



Appeal Decision

Site visit made on 19 May 2020

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th May 2020

Appeal Ref: APP/D1265/D/20/3245249

51 Edmondsham Road, Verwood, BH31 7PA

- 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 Mark Sargent against the decision of Dorset Council.
 - The application Ref: 3/19/1622/HOU dated 31 July 2019, was refused by notice dated 20 November 2019.
 - The development proposed is an oak timber clad carport / garage with office above.
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Decision

1. The appeal is allowed, and planning permission is granted for an oak timber clad carport / garage with office above at 51 Edmondsham Road, Verwood, BH31 7PA in accordance with the terms of the application Ref: 3/19/1622/HOU dated 31 July 2019, subject to the following 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 drawings: 19103/ED51/10C Proposed Floor Plans, 19103/ED51/11B Proposed Site & Location Plan and 19103/ED51/12A Proposed Elevations.
 - 3) Before the development hereby permitted is occupied or utilised the turning areas shown on drawing 19103/ED51/11B must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified and the parking bays within the car port hereby approved shall be maintained for the parking of vehicles.

Procedural Matter

2. I note that drawing 19103/ED51/12A Proposed Elevations does not show a door to provide access to the first floor in the north-east elevation of the building. However, a doorway is shown on drawing 19103/ED51/10C Proposed Floor Plans and I have determined this appeal on the basis that there would be a door in the north-east elevation at the top of the external staircase.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the relationship of the development with the main dwelling and to the street scene.

Reasons

Background

4. Planning permission has been granted for a single-storey carport with office at the appeal property, but this has not been constructed. However, I have no reason to doubt that this would be built were planning permission to be refused for the proposal before me. I therefore consider it a valid fallback position.
5. Nevertheless, the permitted building would be smaller than that now proposed in length, width and height and would be further from both the existing dwelling and the highway. It would therefore have a lesser effect on the character and appearance of the main dwelling and area. As such, it alone does not justify granting permission for the proposal before me, but I have had regard to it in my determination of this appeal.
6. Subsequent to that grant of permission, planning permission was refused for a larger garage with office above. The proposal before me is of the same length and width but slightly lower and has cropped hips to the roof rather than full gable ends.

Character and appearance

7. Edmondsham Road lies on the northern edge of Verwood with the appeal property being one of a small number of dwellings on the south-west side of the road. I observed during my site visit that new dwellings have been built opposite the appeal property with further houses under construction. The dwellings to either side of the appeal property and the new development indicate that the site is on the edge of the urban area rather than within the open countryside.
8. The setting back of the appeal property and its neighbours either side from the road, the wide grass verge in front of the appeal property and the properties to the south-east and the large open frontages of the appeal property and its neighbour to the north-west, give the area a spacious character. However, notwithstanding that the new houses are themselves set back from the road with a wide verge and new planting, they have eroded this spaciousness.
9. I acknowledge that the openness of the front garden of the appeal property contributes to the character and appearance of the locality. However, the size of this front garden is such that a significant open area would still remain with the construction of the proposed development. With this and the retained grass verge, the proposed building would not unacceptably reduce the remaining spaciousness of the area.
10. The Council's Officer Report refers to no other buildings being located in front of dwellings and so close to highways on this section of Edmondsham Road. However, permission has been granted for a carport / office at the appeal property which, although smaller than that before me, would nevertheless be a significant building to the front of the main dwelling. Furthermore, I observed during my site visit that a new building had been constructed on the development site opposite close to the road edge.
11. I also observed during my site visit that there are no extensive views across the front garden of the appeal property. When approaching from the roundabout to the south-east the view across the garden is terminated by the

flank wall of the neighbouring dwelling, which is sited forward of the appeal property, and a group of tall trees. When approaching from the open countryside to the north-west, the view is terminated by existing development and vegetation. When passing the property, the view is of the front elevation of the main dwelling.

12. There are no extensive views to the appeal site when approaching from either direction due to the curve of Edmondsham Road to the south-east and mature trees to the north-west such that the site does not form a focal point. Although the proposed development would be clearly visible when in proximity it would be seen in the context of existing development and vegetation rather than isolated. This context would reduce its visual impact.
13. The proposed development would be sited adjacent to the side boundary of the appeal property to the front of the main dwelling, a bungalow with rooms in its roof space. The building would obscure part of the front elevation of the main dwelling, but that elevation is not so remarkable that it should remain open to view in its entirety. Furthermore, the dwelling has a wide front elevation only part of which would be obscured.
14. From the evidence before me, the eaves height of the proposed development would be similar to that of the dwelling, but its ridge height would be slightly lower. I therefore do not find the height of the proposed building to be excessive. The Council's Officer Report indicates that there would be a gap of approximately 5.0 m between the main dwelling and the proposed building. The appellant suggests that this would be approximately 4.7 m.
15. Even with this lesser figure, there would be significant separation between the dwelling and proposed garage / office. In addition, the timber cladding of the proposed building would give it a less substantial appearance than the main dwelling. Given these characteristics of the proposal, it would not unacceptably relate discordantly to or visually compete with the main dwelling.
16. I accept that external staircases are not, from my observations during my site visit, a characteristic feature of other buildings in the area. However, the proposed staircase would not be a substantial element in the context of the building as a whole and so would not materially harm the character of the area or significantly increase the visual impact of the building. I therefore consider it to be acceptable.
17. I therefore conclude that the proposed development would not have a significant adverse effect on, and so would be compatible with, the character and appearance of the area either through its relationship to the main dwelling or its appearance in the street scene. I therefore find no conflict in this respect with Policy HE2 of the Christchurch and East Dorset Local Plan Part 1 - Core Strategy (2014). The policy sets out that the design of new development must be of high quality and will be permitted if it is compatible with or improves its surroundings in, amongst other things, scale, bulk, height and visual impact.
18. The development would not conflict with paragraph 127 c) of the National Planning Policy Framework (the Framework) which requires planning decisions to ensure that developments are sympathetic to local character. Neither would it conflict with paragraph 130 of the Framework which sets out that permission should be refused for development of poor design that fails to take

opportunities available for improving the character and quality of an area and the way it functions.

Other Matters

19. The Council's Officer Report refers to the proposed building obstructing the outlook from at least one habitable room in the dwelling such that it would fail to secure a high standard of amenity for future occupiers. However, with a separation of at least 4.7 m between the dwelling and the building, the outlook would not be totally obscured. Although the proposed building would be larger than the permitted garage / office, the latter would also partially obstruct the outlook from the dwelling.
20. Furthermore, as the proposed building would be to the north side of the dwelling and given the size of the dwelling and its otherwise open aspect, the dwelling would continue to benefit from adequate levels of daylight and sunlight. I also note that the effect on the living conditions of the occupiers of the appeal property was not specifically cited in the reason for the refusal of planning permission.

Conditions

21. The Council has suggested conditions in the event that planning permission is granted. I have had regard to these with the conditions I attach to this permission. However, I have not attached a separate condition regarding the use of materials as I do not have a copy of the drawing to which the Council refers and, in any event, the materials are shown on drawing 19103/ED51/12A. Such a condition would thus duplicate condition 2. It is therefore unnecessary and so fails the tests for conditions set out in paragraph 55 of the Framework.
22. I do not consider it necessary or reasonable to restrict the use of the proposed first floor accommodation to office use for the reason given by the Council as I have no evidence of the need for this type of accommodation and I have found the building to be acceptable. Furthermore, if there is a future material change of use of the building another grant of permission would be required, and the use would be at risk of enforcement action if such permission was not granted. Again, therefore, a condition restricting the use of the proposed building would fail the tests set out in paragraph 55 of the Framework.
23. However, some conditions are necessary. Condition 1 is the statutory time limit for commencement. A condition requiring compliance with the approved plans is necessary in the interests of certainty. The provision of the turning and parking area prior to occupation is necessary in the interests of highway safety.

Conclusion

24. For the reasons given above, and having regard to the other matters raised, the appeal is allowed, and planning permission is granted subject to conditions.

Martin Small

INSPECTOR