
Appeal Decision

Site visit made on 17 December 2019

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2020

Appeal Ref: APP/D1265/W/19/3239037

Land at rear of 1 Marlborough Avenue, Weymouth DT4 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs J Bagg against the decision of Dorset Council.
 - The application Ref WP/18/00648/FUL, dated 1 August 2018, was refused by notice dated 12 April 2019.
 - The development proposed is described as 'proposed dwelling on land to the rear of the existing property'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On 1 April 2019, Weymouth and Portland Borough Council ceased to exist and became part of a new Unitary Authority known as Dorset Council. The development plans for the merged Local Planning Authorities will remain in place for the area within the new Unitary Authority they relate to until such time as they are revoked or replaced. I shall therefore determine the appeal having regard to the policies set out within the West Dorset, Weymouth and Portland Local Plan (LP), which was adopted in 2015.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the surrounding area;
 - Whether the proposal would provide satisfactory living conditions for future occupiers of the development, with particular regard to outdoor amenity space; and
 - Whether the parking arrangements for the proposed dwelling would be acceptable.

Reasons

Character and appearance

4. Located prominently at the junction between Marlborough Avenue and Broughton Crescent, the appeal site forms part of an established residential area primarily characterised by detached and semi-detached dwellings set within reasonably spacious plots. Properties are typically set back from the

road frontage and follow a very consistent front building line, which provides the street scene with a strong rhythm, thus giving the area a pleasant and coherent suburban feel.

5. The appeal development would be constructed to the rear of no 1 Marlborough Avenue, along the rear boundary of no 2 Broughton Crescent. This part of the site previously accommodated a garage block which fell down, and a hardstanding area now remains in its place. Within the locality, there are examples of structures which are normally found to the rear of the properties located in the area. However, these tend to be of a limited height and scale, and maintain a degree of subservience to the established character of surrounding residential properties.
6. By reason of its proximity to the road frontage and the diminutive size of the plot, the new dwelling would however appear at odds with the pattern of development which characterises this residential area. This would be exacerbated by the scale and footprint of the building, which would appear disproportionate in relation to the size of the plot.
7. My attention has been drawn to an existing chalet bungalow which fronts Broughton Crescent and sits to the rear of properties located along Marlborough Avenue. I understand that planning permission for the erection of this property was granted in 1981, prior to the adoption of the LP and the publication of the Framework. However, I have not been provided with full details of the circumstances that led to this scheme being accepted, and I am therefore not certain that they represent a direct parallel to the proposal before me which, in any event, I am required to assess on its individual merits.
8. Having regard to its siting, scale, design and footprint, the proposal would result in a cramped and incongruous form of development, which would appear unduly prominent and out of character with the prevailing pattern of development in this location. I conclude that the appeal development would be harmful to the character and appearance of the surrounding area. It would therefore conflict with LP Policies ENV10, ENV11 and ENV12 which, amongst other things, require development proposals to achieve a high-quality design and respect the character of the surrounding area.

Living conditions

9. The restricted size of the plot, the footprint of the proposed dwelling and the area taken up for parking and refuse storage would leave little space for the provision of usable outdoor amenity space. The proposal may provide some space to dry washing and enable the storage of bins, cycles and scooters. And whilst it is argued that the size of this area would be commensurate with the size of the proposed dwelling, the usability of the space should also be considered in the context of a two-bedroom dwelling, which could be suitable for a family. In that regard, the size of the proposed outdoor area would be wholly inappropriate to meet the needs of future occupiers. This would add to the sense of cramped environment deriving from the proposal, which is symptomatic of a scheme representing overdevelopment.
10. It has been suggested that the proposed driveway could be removed in order to increase the size of the outdoor amenity area. However, this does not form part of the proposal before me, and could in turn give rise to other issues,

particularly in respect of the parking provision which would be required as part of the development.

11. The proposal would fail to provide satisfactory living conditions for future occupiers of the development, having regard to outdoor amenity space. It would therefore be contrary to the design aims of LP Policies ENV11 and ENV16, but also paragraph 127 of the National Planning Policy Framework (the Framework), which requires development proposals to provide a high standard of amenity for existing and future users.

Parking arrangements

12. The appeal development would include the provision of two car parking spaces for the proposed dwelling in a tandem formation, which would be accessed via a car port. Existing parking arrangements to the front of no 1 would remain in place for the two-storey dwelling. Although the Council is concerned that the proposed layout would lead to vehicles obstructing the highway and the footway, there is no suggestion that the car parking spaces would be substandard in size. I accept that the proposed arrangement would not enable drivers to enter and leave the site in a forward gear, but this did not give rise to an objection from the Local Highway Authority, in the context of a street which seems to be subject to limited traffic movements.
13. On the basis of the available evidence, I consider that the proposed parking arrangements would be acceptable and would not lead to additional on-street parking. Accordingly, I find that the appeal development would not give rise to highway safety issues, and there would be no conflict with the Framework in that particular regard.

Other Matters

14. Various concerns have been raised by interested parties, notably in respect of the effect of the proposal on the living conditions of neighbouring residents, which I have noted. However, as this appeal is being dismissed on other grounds, it is not necessary for me to consider these matters further.
15. The Council is currently unable to demonstrate a five-year supply of deliverable housing sites. In accordance with paragraph 11 d) of the Framework, as directed by Footnote 7, policies which are most important for determining the application are considered out-of-date. In the absence of policies within the Framework protecting areas or assets of particular importance which are relevant to this proposal¹, paragraph 11 d) states that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
16. The appeal scheme would support the local economy to some degree, through the creation of work opportunities and demand for materials during the construction phase. Beyond that, future residents may use local services and facilities, notably along the A354, which runs parallel to Marlborough Avenue. It can be argued that part of the social dimension would be fulfilled as the proposal would contribute towards housing supply and choice. However, although smaller developments may have a cumulative value, the contribution made by a single dwelling would be limited.

¹ Paragraph 11d) and Footnote 6.

17. Against that, I have found harm relating to the effect of the proposal on the character and appearance of the area and the living conditions for future occupiers. Whilst it is suggested that the proposed development would provide valuable new accommodation at the lower end of the housing ladder in terms of affordability, this should not be at the expense of providing a high quality living environment for future occupiers. The environmental objective would therefore not be fulfilled.
18. Consequently, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the modest benefits which would be derived from the proposal. Taken as a whole, the appeal scheme does not constitute sustainable development which the Framework carries a presumption in favour of. There are no other material considerations which indicate that the proposal should be determined other than in accordance with the development plan, which I have already identified conflict with.

Conclusion

19. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR