
Appeal Decision

Site visit made on 23 September 2020

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd October 2020

Appeal Ref: APP/D1265/W/20/3255372

37 Queensland Road, Weymouth DT4 0LP

- 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 Downer against the decision of Dorset Council.
 - The application Ref WP/19/00903/FUL, dated 31 October 2019, was refused by notice dated 24 April 2020.
 - The development proposed is erection of new three bedroom detached dwelling house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Amended plans were submitted to the Council during the course of the application, and the Council has confirmed that it made its decision on the basis of the revised scheme. I have therefore also considered the amended scheme in my decision.

Main Issues

3. The main issues are the effect of the development on:
 - a) the character and appearance of the area; and,
 - b) the living conditions of the occupants of 39 Queensland Road with regard to outlook and daylight.

Reasons

Character and appearance

4. The appeal site comprises the side garden of a semi-detached house that sits at the corner of Queensland Road and Kitchener Road. The semi-detached pair are at an angle to the junction, as are the pair on the opposite side of Queensland Road. This gives the crossroads a sense of place, as the surrounding pattern of development is largely composed of straight rows of mainly semi-detached houses arranged in perimeter blocks. The character of the area is derived from this rigid layout, together with the uniformity in the scale, form and design of the houses, which are typically semi-detached pairs with hipped ends and a shared brick chimney stack on a central ridge.
5. The appeal site fronts a short stretch of Queensland Road that links Kitchener Road and Sussex Road, which run parallel to each other. This stretch slopes down from south to north, and the original layout of the development did not

include frontage housing. However, there is a row of garages on the east side, and a bungalow has been built on the west, adjacent to the northern boundary of the appeal site. These buildings do not conform with the general character and layout of the area, but, being single storey, they are not prominent in the wider street scene, and do not significantly disrupt the prevailing character and appearance of the area.

6. The proposed house would, however, be a two-storey building, positioned towards the top of the slope. It would, therefore, be a prominent feature in this stretch of road. Although its eaves would be at a slightly lower level than No 37, they would be very much higher than that of the bungalow immediately to the north, which is downslope. The resultant transition in scale and height would give the house an uncharacteristically dominant appearance in the street scene. This would be particularly apparent when looking up the slope from the north. From this viewpoint the featureless side elevation of the house, would rise above the adjacent bungalow, emphasising the uncharacteristic visual relationship between the two buildings.
7. The house would also be a prominent feature in views down Queensland Road, from its junction with Kitchener Road. From here, the single storey bungalow and garages are largely screened by boundary hedges and the trees on the appeal site. There is, therefore, a sense of spaciousness between the two parallel rows of houses that front Kitchener Road and Sussex Road. The house would be a dominant intrusion into this space, which would be harmful to the distinctive pattern of the surrounding development.
8. Although two-storey houses are the prevalent building-type in the area, they are typically in the form of semi-detached pairs, with some terraces. The detached nature of the house would be unusual, and would result in it having an uncharacteristic, almost pyramidal, roof form without a chimney stack. As a result, the building would not sit comfortably amongst the surrounding development. As the house would be a prominent feature, this lack of cohesion with its surroundings would be harmful to the character of the area.
9. I am mindful that a detached house has been built in the side garden of the adjoining property, 89 Kitchener Road. Although its detached nature is not typical of the area, it is set at the same level as the houses to either side, with similar eaves and ridge heights, and is aligned with the rigid building line of the houses to the west. It also has a brick chimney stack, which helps to disguise its uncharacteristic roof form. As a result, it sits relatively inconspicuously within its surroundings. It is not, therefore, directly comparable to the appeal proposal, which would have a more noticeable and harmful impact.
10. I therefore conclude that the development would be harmful to the character and appearance of the area. Consequently, it would be contrary to Policies ENV10 and ENV12 of the West Dorset, Weymouth & Portland Local Plan 2011-2031 (the Local Plan). These policies seek to ensure that development complements the character of the area and maintains local identity and distinctiveness. The proposal would also fail to meet the aim of the National Planning Policy Framework (the Framework) to achieve well-designed places.

Living conditions

11. The bungalow to the north, 39 Queensland Road, is close to the boundary of the appeal site, and has two windows in its side elevation. The light that

reaches these south-facing windows is limited, to some extent, by the close-boarded timber boundary fence and the trees on the appeal site. However, despite these features, southerly daylight and sunlight can reach the windows at a low angle, albeit filtered through the vegetation. The house, however, would present an eight-metre wide solid brick wall directly in front of the windows, and only about 3 metres away. The eaves of the house would be 1½ storeys above the height of the windows, so light would only reach them at a very steep angle. The orientation of the site is such that the house would shade the windows for long periods of the day, and sunlight could only reach them when the sun is at its highest in summer.

12. The width, height and proximity of the house would also result in it having a dominant impact over the bungalow. Whilst the main outlook from the bungalow is to the front and back, occupants would still be aware of the looming presence of such a large building from the windows in the side elevation. It would also be an oppressive feature from parts of the garden, particularly the access path between the front and rear gardens.
13. I am mindful that the windows in the side elevation serve secondary accommodation, and I have also considered the fact that one of the windows serves a bedroom, which is more likely to be occupied at night. Nevertheless, the house would result in a significant loss of light to the side of the bungalow, and would be an overbearing presence for the occupants. Consequently, I conclude that it would be harmful to the living conditions of the occupants of 39 Queensland Road. The proposal would therefore be contrary to Policy ENV16 of the Local Plan, which seeks to avoid adverse effects on the amenity of occupiers through inadequate daylight, overshadowing or overbearing impacts. It would also conflict with the Framework's aim to create places with a high standard of amenity for existing and future users.

Planning Balance

14. I have found that the proposal would conflict with the policies of the Local Plan that relate to safeguarding the character of the area, and avoiding adverse effects on the amenity of occupiers. However, the Council accepts that it cannot currently demonstrate a five-year supply of deliverable housing sites. As a result, Paragraph 11 d) of the Framework advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
15. The Framework seeks to achieve sustainable development across overarching economic, social and environmental objectives. The proposal would have an economic benefit through employment during the construction phase, and through the future occupants' support for local services and businesses, which would accord with the Framework's aim to build a strong, competitive economy. However, the economic benefits of a single dwelling are limited.
16. In terms of social benefits, the development would provide an additional dwelling, which would contribute towards addressing the shortfall in housing sites. It would also support the Framework's objective of significantly boosting the supply of homes. Set against this, however, the harm to residential amenity would conflict with the social objective of fostering a well-designed built environment. Furthermore, the harm that I have identified to the

character and appearance of the area means the environmental role of sustainable development would not be achieved.

17. When assessed against the policies in the Framework, taken as a whole, the adverse impacts on the character and appearance of the area, and the living conditions of adjoining occupants, would significantly and demonstrably outweigh the benefits. The advice at paragraph 11 (d) does not, therefore, indicate that my decision should be otherwise than in accordance with the development plan.

Conclusion

18. For the reasons given above, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR