



Appeal Decision

Site visit made on 15 September 2020

by C J Ford BA (Hons) BTP MRTPI

a person appointed by the Secretary of State

Decision date: 15 October 2020

Appeal Ref: APP/P1235/D/20/3249254

43 Whitehead Drive, Weymouth DT4 9XT

- 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 Mrs Julie Mason against the decision of Dorset Council.
 - The application Ref WP/19/00721/FUL, dated 28 August 2019, was refused by notice dated 3 February 2020.
 - The development proposed is a new front facing balcony constructed from galvanised and powder coated steelwork with 15mm clear toughened glass.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host property and the Whitehead Drive street scene.

Reasons

3. The appeal property forms part of a late 20th century residential estate which mainly comprises of four dwelling types; two storey detached houses, two storey terraced properties, three storey properties which are either semi-detached or terraced and a four storey apartment block. It appears that the properties were originally designed such that only two of the dwelling types had projecting balconies. The three storey properties were provided with a first floor timber front or side balcony and the units in the apartment block have a front balcony with a concrete base and metal railings.
4. There have been several changes in respect of first floor balconies since the estate was constructed and subsequent to two appeals being dismissed in 2009 for a proposed first floor front balcony at the neighbouring property, 45 Whitehead Drive, (Appeal Refs: APP/P1235/A/08/2091574 & 2091575). The majority of the timber balconies at the three storey properties have been changed to a predominantly glass form. Entirely new first floor front balconies of a glass form have also been permitted and installed at 9-12 Smallmouth Close which are two storey terraced houses that stand on either side of the entrance to the cul-de-sac terminus of Smallmouth Close.
5. The appeal site comprises a two storey detached house, with the same design replicated at No 32 opposite. The house has a fairly simple flat fronted façade with the exception of a shallow projecting garage and porch element which extends across just over half the ground floor elevation.

6. In the proposed scheme, the front first floor balcony would be supported by four uprights and extend across the section of the house which is devoid of the existing ground floor projection. The platform would be awkwardly positioned a little above the eaves to the garage and porch. As a consequence, the characteristic simple façade to the house would be severely undermined.
7. The visually uncomfortable relationship the development would have with the character and appearance of the host property would in turn be harmful to the wider street scene. Disregarding the fold out roof balconies at Nos 20 and 22 which are of a different nature, the original character has been substantially retained in this distinct part of Whitehead Drive whereby only the three storey properties at the eastern end of the street have a first floor projecting balcony.
8. While fully recognising the existence of the four new balconies in Smallmouth Close, they may be afforded little weight in the determination of the appeal because they are some distance away from the appeal site and have no direct influence on the Whitehead Drive street scene. They are also distinguishable from the appeal proposal as they relate to narrow two storey terrace houses rather than a wide detached house where a coherent integrated design would fail to be achieved.
9. Notwithstanding the other implemented and permitted changes to the original design of the estate, they do not justify the harm arising from the proposed scheme which has been assessed on its own merits and having regard to its particular circumstances. Furthermore, although the proposal's benefit of providing additional south facing outdoor living space that takes in views of the harbour is acknowledged, this benefit does not outweigh the identified harm.
10. Accordingly, it is concluded the proposed development would have an unacceptably harmful effect on the character and appearance of the host property and the Whitehead Drive street scene. It would conflict with Policies ENV10 and ENV12 of the 2015 West Dorset, Weymouth & Portland Local Plan. Amongst other things, the policies seek to ensure any alterations or extensions are well related to the original building and the design complements and respects the character of the surrounding area. It would also conflict with the National Planning Policy Framework which has similar aims and, moreover, as the proposal does not accord with an up to date plan, the presumption in favour of sustainable development does not apply.
11. The refusal of planning permission in this case would not result in an interference with the rights afforded to the appellant under Article 8 of the Human Rights Act 1998, as their right to respect for their private and family life would not be affected.

Conclusion

12. For the reasons set out above and having regard to all other matters raised, the appeal is dismissed.

C J Ford

PLANNING DECISION OFFICER