



Appeal Decision

Site Visit made on 1 March 2021

by **M Bale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 March 2021

Appeal Ref: APP/D1265/W/20/3263804

7 Avalanche Road, Portland DT5 2DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Mitchell against the decision of Dorset Council.
 - The application Ref WP/20/00194/OUT, dated 1 March 2020, was refused by notice dated 19 October 2020.
 - The development proposed is to erect bungalow to rear.
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Decision

1. The appeal is allowed and planning permission is granted to erect bungalow to rear at 7 Avalanche Road, Portland DT5 2DJ in accordance with the terms of the application, Ref WP/20/00194/OUT, dated 1 March 2020, subject to the following conditions:
 - 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Procedural matter

2. The appeal relates to an application for outline planning permission with all matters reserved for future consideration. Plans have been provided showing a proposed layout and design for the development, which I have treated as illustrative.

Main Issues

3. The main issue is the effect of the development on living conditions, with particular regard to noise and disturbance to occupiers of the existing dwelling, and the outlook offered to the future occupiers of the site.

Reasons

4. The dwelling would be sited on rear garden land. To obtain access, vehicles and pedestrians would have to pass the side of No.7. The narrow width would bring those movements into close proximity with the existing dwelling. No.7 has

some windows facing towards the access and its main entrance, which is proposed to be re-sited, would remain on the side elevation.

5. However, main living room windows face the street and large patio doors face the garden. The proposal relates to a single dwelling that would not generate a substantial amount of vehicular or pedestrian traffic. Given the position of the windows to the main living spaces and the likely volume of traffic, I find that the proposal would not lead to significant noise, vibration or disturbance.
6. The illustrative plans suggest that a future dwelling could have a kitchen window facing across the access and living room windows could look across a private garden space. The dwelling beyond the boundary opposite the suggested living room windows is not high and, as such, a reasonable outlook would be provided. While bedroom windows may face boundary walls at close range, I find that a suitable outlook could be provided to the main living spaces and dwelling as a whole. With regard to these matters, I have no reason to conclude that there would be too much development on the plot.
7. For the reasons given, the proposal would not conflict with those aims of Policies ENV12 or ENV16 of the West Dorset, Weymouth & Portland Local Plan 2011-2031 that seek to secure a high quality design in harmony with adjoining buildings, and avoid significant adverse effects on amenity. Paragraph 9.11 of the emerging Portland Neighbourhood Plan 2017-2031 (NP) requires development to conform to the design and layout requirements of Policy ENV12. As I have found no conflict with that policy, I have no reason to find conflict with the NP.
8. While other similar developments in the area may benefit from wider accesses and permission has previously been refused for development at this site, I have found this particular proposal to be acceptable on its merits. As all matters have been reserved, no conditions are required other than those seeking approval of the reserved matters.

Other Matters

9. The listed Church of St Andrew sits on the opposite side of Avalanche Road to the site. Given the location of the proposed dwelling behind others that front Avalanche Road, the proposal would not harm the setting or significance of this listed building.

Conclusion

10. For the above reasons, I conclude that the proposal is in accordance with the development plan and, so, the appeal should be allowed.

M Bale

INSPECTOR