
Appeal Decision

Site visit made on 13 October 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2020

Appeal Ref: APP/P1235/W/20/3255712
56 Preston Road, Weymouth DT3 6QA

- 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 Nylo Homes Ltd against the decision of Dorset Council.
 - The application Ref WP/20/00027/FUL, dated 10 January 2020, was refused by notice dated 11 June 2020.
 - The development proposed is the demolition of the existing dwelling and erection of a 7 unit residential flatted building with associated access and parking.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and erection of a 7 unit residential flatted building with associated access and parking at 56 Preston Road, Weymouth DT3 6QA, in accordance with the terms of the application, Ref WP/20/00027/FUL, dated 10 January 2020, subject to the conditions set out in the attached Schedule.

Procedural Matter

2. The appellant has submitted some plans with additional annotation, though otherwise the proposal and its relationship with neighbouring properties is the same. In allowing the appeal I have, however, referred to the plans that were before the Council without the additional annotation in the conditions.

Main Issues

3. The main issues are the effect of the development on (1) the living conditions of neighbours to the site, and (2) the character and appearance of the area.

Reasons

Living Conditions

4. The proposed apartment building is set within a residential area, with neighbouring properties to the sides and rear (the dwelling to the rear, being No 4 Furzy Close, is on a higher ground level). The proposal would replace a bungalow with a three storey building to contain the flats, which would therefore have a significantly higher overall height. It would not be significantly closer to the side boundaries than existing, but it would be closer to the rear boundary.
5. With regards to No 58 Preston Road to the north of the site (which is to the side of the proposed apartment building), I note that this neighbouring house

has windows at ground and first floor level looking towards the appeal site. There also appears to be an area of garden to the side of No 58 adjacent to the boundary with No 56.

6. From the evidence provided, it is apparent that the first floor side elevation windows in No 58 serve bedrooms, but the evidence also suggests that these rooms are dual aspect with other windows to the front and rear of the house also. In any case, the height of these windows above ground level and the separation distance with the proposed building would mean that there would remain a satisfactory light level, even if they were not dual aspect.
7. There would be some increased overshadowing of the ground floor windows in the side of No 58 also. This was addressed to some extent with the 'Daylight Impact Study' (HDS Greentech Ltd). It may be that the Daylight Impact Study did not cover such issues as sunlight loss for these south facing windows, but from the evidence provided in this study, coupled with the plans (particularly the separation distance) and what I observed at the site, I am satisfied that the overshadowing impact (both considering sunlight and daylight) would not warrant dismissal of this appeal. There would clearly be some reduction in light, but not to a significant extent that I would regard as harmful to living conditions as a result. Furthermore, the evidence suggests there is a window to the front of the house which would also provide light to this room, even if it is not south facing.
8. There would be some overshadowing also of the side garden area of No 58, but the affected area would be a relatively small part of the overall garden/amenity spaces that serves this property. I do recognise that some of the remaining rear garden area is sloping, but even so, there are other usable areas. Furthermore, the impact to the light received in this area would vary throughout the day, with it likely at times it would not be particularly overshadowed. Overall, the overshadowing of this neighbour's amenity space is not regarded as significant in its impacts to the living conditions of these neighbours.
9. With regards to No 54, this property has no side elevation windows which would be significantly affected by the proposed development. In any case, as it is to the south of the appeal site its plot generally would not be overshadowed to any substantial degree.
10. There is a single window proposed in the side elevations of the development, but this serves an en-suite which is not a primary habitable room and so would not result in any significant levels of overlooking of the neighbouring properties to the side. The windows to the front and rear of the proposed development would mainly have angled views to the front and rear gardens of both Nos 54 and 58. The balconies proposed would also have some view of neighbours' gardens, particularly to the front. In an area where there is already a degree of overlooking of gardens between properties, I do not regard this as harmful in terms of loss of privacy to the occupants of Nos 54 and 58.
11. For both Nos 54 and 58, the proposed development would have much more of a visual impact than the existing low profile bungalow. Nonetheless, the proposed development is not significantly taller than the houses either side and it is also set in from the side boundaries. As such, I would not regard the proposed development as having a dominating or overbearing impact to the neighbours in either of these properties.

12. With regards No 4 Furzy Close, I acknowledge that the proposed building, being significantly taller than the existing bungalow, would be visible from the rear of this neighbouring property. However, this is a residential area and so the view of some of the proposed apartment building would not be out of keeping with the general view. Furthermore, the separation distance is such that it would not be an overbearing or dominating development or result in a significant reduction in outlook quality for the occupants at No 4.
13. This separation distance is also sufficient to ensure that the overlooking from rear windows in the proposed development towards No 4 would not result in significantly harmful impacts to occupant privacy levels, even taking the levels differences into account. I also note that the appellant does not intend to use the flat roof areas to the rear of the building as amenity areas for future occupiers, thereby avoiding potential living condition impacts that could ensue otherwise.
14. There may be some loss of light to No 4 at certain times of the day but considering its higher ground level and the substantial separation distance of the proposed development from the boundary I would not consider this impact to be significantly adverse.
15. Overall, there would be some impact to the living conditions of neighbours to the site, particularly at Nos 54 and 58 Preston Road and No 4 Furzy Close, but any such impacts would not be significant to a degree that they would be regarded as inappropriate. As such, in this regard, the proposed development would not be harmful to the living conditions of any neighbour at to the site, including those at Nos 54 and 58 Preston Road and No 4 Furzy Close, and the proposal would be in accordance with policy ENV16 of the adopted Weymouth & Portland and West Dorset Local Plan (2015). This policy, amongst other things, require development to minimize the impact to the amenities of existing residents close to it.
16. Furthermore, I would regard the proposal as being in accordance with the National Planning Policy Framework on this issue, particularly paragraph 127.

Character and Appearance

17. The proposed new development would be significantly larger than the existing bungalow, in terms of mass and height for example. It would also be set on a raised ground level above the road to the front and would be clearly visible within the street scene.
18. Whilst the proposed development would result in a large building, it is set within a spacious plot. There would remain a large space to the front and rear for amenity space and parking. As such, it would not appear cramped within the plot.
19. To the sides of the proposed development are two two-storey dwellings. The flatted building would be taller, but not to a significant degree that it would be overly prominent within the street scene. It would also be appropriately set in from the side boundaries of the plot. Furthermore, the design of the front elevation, whilst differing from the houses to the side, would not be overly prominent within this setting. Indeed, there is a mix of house types and sizes within this street, with other flat developments too, and so the proposal would not appear incongruous or out of keeping within its setting. It may be that the

development would differ from the houses between Nos 52 and 58, but this is just a small section of the street scene which is more varied. I would regard the context of the proposed development as the wider street scene.

20. Overall, I would regard the development as being of a suitable and appropriate design and scale for this plot and street scene context, in accordance with policies ENV 10 and ENV 12 of the Adopted West Dorset and Weymouth & Portland Local Plan (2015). These policies seek to require development to be informed by the character of the site and its surroundings, amongst other things.

Other Matters

21. The proposal would result in seven more apartments along Preston Road. There have been other similar developments in the area. It is claimed by interested parties that some of these new apartments have not sold well and there is not the need for this type of dwelling. Whilst there may be a need for family housing, I have no substantive evidence before me that flat developments have little or no demand in the Weymouth area also. There is also a lack of evidence that there is not the local services and facilities to support future occupants of the apartments, which would be set within an established residential area. Furthermore, this proposal would not set a precedent for future similar development in the area, with each case needing to be taken on its own merits and assessed against planning policy.
22. The proposal would result in the replacement of the existing bungalow, rather than its reuse. However, I would doubt there is a significant range of possibilities for a viable reuse of the bungalow which appears in a poor state of repair. As such, I have no objections to its replacement rather than reuse.
23. It is likely that the proposed development would result in more traffic generation than the existing bungalow, but there is no detailed evidence to suggest that this would result in traffic issues on the local road network. Indeed, I note that there has been no objection from the Council Highway Officer to the proposal, which I would consider unlikely to have a significant bearing on traffic levels or highway safety. Furthermore, I would regard the parking provision as proposed as satisfactory.
24. Also, I have no substantive reason to have concerns with regards the development resulting in increased flood risk or drainage issues. A condition to ensure that surface water does not drain onto the highway can be reasonably included with an approval.

Conditions

25. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the National Planning Policy Framework. The conditions I have included from the recommended list have been subject to some alterations to improve clarity and ensure consistency with the National Planning Policy Framework and PPG.
26. I have attached the standard time limit condition and a plans condition as this provides certainty. I have also added a condition concerning materials and landscaping to ensure a satisfactory appearance.

