



Appeal Decision

Site visit made on 15 December 2020

by M Scriven BA (Hons) MSc CMgr MCIHT MCMI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2021

Appeal Ref: APP/D1265/W/3257239

4 Rabling Road, Swanage BH19 1EE

- 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 Mr David Pascall against the decision of Dorset Council.
 - The application Ref 6/2020/0109, dated 3 March 2020, was refused by notice dated 29 April 2020.
 - The development proposed is Demolish existing building and construct a single block of 9 apartments with associated parking and servicing.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on;
 - The character and appearance of the area and;
 - The living conditions of neighbours at 2 and 6a Rabling Road, with particular regard to outlook, privacy and light.

Reasons

3. The appeal site is located in what appears as an established residential road, although flatted development exists nearby that which prevails in this section is of low density housing. The current building, intended for demolition, is positioned to one side of the double width plot, creating a wide separation distance between it and the neighbouring dwelling at No 6a, positively contributing to the spacious suburban character of the area. This effect is most pronounced when seen from Rabling Lane, a service lane running the length of the rear of the road, where other nearby rear gardens are also apparent.
4. The proposed building would fill much of the width of the existing plot, with the separation distance between it and the dwelling at No 6a being greatly eroded, albeit with a small step into the side elevation. The depth of the proposed building would broadly align with the rear of the existing dwelling on the plot. However, given the significantly increased footprint, coupled with the building being arranged over two floors, with accommodation in the roof space it would appear at harmful odds with its surrounds, filling much of the existing open garden, which currently makes a valuable contribution to the character and appearance of the area. The effect would be most apparent when seen from the rear.

5. Furthermore, the extensive plot coverage of the proposed development as a whole, incorporating front and rear parking areas, would appear as over development of the site in the context of that which surrounds it. Garaging does exist to the rear of properties accessing Rabling Lane, however it does not detract from the spacious character of the area as the proposal would.
6. A recent appeal Decision¹, dated June 2020 acknowledged that a similar proposal at the site broadly appeared as two separate forms by virtue of the recessed roof and glazing arrangement when seen from the front of the property. However, the Inspector also noted that when seen from the rear, the building would appear as a large incongruous addition to this section of road. Having visited the grounds of the site and surrounding area, the appearance of the proposal before me would not lead me to different conclusion.
7. The amendments which have been made to the previous proposal are noted, in particular the removal of a previously proposed roof dormer, however this does not overcome the identified harm above. I also understand that the site was previously arranged as two separate plots and accept that more efficient use could be made of the land available with a suitable proposal. Likewise, I note that the appearance of the area has somewhat evolved over time and is not the subject of any special designation in the Swanage Townscape Character Appraisal Supplementary Planning Document, 2012 (STCA). However, that in my view does not necessitate a scheme of the harmful scale of that before me.
8. Although the appearance of the proposed cut roof arrangement does appear to somewhat unbalance the proposal when seen from the front, there are clearly various roof arrangements nearby, as such I do not consider this matter in itself to be harmful.
9. I acknowledge that other flatted development exists at 8-10 Rabling Road with what appears to include rear parking areas with little garden space. However, those buildings are clearly two distinct blocks when seen from both the front and rear, similarly they do not reflect that which prevails. I also saw the extensive run of development which backs on to a service road serving properties on Victoria Avenue and properties on the southern side of Rabling Road, including Nos 17 and 19. However, that experienced from the metalled service lane is of a wholly different character and appearance to Rabling Lane. The much taller development and expansive plot coverage on Victoria Avenue, coupled with the boundary treatments on the opposite side of the lane create a prevailing effect of enclosure rather than spaciousness.
10. I understand that a development of flats has been recently approved at 3 De Moulham Road ref 6/2019/0648. However, that road, albeit close by, is of differing character to Rabling Road, with various tall buildings prevailing rather than lower density detached housing.
11. The evidence provided confirms that the site does not sit in any conservation area or near any designated heritage assets. However, the Dorset Area of Outstanding Natural Beauty (AONB) does wash over the town. The National Planning Policy Framework, 2019 (the Framework) requires great weight be given to the conservation and enhancement of such protected landscapes. Having considered the evidence submitted I have no reason to consider the proposal would harm the setting of the AONB given its proposed position in the

¹ APP/D1265/W/19/3244015

wider built form of the town. However, this is of neutral weight. I note the appellant's comments regarding Permitted Development however as he points this would not apply here given the town is located within the AONB.

12. For the reasons above the proposed development would not accord with Policy D of the Purbeck Local Plan Part 1, 2012, (LP) which amongst other things seeks to ensure development integrates positively with its surroundings.
13. I have also had regard to the STCA and Purbeck Design Guide Supplementary Planning Document, 2014 (PDG). For the reasons above the proposal would not support the documents' intentions of safeguarding local character.
14. Notwithstanding its presumption in favour of sustainable development and not discouraging appropriate innovation, the development would not be sympathetic to local character and the surrounding built environment setting. Therefore, the proposed development would not accord with the National Planning Policy Framework, 2019 (the Framework) objective of creating well-designed places when read as a whole.

Living conditions of neighbours

15. As the appellant points out, bigger and taller buildings do not by definition create harm, the effect depends on the context in which they sit. However, the proposed building, irrespective of the small step into the side elevations, would extend back over two floors beyond No 6a replacing an open garden, albeit sat behind fencing and vegetation to the boundary. This would create a harmful effect of enclosure for the existing occupiers of 6a, diminishing the enjoyment of the property by virtue of the solid appearance of the side walls of the proposal. I appreciate that there are examples of other buildings being located closely together nearby, however the effect on occupiers of 6a would be significantly more harmful when considered against their current situation.
16. That there would not be harm with regard outlook to the occupiers of No 2, by virtue of the proposed building being slightly further away than the existing building and its positioning in relation to the existing rear projection of No 2, is of neutral weight in the appeal.
17. I have little substantive evidence before me to consider that the proposal would not result in reduced light to rear rooms of both No 6a and No 2 and sunlight to the rear garden of No 6a, despite this being raised as concern by the Council. Such harm would be considered likely given the positioning of rear windows of the properties and the increased mass of that which is proposed when compared to the existing situation. That the existing building is closer to No 2 than the proposal would not greatly reduce this effect as the existing rear, single storey, flat roof element would be replaced by the proposed two storey arrangement.
18. The proposed development incorporates side windows facing the boundaries with No 2 and 6a. Given the close distance between the proposed building and the neighbouring properties' windows and gardens, the privacy of neighbours would be effected by direct lines of sight, resulting in moderate harm to living conditions. However, it would appear that such harm would be addressed by the use of fixed shut windows, up to a level of 1.7m above the finished floor level, incorporating obscured glazing in the proposed side elevations. This

would be secured through the use of an appropriate condition if the proposal was otherwise acceptable.

19. Therefore, the proposal would harm the living conditions of 6a with regard outlook and I have insufficient detail to consider that it would not result in a loss of sunlight to both neighbours. Any harm associated with a loss of privacy of neighbours would be dealt with by condition, albeit this is of neutral weight. As such the proposed development would not accord with Policy D of the LP, which amongst other things seeks to ensure development does not adversely effect the living conditions of neighbours. Likewise, the scheme would not meet the intentions of the PDG in this regard.
20. For the same reasons the proposal would not accord with the objective of achieving well-designed places as detailed in Framework.

Other matters and planning balance

21. The appellant refers to a previous appeal Decision² and contends that the Council have not considered the proposal against other policies of the Development Plan and undertaken an appropriate planning balance. The Officer's report clearly refers to the main policies considered and as decisionmaker I have had regard to the evidence before me submitted by all parties. The policies referred to above also appear broadly consistent with the Framework. Likewise, the Council's decision notice referred to elements of the Framework which I have had regard to.
22. That the Council have not objected to the proposal on other grounds, including parking provision and highways safety, does not amount to more than neutral weight in my decision.
23. The proposed development would provide a windfall benefit of an additional 8 energy efficient homes to the local housing mix. There would likely be economic benefit from the proposal during its construction, as too a minor benefit to biodiversity through the enhancement measures proposed. However, these benefits do not outweigh the harm identified to the character and appearance of the area and living conditions of neighbours.
24. Similarly, I have no substantive evidence before me that the Council cannot demonstrate a five-year housing supply. Even if there is a shortfall in five-year supply and that the most important policies for determining the proposal should be considered out of date, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

Conclusion

25. For the reasons above, having considered the Development Plan and Framework as a whole, the appeal is dismissed.

M Scriven

INSPECTOR

² APP/R1038/W/20/3251224