
Appeal Decision

Site visit made on 1 June 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 June 2020

Appeal Ref: APP/D1265/D/20/3246837
24 Harebell Drive, Weymouth DT3 6FQ

- 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 Redford against the decision of Dorset Council.
 - The application Ref WP/19/00584/FUL, dated 27 June 2019, was refused by notice dated 28 November 2019.
 - The development proposed is described as a 'BBQ hut'.
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Decision

1. The appeal is allowed and planning permission is granted for a 'BBQ hut' at 24 Harebell Drive, Weymouth DT3 6FQ in accordance with the terms of the application, Ref WP/19/00584/FUL, dated 27 June 2019 and the plans submitted with it.

Procedural matter

2. The application has been submitted retrospectively and I have been able to observe the development on my site visit. I have proceeded to determine the proposal on this basis.

Main issues

3. The main issues are the effect of the proposal on:
 - i) the character and appearance of the host building and surrounding area; and
 - ii) the living conditions of the occupiers of neighbouring residential properties having particular regard to disturbance from noise, odours and fumes; and the occupiers of 26 Harebell Drive having additional regard to outlook.

Reasons

Character and appearance

4. The appeal site is located within a modern residential housing development and occupied by a two-storey semi-detached dwelling, with rooms in the roof. To the rear, the property has a modest sized, private and enclosed rear garden. Either side are similarly proportioned private gardens and to the rear are a row of garages within a rear parking courtyard.

5. The proposed hexagonal timber structure occupies a considerable proportion of the host building's rear garden. Due to its design and shape the proposal makes an inefficient use of the limited space available and this accentuates its proportions and scale. This leaves little usable outside space for the property. However, due to its lower height compared to the surrounding built form it is not prominent from any public vantage point. With the majority of its volume being below the boundary fencing it appears subservient to the surrounding buildings, including No 24. As such, it would not be dominant or overbearing.
6. Furthermore, the structure, although not typical of the area, has an ancillary domestic appearance (including its black roof and chimney) that is satisfactorily in keeping with the residential context where I have noted other outbuildings.
7. Therefore, I conclude that the proposal does not have a significant harmful effect on the character and appearance of the host building and surrounding area. As such, the proposal accords with policy ENV12 of the West Dorset, Weymouth & Portland Local Plan, adopted 2015 (LP) which seeks to achieve a high-quality of sustainable and inclusive design.

Living conditions

8. The proposed structure is sited in close proximity to neighbouring residential properties. However, the eaves of the structure are approximately level with the boundary fencing. As such, little more than the roof structure is visible from neighbouring properties at a ground floor level. Furthermore, the hexagonal roof form slopes to a point in the centre of the structure, set in from both side boundaries. The overall height is below the adjacent single-storey garages. Consequently, within the context of this high-density development, the proposal does not have a significant effect on the outlook from any neighbouring properties, including 26 Harebell Drive.
9. The proposed structure offers additional enclosed ancillary living accommodation to the host building. This offers opportunities for congregation and socialising. However, all of this activity remains ancillary to the host dwelling and would be consistent with the established residential use. The proposal provides an enclosed space and I have no evidence that this would cause any greater noise impact than a social gathering within the private rear garden or the house.
10. Specifically, the building's design facilitates barbeques/fires within the space with a flue at its apex. This results in the potential for fumes and odours and I place some weight on the anecdotal evidence submitted within the public consultation process. The delegated officer report details at paragraph 8.3 that the Council's environmental health department raised no objection to the proposal subject to the imposition of a condition and an informative. However, I note that in an earlier withdrawn planning application¹ the environmental health department raised objection due to the likely effects from smoke. Nonetheless, I afford greater weight to the most contemporaneous reply because this was a consultation response to the application subject of the current appeal.

¹ WP/17/00894/FUL

11. The suggested condition and informative set out in the environmental health response require further details of the flue height, likely effects and any mitigation necessary. However, the plans clearly show the flue and its height. Furthermore, the development has been in-situ for some time. As such, sufficient information is available in order to assess the likely effects and if necessary, any mitigation. The Council has provided no evidence of the planning status of the referenced standard² or that the proposal contravenes it.
12. Based on the evidence available I consider that external barbeques and fires at ground floor level within the garden are not subject to planning controls. These are likely to result in similar or greater effects than emissions from the circa 3.8 metre high flue that is proposed. Furthermore, I have no evidence that the provision of the building is likely to result in a significantly greater number of barbeques/fire events than might otherwise occur in the garden.
13. Therefore, I conclude that the proposal does not have a significant harmful effect on the living conditions of the occupiers of neighbouring residential properties having particular regard to disturbance from noise, odours and fumes; and the occupiers of 26 Harebell Drive having additional regard to outlook. As such, the proposal accords with policy ENV16 of the LP. This seeks to minimise the impact of development on the living conditions of occupiers of residential property close to it.

Other matters

14. Weymouth Town Council and the occupiers of No 22 objected to the planning application on the basis of fire risk. However, fire risk did not form part of the Council's reasons for refusal and I have no evidence to reach a contrary conclusion.
15. Furthermore, the neighbouring resident at No 22, raised issues of loss of light and overshadowing. Again, these did not form part of the Council's reasons for refusal and I have no reason to disagree. Given the height and design of the building and its relative orientation to either neighbouring property it would not result in any significant loss of light or overshadowing.

Conditions and Conclusion

16. I have had regard to the suggested conditions from the Council. I have observed from my site inspection that the development has been carried out in accordance with the submitted drawing no. 1740-01. The appellant's application form states that the development was completed in 2017 and this is not contested by the Council. As such, I do not find that the standard implementation time and approved plans conditions are necessary. Furthermore, I have had regard to the suggested condition from environmental health officers. However, for the reasons given above I do not consider that such a condition would be reasonable.
17. For the reasons given above I conclude that the appeal should be allowed.

James Taylor

INSPECTOR

² Chimney height calculation documents known as D1