



Appeal Decision

Site visit made on 9 March 2020

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th April 2020

Appeal Ref: APP/D1265/W/19/3241432

Land South West of 78-94 Ripcroft, Portland

- 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 Joe Saunders of Betterment Properties (Weymouth) Ltd against the decision of Dorset Council.
 - The application Ref WP/19/00133/FUL, dated 24 January 2019, was refused by notice dated 30 May 2019.
 - The development proposed is 3 no. terraced retirement bungalows.
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Decision

1. The appeal is dismissed.

Procedural Matters

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.
3. The site address provided in the application form has been amended in subsequent documents. I have adopted the address included within the Decision Notice, which gives a precise description of the site's location.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. Located prominently at the junction between Ripcroft and Reap Lane, the appeal site comprises an area of undeveloped land, which appears to have been purposefully designed as an open landscape buffer to complement the residential estate that surrounds it. As such, the site makes a positive contribution to the open and spacious character of the area, whilst providing amenity space for local residents.
6. Although it is not formally designated as public open space, the site falls within the definition included in Annex 2 to the National Planning Policy Framework (the Framework), which encompasses 'all open space of public value, including

- not just land, but also areas of water which offer important opportunities for sport and recreation and can act as a visual amenity’.
7. The residential estate, which appears to have been planned comprehensively, is primarily characterised by two-storey terraced and semi-detached properties set within proportionately sized plots. Therefore, the introduction of a terrace of bungalows in an area overwhelmingly dominated by two-storey properties would detract from the established pattern of development which defines this locality. As a result, the new dwellings would unduly stand out within the street scene as an uncharacteristic form of development, which would be exacerbated by the site’s prominent position.
 8. It seems that the siting of the terrace has been largely dictated by the presence of existing sewers and the need to maintain adequate access to this infrastructure. The proposed dwellings would be set within constrained plots formally enclosed by forms of boundary treatment, which would not follow the existing street pattern, thus rendering the remaining areas to the side and rear of the dwellings largely unusable. This is also illustrated by the car parking layout which, rather than having been designed as an integral part of the scheme, appears to have been provided as an afterthought. Consequently, the appeal scheme would appear shoehorned into the eastern part of the site, resulting in an awkward and piecemeal development, which would fail to relate to and integrate successfully into its immediate surroundings, thus causing unacceptable harm to the character and appearance of the area.
 9. I have had regard to the benefits put forward in favour of the proposal, which would provide retirement housing. However, limited evidence has been submitted to demonstrate that there is a specific need for this particular type of accommodation within this area. Additionally, no mechanism, such as a planning obligation, is before me to secure this type of accommodation in land use planning terms, thus limiting the weight which can be ascribed to this consideration.
 10. Additionally, whilst I note that the site was identified as a site with potential within the 2018 Strategic Housing Land Availability Assessment, this does not mean that development proposals should be immune from consideration against development plan policies, which I have identified conflict with.
 11. The appeal scheme would result in the loss of an area of open space and detract from the prevailing pattern of development in the locality. The proposal would, subsequently, have an adverse impact on the character and appearance of the area, and conflict with LP Policies ENV10, ENV11 and ENV12. Amongst other things, these policies require development proposals to be informed by the character of the site and its surroundings and achieve a high quality of sustainable and inclusive design.

Planning Balance

12. Both parties agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites. The Council’s submissions indicate that they can only demonstrate 4.88 years of housing land supply across the LP area. Although this figure is questioned by the appellant, I have been provided with limited information to establish that the extent of the shortfall is greater than indicated by the Council.

13. In such circumstances, and regardless of the extent of the shortfall, paragraph 11 d) of the National Planning Policy Framework (the Framework), as directed by Footnote 7, indicates that the policies which are most important for determining the application are considered out-of-date. Planning permission should therefore 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.
14. There are three overarching objectives to sustainable development, namely economic, social and environmental. The appeal development would support the local economy to some degree, notably by creating work opportunities during the construction phase. Future occupiers may also use local services and facilities. It may be argued that the social objective would be fulfilled as the scheme would make a contribution towards housing supply and choice. However, although small residential schemes may have a cumulative value, the contribution made by three one-bedroom dwellings would remain limited. Against that, I have notably found harm relating to the effect of the proposal on the character and appearance of the area. This subsequently means that the environmental objective would not be fulfilled.
15. Consequently, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the modest benefits derived from the proposal. Taken as a whole, the proposal does not constitute sustainable development which the Framework carries a presumption in favour of. There are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

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

S Edwards

INSPECTOR