27. To ensure that the proposal includes appropriate biodiversity mitigation and enhancements, a condition requiring the proposal to be in accordance with the submitted information is included.
28. To ensure that there is sufficient parking provision and turning space for future occupants there is included a condition requiring this to be in place prior to occupation. Furthermore, there should be a condition that requires that no surface water drains directly with the highway, to ensure against any flood risk and in the interests of highway safety.
29. As the site is in a residential area a Construction Environmental Management Plan is required to safeguard the amenity of neighbours. For the same reason, conditions requiring the obscure glazing of certain proposed windows and also to ensure that the flat roof area to the rear is not used as a balcony have been included.
30. In the interests of protecting trees on or adjacent to the site, some of which are protected under a Tree Preservation Order, a condition requiring the development to be undertaken in accordance with the submitted Arboricultural Impact Assessment has been included.
31. In the interests of sustainable transport, a condition requiring charging plug-in for ultra-low emission vehicles has been included.

Conclusion

32. For the reasons given above and in regard to all matters raised by all parties, the appeal should be allowed subject to the conditions set out in the following Schedule.

Steven Rennie

INSPECTOR

SCHEDULE- CONDITIONS

- 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:
 - Location & Block Plan - Drawing Number 21
 - Site Plan - Drawing Number 1934 22A
 - Proposed Ground Floor Plan - Drawing Number 23
 - Proposed First Floor Plan - Drawing Number 24
 - Proposed Second Floor Plan - Drawing Number 25
 - Roof Plan - Drawing Number 26
 - Proposed Front & Side Elevations - Drawing Number 27A
 - Proposed Rear & Side Elevations - Drawing Number 28A
 - Proposed Indicative Streetscene - Drawing Number 29A
 - Proposed Indicative Site Section AA & BB - Drawing Number 30A
 - Proposed Bin, Bicycle store and car canopy - Drawing Number 35
- 3) Before any development is carried out above damp proof course level, details and samples of all facing and roofing materials shall be submitted to, and approved in writing by, the Local Planning Authority and the development shall be completed in accordance with these details.
- 4) Before any development is carried out above damp proof course level, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority, including maintenance details for the soft landscaping for the first 5 years. All hard and soft landscaping shall be carried out and maintained in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of 5 years from the date of the planting of any tree/plant, that tree/plant or any tree/plant planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes in the opinion of the Local Planning Authority seriously damaged or defective) another tree/plant of the same species and size as that originally planted shall be replanted in the first available planting season.
- 5) The development shall be carried out in accordance with the recommendations of the Russell Hoyle, ABR Ecology Ltd Bio Diversity Mitigation & Enhancement Plan Certificate of Approval Dated 16th October 2019.
- 6) Before the development hereby approved is occupied or utilised the turning and parking shown on the submitted plans must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available only for the purposes specified.
- 7) Before the development hereby approved is occupied or utilised provision must be made to ensure that no surface water drains directly from the site onto the adjacent public highway.

- 8) Prior to the commencement of development, a Construction Environmental Management Plan, including such details as the hours of construction and parking for site operatives, shall have been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in strict accordance with the plan as has been agreed.
- 9) The development shall be carried out in accordance with the recommendations of the Arboricultural Impact Assessment undertaken by Treecall Consulting Ltd dated 24th April 2020, including that set out in section C2.1 of that report (the appendix) for the requirement for a pre-commencement site meeting. The purpose of such a meeting is to ensure all key parties – including the developer, architect, primary contractor – are aware of the arboricultural requirements of the report.
- 10) No development above damp proof course level shall take place until a detailed scheme to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development has been submitted and approved in writing with the Local Planning Authority. The scheme shall include a timetable for implementation. Thereafter the development shall be carried out in accordance with such details as have been approved by the Local Planning Authority including the timetable for implementation.
- 11) Prior to occupation of the flats hereby approved, the side north and south elevation windows shall be obscure glazed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These obscure glazed windows shall be installed and maintained thereafter as agreed.
- 12) There shall be no use of the rear flat roof areas of the development hereby permitted as an external amenity area for the occupiers of flats 6 and 7, or anyone else.

END OF SCHEDULE