The Planning Inspectorate

Appeal Decision

Site visit made on 2 June 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2020

Appeal Ref: APP/D1265/W/19/3244015
4 Rabling Road, Swanage, BH19 1EE

- 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 D Pascall against the decision of Dorset Council.
- The application Ref 6/2019/0052, dated 21 January 2019, was refused by notice dated 1 July 2019.
- The development proposed is demolish existing building and construct a single block of 10 apartments with associated parking and servicing.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the development on the character and appearance of the area, the effect on the living conditions of Nos.2 and 6a Rabling Road with particular regard to outlook and privacy, and whether the proposal should make provision for affordable housing.

Reasons

Character and appearance

3. The site is in an area that has a spacious suburban character. I understand that the area was originally laid out as individual plots and that No.4 was two plots. As such, it is unusually wide with significant space to the side of the existing dwelling. Within the vicinity of the site, there are a wide variety of, mainly detached, buildings between 2 and 3 stories in height, generally set back from the highway frontage.

4. The design approach would make good use of the double plot width in this urban area, intensifying the use of the site in a way that reflects other recent nearby development. Indeed, based upon the appellant's analysis and taking the site as two plots, there would be fewer dwellings per plot that in other nearby examples of apartment developments.

5. The proposal would take stylistic cues from the existing dwelling and surrounding area, with an overall height comparable to surrounding buildings. It would have two main forward facing blocks and a deeply recessed linking section such that, when viewed from Rabling Road, the proposal would appear as two buildings in all but the most direct views. The approach would respect

the general pattern of development and allow it to integrate into the existing street scene.

6. However, features that define the area's character extend back beyond the Rabling Road frontage. Rear lanes run through the area, including Rabling Lane to the rear of the appeal site giving vehicular access to a number of the plots. Here, the general appearance is of open, informal garden land that makes a fundamental contribution to the overall character of this predominantly residential area.

7. Although the proposed building would extend no further back towards Rabling Lane than the rearmost part of the existing dwelling, that depth relates to only part of the existing building and a small portion of the overall plot. By contrast, as proposed, that depth would extend across most of the plot. Combined with the height of the building the proposal would therefore have a much stronger presence in this rear garden environment that would fundamentally change its character. Whilst this may have occurred in other places in the locality, the stretch of Rabling Lane containing the appeal site has not been affected in this way.

8. I, therefore, find that harm would arise to the character and appearance of the area, contrary to Policy D of the Purbeck Local Plan Part 1 2012 (LP) which, amongst other things requires development to positively integrate with its surroundings.

Living conditions

9. The proposal includes windows in the side elevations facing Nos.2 and 6a Rabling Road. However, where they would be low enough to afford outward views, planning conditions could be used to ensure that they were obscure glazed and fixed shut so as to avoid any harm to the privacy of neighbours.

10. No.2 has a rear projecting section on the side closest to the appeal site and a side window facing towards the proposal. The proposed building would be sited further away from the site's boundary with No.2 than the existing building. Although it would be higher than those parts of the existing dwelling closest to No.2, the greater separation from the neighbour and the way that No.2's own rear projection would have an effect on its garden area means that the proposal would not have a significant overbearing effect on the outlook from No.2.

11. The proposal would be set a similar distance from its boundary with No.6a. However, although there is existing planting along this boundary, the main part of the site alongside No.6a is currently open. Moreover, the rear elevation of this neighbour is further from the rear boundary with Rabling Lane than No.2, leaving a longer exposed length of garden, which also has a narrower overall width. With regard to these factors, the proximity and height of the proposed side elevation facing No.6a, together with its more solid appearance than the existing boundary landscaping, would result in an overbearing effect on the outlook of this neighbouring property.

12. I noted at my site visit that there were other developments within the area that had similar, or closer relationships to neighbouring properties, and that 2 and 3 storey properties frequently exist alongside one another. However, the particular relationship of the appeal proposal to No.6a, when compared to the

existing situation, would be harmful to the living conditions of the occupiers of that neighbouring site. I, therefore, find that the proposal would conflict with those aspects of LP Policy D that seek to ensure development avoids adverse impacts upon local amenity.

Affordable housing

13. LP Policy AH requires new development of two or more units in Swanage to make a 50% contribution towards affordable housing. The National Planning Policy Framework indicates that affordable housing contributions should not be sought from developments that are not major development. It may well be that this is a slightly lower threshold than that in previous guidance at the time the application was lodged with the Council and that the appellant did not have time to redesign the scheme to accommodate affordable housing. However, my decision must be made in the context of prevailing policy and guidance now.

14. Although the proposal would only result in a net increase of 9 dwellings, major development is defined in the National Planning Policy Framework as being where 10 or more homes will be provided. Therefore, both the development plan and Government guidance indicate that affordable housing should be provided. There is no mechanism before me to secure such provision.

Other matters

15. I note that there is no dispute between the appellant and the Council that the proposal would provide adequate external space for future occupiers, parking provision and a safe access. However, this would equate to no harm arising in these regards and so be neutral in the overall planning balance.

Conclusion

16. For the reasons given above, the proposal conflicts with the development plan. I, therefore, conclude that the appeal should be dismissed.

M Bale

INSPECTOR