



Appeal Decision

Site visit made on 25 August 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2020

Appeal Ref: APP/D1265/W/20/3251442

73-75 Portland Road, Weymouth, Dorset DT4 9BE

- 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 ACME Property Ltd against the decision of Dorset Council.
 - The application Ref WP/19/00501/FUL, dated 21 June 2019, was refused by notice dated 25 February 2020.
 - The development proposed is conversion/alterations of shop and building back to 2 dwellings and erection of 3 houses to rear.
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Decision

1. The appeal is allowed and planning permission is granted for conversion/alterations of shop and building back to 2 dwellings and erection of 3 houses to rear at 73-75 Portland Road, Weymouth, Dorset DT4 9BE in accordance with the terms of the application, Ref WP/19/00501/FUL, dated 21 June 2019, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by ACME Property Ltd against Dorset Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect on the living conditions of future residents.

Reasons

4. The proposal would provide 5 dwellings. Their scale and positioning would reflect surrounding development such that they did not appear visually cramped. However, the dwellings would have notably smaller garden spaces than those associated with most other nearby dwellings.
5. Nevertheless, the garden spaces would provide sufficient space for sitting outside and there is a large amount of public open space in close proximity to the site that could supplement the on-site provision for children's play and the like. While the houses could accommodate families, the proposed garden provision would be adequate in response to this context.
6. With regard to the above, the proposal would comply with those aims of Policies ENV10 and ENV12 of the West Dorset, Weymouth & Portland Local Plan 2015 (LP) that require development to be informed by its context, the character of the site and its surroundings.

7. Whilst not referred to in the reason for refusal, the Council's appeal statement indicates that LP Policy ENV16 requires development to be designed to minimise the impact on the amenity of future residents. Paragraph 127 (f) of the National Planning Policy Framework also requires a high standard of amenity for future users. Given the adequacy of garden space proposed, these aims would be met.
8. I, therefore, find that the proposal would provide acceptable living conditions for future occupiers of the site. Accordingly, it would not be cramped, or represent an inappropriate amount of development on the site.

Other matters

9. No parking would be provided on the site. As such, the development would place additional parking pressure on the surrounding residential streets where parking opportunities are in short supply. However, the Council's appeal statement indicates that with regard to the accessibility to facilities, services and public transport the level of parking would accord with development plan policy. The Local Highway Authority has also confirmed that the effect on the highway network would not be severe.
10. Therefore, whilst there may be significant pedestrian flows around the area to local schools and facilities, and I acknowledge that some additional inconvenience to local residents is likely to result in terms of the ability to park close to their homes, there would be no demonstrable harm to highway safety or conflict with planning policy. I, therefore, attribute limited weight to these matters.
11. It is unfortunate that the closure of the shop at the site has resulted in the loss of a post office. However, the retail premises at the site are currently vacant and the Council's appeal statement confirms that there remains adequate service provision within the area.

Conditions

12. A plans condition is required in the interests of certainty. In the interests of the character and appearance of the area, a condition is required to secure details of external facing materials. To protect living conditions, details of boundary treatments are required, obscure glazing is necessary to the side window of plot 1 and permitted development rights for roof alterations should be removed. There is an inconsistency in the labelling of the side elevation between the existing and proposed drawings so my condition refers to the labelling on the proposed plan to provide certainty and precision. To ensure appropriate facilities are provided for future residents, bin and cycle storage facilities should be provided.
13. The Council has also suggested a condition requiring the demolition of the existing rear sections of Nos. 73 and 75 Portland Road before the new dwellings to the rear reach damp proof course. However, such would have to take place before the construction of all but one of these dwellings in any case and there is no clear evidence as to why a particular condition is necessary.
14. I have made minor amendments to the Council's suggested conditions in the interests of clarity.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed.

M Bale

INSPECTOR

Schedule

- 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 plans: 2904:142/001 A; 2904:142/002 A; 2904:142/003 B; 2904:142/004 B; 2904:142/005 A; 2904:142/006 A.
- 3) Prior to development above damp proof course level of plots 3, 4 and 5 hereby permitted, details and samples of all external facing materials for their walls and roofs shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the dwelling to which they relate and shall thereafter be maintained as such.
- 4) Prior to the occupation of Plot 1, the side elevation first floor window (labelled 'proposed south west elevation' on drawing 2904:142/003 B) shall be fitted with a side hung obscure glazed window. Details of the type of obscure glazing and window opening mechanism shall be submitted to and approved in writing by the Local Planning Authority before the window is installed and once installed the obscure glazed and approved opening mechanism shall be retained thereafter. No openings other than those hereby approved shall be formed in that elevation.
- 5) Prior to the occupation of the dwellings hereby permitted bin storage areas shall be installed in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The bin storage areas shall thereafter be maintained and retained in perpetuity for the storage of bins.
- 6) Prior to the occupation of the dwellings hereby permitted bicycle storage facilities shall be installed in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage areas shall thereafter be maintained and retained in perpetuity for the storage of bicycles.
- 7) Prior to the occupation of the dwellings hereby permitted a scheme for the treatment of the boundaries shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to the occupation of the dwelling to which it relates and shall thereafter be maintained and retained in perpetuity.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), there shall be no additions or alterations to the roofs of the dwellings hereby permitted.