage. Replace front porch. Construct new external bar room.' The development is at 26 Dudsbury Avenue, Ferndown BH22 8DU and allowed in accordance with the terms of the application, Ref 3/19/0815/HOU, dated 27 March 2019, subject to the attached schedule of conditions.

Main Issue

2. The main issue is the effect of the proposed outbuildings on the character and appearance of the area.

Reasons

3. The proposal relates to a detached two-storey dwelling with outbuildings to the rear. The appeal site is located in, and consistent with the character of, the New Road Special Character Area as described within the Special Character Areas Supplementary Planning Guidance No 27 dated October 2005 (SPG). This sets out a character of low-density development, and a sense of spaciousness with generous landscaping and lawns. Dwellings are set-back within their plots. Additionally, I have observed a number of accesses to backland development at the rear that can be glimpsed from Dudsbury Avenue.
4. The proposal would not alter the open, verdant frontage of the site which positively contributes to the character of the area. The Council do not raise the extensions and alterations to the dwelling within their reasons for refusal. I have no reason to disagree and find that given the scale and materials that these would be sympathetic to the host building and area.

5. To the rear are three, single-storey, detached outbuildings; a garage closest to the house, a substantial L-shaped pool building and a modest bar structure. The proposal details the provision of a replacement and enlarged bar building. The main parties agree that this would be permitted development and the fall-back position this generates is a material consideration to which I afford some weight. Nonetheless, it forms a part of the proposal before me. Whilst it would be larger, it would be detached from the pool building. Furthermore, it would be sited to the south of, recessed behind, and at an angle to, the pool building. It would utilise matching materials and it would have a lower height. For these reasons it would appear as a separate and subservient structure rather than a linear continuation of the pool building.
6. Furthermore, the proposal details the demolition of the existing garage. The replacement garage would be attached to the pool building on the side nearest the dwelling. Therefore, it would extend the single-storey structure, which already has a larger footprint and length than the two-storey dwelling. I note that a similar scheme has been dismissed at appeal¹ with the previous Inspector concluding that the additions to the pool building would fail to be in keeping with the character and appearance of the area. However, this is not an identical proposal, and it has been amended in acknowledgement of the previous Inspector's findings. I am mindful that each case must be assessed on its own merits, recognisant of such relevant planning history.
7. The extensions to the pool building to form a new garage would be set-back behind the house. The garage alterations now provide variation and subservience due to their siting, height, form and materials. Notably this proposal does not seek to add any built form to the east elevation of the pool building, unlike the earlier scheme, which included an annexe. The current proposals significantly reduce the footprint, length, height and scale of the enlarged pool building compared to the previous proposal.
8. Cumulatively, the alterations and additions to the outbuildings would increase the scale and massing of the built form compared to the existing. They would increase the sense of enclosure and seclusion to the rear of the property. However, they would appear subservient to the existing built form when viewed within the site and from neighbouring private spaces. Furthermore, the proposals would be no more than glimpsed from distant views as part of the public realm's street scene. From such locations I have observed similar evidence of backland development which forms part of the area's character.
9. The scheme's impact on trees, including proposed felling, is not part of the Council's reasons for refusal and their tree officer has raised no objection. I place some weight on this evidence in concluding that the sylvan context would not be harmed subject to conditions.
10. Therefore, on balance, I conclude in relation to the main issue that the proposed outbuildings would not have a detrimental impact on the character and appearance of the area. The proposal would not conflict with Policy HE2 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy, adopted April 2014, or 'saved' Policy HODEV4 of the East Dorset Local Plan – Adopted January 2002. Furthermore, I find no conflict with the National Planning Policy Framework or the guidance set out in the Council's SPG. Amongst other aims

¹ APP/U1240/D/18/3201509

the policies and guidance seek to ensure high quality development that maintains the character of the area and local distinctiveness.

11. I have had regard to the comments received from other parties and the concerns raised. These include the impact on the neighbours' living conditions including from disturbance as a result of social activity within and around the existing and proposed outbuildings. However, given the intervening distances and landscaping between the proposals and neighbouring property, then subject to reasonable neighbour behaviour, I do not consider that the development would cause such harm. Finally, whilst the garage would be large, no change of use has been sought and I have assessed the proposal as such.
12. I have noted the suggested conditions from the two main parties and impose the standard implementation and approved plans conditions in order to define the terms of the permission. In order to protect the character and appearance of the area I have imposed conditions to control the external materials and to protect retained trees. I consider the requirements of these conditions to be reasonable and necessary and made minor alterations for the sake of precision. Finally, the appellant and neighbours have suggested conditions to restrict the use of the outbuildings. I find these unnecessary as they aim to prevent changes of use that would likely require planning permission anyway.
13. For the reasons given above I conclude that the appeal should be allowed.

James Taylor

INSPECTOR

Schedule of 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: 2102-D01, 2102-D02, 2102-D05, 2102-D07, 2102-D08 and 4515-3-19.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials indicated on the application form.
- 4) Other than for the erection of tree protection measures, before any equipment, materials or machinery are brought onto the site for the purposes of demolition or construction, a pre-commencement site meeting between the Tree Officer, Arboricultural Consultant and Site Manager shall take place to confirm the methods of protecting trees on and adjacent to the site during development in accordance with the hereby approved Tree Survey and Tree Protection Plan by Mark Hinsley Arboricultural Consultants Ltd ref: 4515-3-19, dated 18th March 2019. The tree protection shall be retained until the development is completed and nothing shall be placed within the fencing, nor shall any ground levels be altered, or excavations made other than agreed within the methods of protection.
- 5) No development shall commence on site until a construction method statement and details of the final foundation design for the proposed conservatory extension have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.