



Appeal Decision

Site visit made on 9 June 2020

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 July 2020

Appeal Ref: APP/D1265/W/20/3246340

6 Seven Acres Road, Weymouth DT3 6DG

- 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 and Mrs Rob Cox against the decision of Dorset Council.
 - The application Ref WP/19/00405/FUL, dated 13 May 2019, was refused by notice dated 28 November 2019.
 - The development proposed is erection of 2 bedroom split level dormer bungalow (revised scheme).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the living conditions of the neighbouring occupiers of no 6 Seven Acres Road and Westbank, and future occupiers of the development, with particular regard to outlook, privacy and outdoor amenity space.

Reasons

Site description

3. Located within an established residential area, the appeal site comprises a bungalow with additional accommodation within the roof space, sited within a prominent corner plot, at the junction between Seven Acres Road and Rymbury. The appeal proposal would result in the construction of a detached dwelling on a plot of land which has been physically severed from the rear garden of the existing property, through the planting of a hedge.

Living conditions of neighbouring occupiers

4. The new dwelling would be set back a little from the rear boundary of Westbank, which sits on lower ground than the appeal site, and the two-storey element would step away further still from this neighbouring property. The eastern (side) elevation of the proposed house would not include any windows, and I am therefore satisfied that there would not be any harmful loss of privacy for these neighbouring residents.
5. However, by reason of the overall bulk of the proposed built form, combined with its proximity to the rear elevation and associated garden area of Westbank, as well as the changes in level, the proposal, which would only be partially screened by the boundary fence, would appear as an oppressive and dominating development to the occupiers of this neighbouring property. As a

- result, the proposed dwelling would have a harmful effect on the outlook from this neighbouring property, which would be detrimental to the living conditions of its occupiers, including their enjoyment of their private amenity space.
6. Concerns have also been raised by the Council in respect of the effect of the development on the neighbouring occupiers of the property located to the south of Westbank, which also fronts Mill Lane. However, the new house would be located further away from this neighbouring property, and the effect of the development on the living conditions of its occupiers would therefore be acceptable.
 7. The existing property at no 6 Seven Acres Road (no 6) benefits from a large number of windows at ground and first floor levels as well as a conservatory, which has been constructed since the determination of the planning application. By reason of the overall bulk of the proposed built form, combined with its proximity to the rear elevation of no 6 and associated amenity space, the new dwelling would appear overbearing and visually intrusive, to the detriment of the living conditions of its occupiers.
 8. As a result of the severance of the plot, the size of the remaining area to the rear of no 6 is now particularly restricted. The conservatory has further reduced the size of the rear garden. The area to the south of the dwelling is also constrained in size and would not be suitable for outdoor recreation. Whilst there is space available to the front of the existing property, this is presently dominated by the site's vehicular access and associated hardstanding area for the provision of car parking, and would not be safe for children to play. This area is largely open, with low forms of boundary treatment to the site's frontage, and I have not been presented with substantive details showing how it would function as an outdoor amenity space providing the level of privacy required to make it attractive as a usable outdoor space for recreation use, particularly for a family.
 9. In the absence of further information regarding changes along the Seven Acres Road frontage in particular, I cannot be certain that the proposed development would cause unacceptable harm to the character and appearance of the area and, consequently, find no conflict with Policy ENV10 the West Dorset, Weymouth and Portland Local Plan¹ (LP).
 10. Taking into account the available evidence and my own observations, the proposal would however unacceptably harm the living conditions of the neighbouring occupiers of Westbank and no 6 and would therefore conflict with LP Policies ENV11, ENV12 and ENV16. Amongst other things, these policies seek to prevent development proposals which have a significant adverse effect on the amenity of the occupiers of properties through overbearing impact and require the provision of facilities appropriate to the use proposed. The development would also fail to accord with paragraph 127 of the National Planning Policy Framework (the Framework), which requires a high standard of amenity for existing and future users.

Living conditions of future occupiers of the development

11. The proposed dwelling would accord with the nationally described space standard, and the appellant also points out that the Council has no standards

¹ Adopted October 2015.

for the provision of minimum private amenity space. Notwithstanding this, the liveability of the proposed dwelling in amenity terms is a key factor to assess its sustainability. I note that the footprint of the proposed dwelling, together with the hardstanding area required for parking, would leave very little scope for the provision of private and usable outdoor space to meet the day-to-day needs of future occupiers. There would be limited space for any garden paraphernalia such as external seating areas, children's play equipment or washing lines, particularly by reason of the constrained size of the plot.

12. The areas to the side and front of the dwelling would be equally restricted in size, and would not constitute usable outdoor amenity space. Despite the southern orientation of the rear garden, the outdoor area would be inadequate, particularly as the proposed development could provide accommodation for a small family.
13. In the absence of sufficient space for the provision of outdoor amenity space, the proposal would not provide satisfactory living conditions for future occupiers of the development. It would therefore conflict with LP Policies ENV11 and ENV16, but also paragraph 127 of the Framework, which require a high standard of amenity for existing and future users.
14. My attention has been drawn to a number of properties within the locality with limited levels of outdoor amenity space. However, I do not have the full details of the circumstances that led to these schemes being accepted and so cannot be certain that they represent a direct parallel to the appeal proposal, notably in respect of size and development plan policy. In any event, I am not certain that the approval of this particular scheme provides justification for the deficiencies which have been identified in respect of the proposal before me.

Other Matters

15. The appeal site lies within the Dorset Area of Outstanding Natural Beauty (AONB). Paragraph 172 of the Framework states that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. The dwelling would be located within an existing residential development and no concerns have been raised by the Council regarding the effect of the proposal on the AONB. Having regard to the information before me, I am satisfied that the appeal scheme would preserve the landscape and scenic beauty of the Dorset AONB.
16. A number of concerns have also been raised by interested parties, notably regarding the provision of car parking and highway safety. The planning application was however not refused on these grounds and no objection was received from the Local Highway Authority. As I am dismissing the appeal on other substantive grounds, I have therefore not considered these matters further.

Planning Balance

17. As detailed within the Case Officer's report, the Council can only identify 4.88 years of deliverable housing sites. The appellant's submissions rely on a recent appeal decision², where the Inspector found that the housing land supply was likely to be in excess of 4.12 years, but not as high as the Council considers and certainly less than 5 years. Although limited information has

² APP/D1265/W/18/3206269.

been submitted by the parties regarding the extent of the shortfall, it is accepted that the Council is unable to demonstrate a five-year supply of deliverable housing sites.

18. In such circumstances, paragraph 11 d) of 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.
19. The proposed development would be located within a relatively accessible location, and would make a very modest contribution towards housing supply and choice in the area. There would be some short-term benefits for the local economy during the construction phase, and future occupiers of the development may then also use local services and facilities. However, good design is also part of the social aspect of sustainable development and I have found harm in respect of the effect of the proposal on the living conditions of neighbouring residents and future occupiers of the new dwelling. This subsequently means that the environmental objective of sustainable development would also not be fulfilled.
20. As detailed above, I have found that the appeal scheme would conflict with LP Policies ENV11, ENV12 and ENV16, and the harm which I have identified is such that the proposal would conflict with the development plan taken as a whole. The adverse impacts of the proposed would significantly and demonstrably outweigh the modest benefits which would be derived from it, when assessed against the policies of the Framework as a whole. Consequently, the scheme cannot benefit from the presumption in favour of sustainable development.

Conclusion

21. There are no material considerations that indicate that the appeal should be determined otherwise than in accordance with the development plan, which I have identified conflict with. I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR