



## Appeal Decision

Site visit made on 4 August 2020

**by S Edwards MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 September 2020**

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**Appeal Ref: APP/D1265/W/20/3249668**

**2 River Lane, Charlton Marshall DT11 9NZ**

- 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 J Bird against the decision of Dorset Council.
  - The application Ref 2/2019/1440/FUL, dated 7 November 2019, was refused by notice dated 2 January 2020.
  - The development proposed is demolition of existing garage, erection of 1no. cottage and carport, associated boundary wall and gate, landscaping and access.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposal on (1) the character and appearance of the area, and (2) the living conditions of the occupiers of the existing property known as 2 River Lane, having particular regard to outlook.

### Reasons

#### *Character and appearance*

3. The appeal site comprises a bungalow and detached double garage set in a spacious plot, which is located within proximity to the historic heart of the village of Charlton Marshall. The site shares one of its boundaries with a public house, but lies within an area of otherwise primarily residential character, and forms part of a row of three bungalows significantly set back from the road frontage. The spacious setting of these properties acts as an important area of transition between the edge of the settlement and the countryside. The opposite side of River Lane is more mixed in character, and includes varying types of properties, some of which are set close to the road.
4. The design of the proposed dwelling is considered appropriate in isolation, and its footprint would be comparable to other neighbouring buildings. However, by reason of its height and siting, the proposed dwelling would clearly protrude above the existing bungalows and breach the established front building line along the southern side of River Lane. This, combined with its position within such proximity of the existing bungalow, would result in a contrived and cramped form of development, which would appear unduly prominent and erode the relatively spacious and open feel which characterises the area. The demolition of the double garage to the side of the existing bungalow would do little to alleviate the incongruous and congested nature of the development.

5. The appeal scheme would to some extent be screened by the mature hedge fronting the site, but the harm caused by the proposal would remain visible within the public realm and the neighbouring dwellings either side of the appeal site, as well as from more distant views, notably from the car park of the adjacent public house.
6. The appellant has drawn my attention to a previous scheme for the erection of two detached dwellings, which was approved by the Council in July 2015<sup>1</sup> but has now lapsed. This development would have entailed the demolition of the existing bungalow and garages, and is therefore significantly different from the current proposal. As a result, I am not convinced that the previous scheme represents a direct parallel to the appeal before me which, in any event, I am required to assess on its individual merits, in accordance with the requirements of the development plan.
7. For the foregoing reasons, the proposal would unacceptably harm the character and appearance of the area, and fail to comply with Policies 7 and 24 of the North Dorset Local Plan Part 1<sup>2</sup> (LPP1) which, amongst other things, require new developments to improve the character and quality of the area within which it is located.

#### *Living conditions*

8. There are a number of windows to the front elevation of the bungalow, which appear to serve habitable rooms. By reason of its height and proximity to the existing dwelling, the proposed development would appear as a dominant and overbearing feature, which would unacceptably restrict the outlook currently enjoyed from the closest window in particular, by creating an unpleasant sense of enclosure.
9. As a result, the proposal would have a detrimental effect upon the living conditions of existing and future occupiers of no 2 River Lane, having regard to outlook. Although I find no conflict with the specific requirements of Policy 25 of the LPP1, the appeal scheme would nevertheless fail to accord with Policies 7 and 24. These policies notably require new developments to be acceptable in terms of design and amenity, and clearly state that proposals that are of an overbearing nature of where the enjoyment of the existing properties is significantly diminished will be refused.

#### **Other Matters**

10. The appeal site lies within the setting of the Charlton Marshall Conservation Area. No concerns have been raised by the Council in that particular regard, and there are no reasons for me to take a different view. Accordingly, I am satisfied that the proposal would preserve the setting of the Charlton Marshall Conservation Area.
11. A number of concerns have been raised by interested parties, notably in respect of the effect of the development on the living conditions of neighbouring residents. However, as the appeal is being dismissed on other substantive grounds, this is not a matter which needs to be considered further here.

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<sup>1</sup> Local Planning Authority Reference 2/2015/0375/FUL.

<sup>2</sup> January 2016.

12. My attention has been drawn to a previous appeal decision on this site, which I have had regard to for the determination of this appeal. However, for the reasons detailed above, I find that the concerns raised by the Inspector in respect of the effect of the development on the character and appearance of the area and the living conditions of the occupiers of no 2 River Lane have not been satisfactorily addressed by the appeal proposal.
13. In reaching these conclusions, I have also taken the personal circumstances of the appellant into account. However, in view of the harm I have identified, this consideration does not persuade me to reach a different view.

### **Conclusion**

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*S Edwards*

INSPECTOR