
Appeal Decision

Site visit made on 12 February 2020

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

an Inspector appointed by the Secretary of State

Decision date: 15 April 2020

Appeal Ref: APP/D1265/W/19/3240493

Little Meadow, Back Street, East Stour SP8 5JY

- 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 Boyd against the decision of Dorset Council.
 - The application Ref 2/2019/0842/FUL, dated 20 June 2019, was refused by notice dated 6 September 2019.
 - The development proposed is the demolition of existing bungalow and erection of a replacement dwelling with ancillary accommodation and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing bungalow and erection of a replacement dwelling with ancillary accommodation and associated works at Little Meadow, Back Street, East Stour SP8 5JY, in accordance with the terms of the application, Ref: 2/2019/0842/FUL, dated 20 June 2019, subject to the conditions set out in the attached Schedule.

Application for costs

2. An application for costs was made by the appellant against Dorset Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposed development on (1) the character and appearance of the area and (2) the living conditions of neighbours to the site.

Reasons

Character and Appearance

4. The site is a residential plot set behind existing dwellings which front Back Street. The plot is large with an existing bungalow and outbuildings positioned on it. There is agricultural land to the rear.
5. The proposal is for a replacement dwelling which would have much greater plot coverage than the existing bungalow. The proposed new dwelling would also have two storeys. The proposed new dwelling would be a mix of traditional and contemporary architectural styles, with features which include a flat roof to the rear and a first floor terrace.

6. Although much larger than the existing modest bungalow, the proposed house would be set in an extensive plot. The proposals include parking and turning area to the front, with a large rear garden also. This is not indicative of a cramped plot. Furthermore, the proposed dwelling is set in from both side boundaries and would not span the full width of the site. From what I could see on site and from the evidence submitted the proposed dwelling would have a plot coverage ratio not dissimilar to some other dwellings in this part of the village. As such, I do not regard the proposal as being a form of overdevelopment.
7. The Council mentions a Local Plan restriction on replacement dwellings of not being over 50% larger than existing, but this applies to dwellings in the countryside and not in settlement boundaries. As this site is within a defined settlement boundary this policy restriction is not fully relevant. Furthermore, whilst the proposed house is large, it is not of an excessive scale or height that would appear overly dominant or incongruous in this area, especially as there is clearly a range of dwelling sizes in the village. Being larger than some other dwellings in the area does not result in a harmful impact to the character of this part of the village. I also do not regard it as being particularly necessary for the appellant to justify a dwelling of this size.
8. The house as proposed has modern aspects which would not be particularly reflective of typical house designs in the area, although the front elevation has some more traditional features. The flat roof section would be bulky although this is just one part of the dwelling and would not be overly prominent from public viewpoints. Otherwise, the dwelling has more typical pitched roofs.
9. There is a terrace and extensive glazing, with the flat roof, all towards the rear elevation of the proposed house, but these features are typical of many similar examples of modern architecture and I do not regard such aspects as being examples of poor design. There are some areas of largely blank elevations to the sides of the proposed house, but these will not be prominent within the wider area, with most of the elevations having numerous features such as windows and dormers.
10. The front projection does have a continuous ridgeline as part of its pitched roof, but it is not of a length that needs it to be varied or stepped to provide relief to this feature.
11. Overall, I do not regard the dwelling as being excessively large for the plot and would not result in a cramped or overdeveloped appearance. Furthermore, the dwelling as proposed is of a suitable design, in an area where there is variety of styles and designs of houses. As such, the proposal is in accordance with Policies 7, 24 and 25 of the North Dorset Local Plan Part 1 (2011-2031). These policies seek to, amongst other things, require development to be sensitively designed to the local context, which improves the character and quality of the area, and provide sufficient levels of amenity to future occupiers.

Living Conditions

12. The replacement dwelling would be positioned near to the side boundary with the neighbouring property Hanami. There is, however, a track between the side boundaries of Little Meadow and Hanami, leading to the agricultural land to the south.

13. The proposed dwelling would be orientated and positioned closer to the side boundary and therefore generally closer to Hanami than the existing bungalow. The proposed new dwelling would also be significantly taller and with a larger footprint than the existing bungalow. As such, there is much greater potential for living condition impacts to the occupiers of Hanami.
14. The house at Hanami has a rear garden and rear elevation which faces south-eastwards. Therefore, this part of the property would likely receive good levels of natural light throughout much of the day. However, the replacement dwelling, due to its greater height and mass than the existing low profile bungalow, would have some overshadowing effect to parts of the rear garden and reduce the light to the patio of Hanami. Whilst this would have an effect to the sun and daylight received within parts of this garden, the impact would be for a limited period of the day (in the late afternoon and evening generally, with variations with the different times of year). Furthermore, the reduction of direct light would only impact a portion of the relatively large rear garden at any one time, depending on the time of day and year.
15. The replacement dwelling should also not have much of an impact to direct light into rear elevation windows of Hanami, due to the orientation of the existing neighbouring house and that proposed.
16. I note the dark colours proposed for the house, but in my opinion this would not result in a significant difference to light levels at Hanami itself. I have no substantive evidence to the contrary.
17. The house at Hanami has narrow full length windows in the side elevation. They do currently provide some light to the habitable room they serve in Hanami. However, considering the position of the proposed dwelling, these windows would still receive some light over the ridge of the front projection of the replacement house for example. There would also be a significant separation distance, including the track in between the plots, which should also help to provide light. There is likely to be some reduction in light to these windows, but not to a significant degree.
18. The proposed house would also result in some overshadowing to the front section of Hanami and some windows in its front projection which face towards the boundary with Little Meadow. However, this space appeared to be mainly for parking and turning, thereby being less sensitive than more private spaces. Furthermore, the windows in this front section of Hanami are set well off the boundary and so the overshadowing effect would not be significant.
19. Overall, I do not regard the proposed replacement dwelling would result in adverse overshadowing that would be to a level which would cause significant detriment to the living conditions of the occupiers of Hanami.
20. Whilst the proposed house would be visible from the front of Hanami and some of the side windows of this house, the separation distance is such that I do not regard the proposed development as likely to result in an unacceptable overbearing impact from these vantage points.
21. From the rear garden of Hanami, particularly the area close to the house and the patio, there would be a clear view above the fence of the high flat roof section of the proposed replacement dwelling. This would be a mostly blank and tall wall. However, this is only a relatively small section of the side

elevation which is otherwise lower with a pitched roof. There would also be a separation distance of approximately 7m between the patio area at Hanami and this flank wall. Although I do recognise and understand the objections of the neighbours at Hanami, at this distance the proposed wall would not have an unacceptably adverse overbearing impact in my view.

22. To the first floor rear elevation is proposed a terrace. There would be a screen wall to either side of the terrace, which would limit any views from the terrace side. The neighbour at Hanami points out that there would still be views from the terrace to the rear section of the garden. New planting along the boundary may help mitigate this, but in any case, the overlooking would only affect a portion of the large rear garden of Hanami and so the level of impact to living conditions would not be substantial. Furthermore, considering the proposed layout of the replacement dwelling I do not regard there to be any other issue of overlooking of the property at Hanami.
23. Overall, whilst there would be some changes and effects to the living conditions enjoyed at Hanami currently, the impacts to living conditions, either alone or cumulatively, would not result in significant adverse impacts to these living conditions. Furthermore, the layout and scale of the replacement dwelling is such that it would not result in undue levels of impact to the amenities of any other neighbour in the vicinity of the site. The proposal is therefore in accordance with policy 25 of the North Dorset Local Plan Part 1 (2011-2031), which requires development to protect the privacy of neighbours and to not reduce daylight and sunlight below acceptable levels, amongst other things.

Other Matters

24. Comments have been received regarding the access to the site off Back Street. However, from my observations and from the information submitted, there is no substantive evidence that the access would not be sufficient to serve the proposed larger replacement dwelling.
25. I acknowledge the proposal includes some ancillary accommodation, but there is no suggestion that this would result in undue levels of noise, traffic or activity that would result in harmful impacts.
26. Construction noise and traffic would likely cause some level of disturbance to neighbours if this proposal was implemented, but this would likely be for a relatively short duration of time and the impact would be limited.

Conditions

27. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the National Planning Policy Framework. The conditions I have included from the recommended list have been subject to some alterations to improve clarity and ensure consistency with the Framework and PPG.
28. I have attached the standard time limit condition and a plans condition as this provides certainty.
29. There is a condition requiring the parking and turning space to be included prior to occupation, to ensure there is sufficient and safe parking provision.

30. It is clear that the proposed dwelling includes some ancillary accommodation. However, it is not suggested that this would be used as a separate dwelling. The front projection area is connected to the main house and there is internal access through. Furthermore, if there was the intention to use this area separately as a new dwelling effectively, this would require a new planning permission. As such, I have not included the Council recommended condition that certain rooms in the house remain as part of the new house and not converted to a self-contained unit.
31. A condition requiring the protected species mitigation as submitted with the planning application to be implemented as agreed has been included, in the interests of biodiversity.
32. I have not included the condition to restrict permitted development rights for the new house as there is no particular justification for its inclusion. Although a larger house than existing the new development would not appear cramped and would have space within the plot. It has not been sufficiently demonstrated that there are the exceptional circumstances required for the inclusion of such a condition.
33. The Council has suggested a condition requiring precise details of the construction and finish of the windows, walls and roof. However, I do not regard this level of detail being required as justified or necessary, although a condition requiring details of finish and materials is reasonable and necessary.
34. A condition requiring details of surface water drainage has been included, to ensure a suitable drainage strategy is incorporated into the development to safeguard against surface water flooding, for example.

Conclusion

35. For the reasons given above the appeal is allowed, subject to the following conditions in the schedule.

S. Rennie

INSPECTOR

SCHEDULE – 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: 1366-18-06A, 19022-1, 19022-2D, and 19022-3D.
- 3) Prior to their use in the dwelling hereby approved, details of all external materials and finishes to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

- 4) Before the development hereby approved is occupied or utilised the turning and parking shown on Drawing Number 19022-2 Rev D must have been constructed in full. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for use in connection with the dwelling hereby approved.
- 5) The protected species mitigation proposals set out in the approved Roost and Nest Assessment shall be undertaken in full before the dwelling hereby approved is first occupied and shall be maintained as such thereafter.
- 6) The dwelling hereby permitted shall not be occupied until details of surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage shall be maintained as approved thereafter.

End of Schedule