
Appeal Decision

Site visit made on 9 February 2021

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 03 March 2021

Appeal Ref: APP/D1265/W/20/3261700

Thatchways, Blandford Road, Iwerne Minster DT11 8QN

- 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 Paul Moore of Acorn Builders (Dorset) Ltd against the decision of Dorset Council.
 - The application Ref 2/2020/0295/FUL, dated 19 February 2020, was refused by notice dated 6 May 2020.
 - The development proposed is described as erection of detached house and detached garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site and the land immediately adjoining towards the south, are subject of an extant planning permission (the previous permission). This is for a development of 3 dwellings. The current site would form garden land within that scheme. The appellant indicates that this previous permission is being implemented, albeit no works appeared to be in progress at the time of my visit.
3. The scheme is presented as development which would occur in addition to the previous permission, rather than as an alternative. Indeed, insofar as the footprints of the dwellings subject of both schemes would not overlap, it appears that joint implementation would be possible. It is equally clear that the previous permission could continue to be implemented in isolation. I have taken these points into account in my reasons below.
4. Local planning authorities across Dorset merged in 2019. The adopted development plan however remains that relating to the former North Dorset District Council (NDDC) area.

Main Issues

5. The main issues are:
 - the effects of the development on the living conditions of occupants of adjacent dwellings, having regard to outlook, noise and disturbance;
 - whether the site is a suitable location for the proposed development, having regard to its effects on the character and appearance of the area, including the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural

Beauty (the AONB), and Iwerne Minster Conservation Area (the Conservation Area); and

- the effects of the development on biodiversity.

Reasons

Living conditions

6. The proposed dwelling would stand a little under 2-storeys in height, and would be located close to the boundary with Orchard House. The latter is an 'L' shaped dwelling of modest form, which stands at a lower level towards the north. Its rear elevations, as too the adjoining patio space, are clearly visible from within the appeal site. So too is a conservatory not shown on the submitted plans, but which projects from the south elevation towards the site boundary. A narrow gap exists between the site boundary and the conservatory and patio, and windows within the rear elevation face towards the site.
7. Given its proximity to the boundary, the proposed dwelling would be a highly prominent feature viewed from within Orchard House and its conservatory, as too from the patio space and garden to the rear. The prominence of the proposed dwelling would be accentuated by the difference in size, ground levels, and the relative orientations and layout of the 2 dwellings. Whilst the proposed dwelling would thus be intrusive in visual terms, significant harm to the amenity of occupants of Orchard House would arise due to the physical effects of overbearing. Such overbearing would not arise in relation to the previous permission, and the adverse effects could not be effectively mitigated by boundary treatments.
8. The Old House backs onto the west boundary of the site, and there is only a narrow gap between the rear elevation and the boundary. All 6 windows within its rear elevation face across the site. I do not have any details of the internal layout of this dwelling, however, based on their size, their layout, and type of glazing, it is reasonable to assume that many of these windows serve habitable rooms.
9. The proposed layout would see a parking and turning space located immediately adjacent to the rear elevation of The Old House. In this location it is likely that noise from manoeuvring vehicles, and from related comings and goings, would give rise to a high level of disturbance. This would cause significant harm to the living conditions of the occupants. Again, such noise and disturbance would not arise in relation to the previous permission, and the adverse effects could not be effectively mitigated by boundary treatments.
10. For the reasons set out above I conclude that the development would have an unacceptably harmful effect on the living conditions of occupants of adjacent dwellings. It would therefore conflict with Policy 24 of the North Dorset Local Plan Part 1 (the Local Plan), which states that development proposals that are of an overbearing nature, or where the enjoyment of existing properties would be significantly diminished, will be refused.

Character and appearance

11. Policy 2 of the Local Plan sets out the spatial strategy for the former NDDC area. Through use of settlement boundaries this seeks to achieve a sustainable distribution of development by focusing new housing on 4 towns, with

Stalbridge and 18 larger villages identified as suitable for growth to meet local needs. Iwerne Minster is one of these villages. The site is however located outside the settlement boundary, and thus within the 'countryside' for Local Plan purposes.

12. Policy 20 of the Local Plan further restricts housing outside settlement boundaries to that which is affordable, or for which there is an overriding need for a countryside location. As the proposed development would not provide either, it would conflict with Policies 2 and 20 of the Local Plan. In this regard the Council's particular concern is that the development would harm the character and appearance of the area.
13. As the site lies within the AONB, I have had regard to the purposes of the AONB, and advice in paragraph 172 of the National Planning Policy Framework (the Framework), which states that great weight should be given to conserving and enhancing landscape and scenic beauty within such areas.
14. My attention has been drawn particularly to 'View G' as identified within the Village Design Statement (VDS). However, as this is defined to pass across open land to the east of the site, the development would not be prominent within this view, if indeed visible at all.
15. The site nonetheless abuts the open landscape to the east, and would be visible from footpaths towards the east, including that climbing Preston Hill. As noted above however, the dwelling would be constructed between others either already in existence, or granted planning permission, whilst further dwellings lie immediately to the west and some others towards the east. The proposed dwelling would therefore be viewed firmly in relation to other development, relative to which its general proportions and design would not differ significantly enough to lend it prominence in long views.
16. Whilst the development would result in a minor consolidation of the built form of the settlement, it would not, for the reasons set out above, be perceived as encroaching into the landscape setting. The effects would be no different were the dwelling to mimic the design of an agricultural building.
17. Further concern has been raised in relation to light pollution. However, the appellant has indicated that automatic shutters could be fitted to the proposed rooflights. This could be secured by condition, thereby avoiding any adverse impact on the AONB Dark Sky Reserve. For this and the above reasons, I find that the development would conserve the landscape and scenic beauty of the AONB.
18. The site access lies with the Conservation Area, and the plot otherwise abuts the boundary. I have therefore paid special attention to the desirability of preserving or enhancing the character or appearance of the area, and otherwise taken account of the great weight that paragraph 193 of the Framework states should be given the conservation of designated heritage assets, including in relation to development within their setting.
19. Insofar as it is relevant to the appeal, the significance of the Conservation Area resides in the historic layout of the village, and the collection and interrelationship of historic buildings and spaces it contains. Within this context I have not been provided with evidence that the site itself holds any particular significance, and none is otherwise apparent.

20. Formation of the site access is covered by the previous permission. That being so, if both the appeal scheme and the previous permission were implemented, the only difference in effect would be a minor increase in vehicle movements along the access. Given that this would not in itself cause any obvious harm to the character or appearance of the area, the Conservation Area would be preserved.
21. The dwelling would have no direct frontage on a road, which would run contrary to the prevailing pattern within the settlement. It would however share this characteristic with the scheme subject of the previous permission, and with Orchard House, between which, as noted previously, it would stand. In this regard its positioning would not be perceived as obtrusive. That being so, and given that the space does not otherwise hold importance, no harm would arise to the setting of the Conservation Area.
22. For the reasons outlined above I conclude that, notwithstanding conflict with Policies 2 and 20 of the Local Plan, the location of the development would be acceptable with regard to its effect on the character and appearance of the area. This would include through conserving the landscape and scenic beauty of the AONB, preserving the Conservation Area, and conserving its setting. It would thus otherwise comply with Policies 4 and 5 of the Local Plan, to the extent that they seek to sustain and enhance heritage assets, and to conserve and enhance the AONB respectively; Policy IM1 of the VDS which seeks to secure development that maintains the setting of the settlement; Policy IM2 of the VDS which seeks to protect identified views; and Policy IM4 of the VDS which seeks to secure development that complements its setting.

Biodiversity

23. The Council has raised an objection to the lack of a dedicated ecology report (ER), but also acknowledges that the site has already been surveyed and reported upon. Whilst the Council's reference is to a report undertaken, presumably in relation to the previous permission, the appellant has forwarded a report dated August 2020 which specifically relates to the site. This nonetheless carries a different planning application reference number, and contains drawings showing a bungalow.
24. Insofar the ER reports no signs of protected species or habitats, the ER's findings are clearly equally applicable to the appeal scheme. So too is the finding that any adverse impacts in these regards would be unlikely. Moreover, notwithstanding the fact that the specified enhancement measures are annotated in relation to a different building form, the same enhancement measures could be secured by condition in relation to the appeal scheme. The lack of a dedicated ecology report is not therefore a cause for concern in the current case.
25. For the reasons outlined above I conclude that the development would not have an unacceptable effect on biodiversity. It would therefore comply with Policy 4 of the Local Plan to the extent that this seeks to secure development that respect the natural environment.

Other Matters

26. In view of my findings above, the scheme would conflict with the development plan taken as a whole. The Council however acknowledges that it does not

have a demonstrable 5-year supply (5YHLS) of deliverable housing sites. The evidence referenced by the appellant describes a 4-year supply. The policies most important for determining the application are therefore out of date, and 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.

27. The Framework seeks to boost the supply of housing, and furthermore to enhance or maintain the vitality of rural communities. The social and economic benefits arising from the provision of a single dwelling would however be very limited in scale, both in themselves and in relation a 5YHLS shortfall of any given size.
28. In this case the benefits would be further reduced by the fact that the development would not serve any identified local need, which, in common with Policy 20, is an objective for rural areas set out in paragraph 177 of the Framework. They would be reduced further still by the fact that they could not otherwise be realised without causing unacceptable harm to the amenity of occupants of adjacent dwellings. Whilst being contrary to Policy 24, this would also be conflict with the objective of ensuring that developments promote a high standard of amenity for existing and future users, set in paragraph 127 of the Framework. That being so, I cannot attach any weight to the scheme's provision of housing.
29. The adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole. Consequently, the advice to grant permission set out in paragraph 11 does not apply.

Conclusion

30. The development would conflict with the development plan as a whole, causing unacceptable harm to the living conditions of occupants of adjacent dwellings. There are no other considerations which alter or outweigh this finding. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR