



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/20/3263011

Former NHS garage/store, Park Lane, Weymouth DT4 7JP

- 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 and Mrs Hamm against the decision of Dorset Council.
 - The application Ref WP/19/00951/FUL, dated 19 November 2019, was refused by notice dated 12 May 2020.
 - The development proposed is replace former NHS garage/store with a two bed, two storey dwelling.
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Decision

1. The appeal is allowed and planning permission is granted to replace former NHS garage/store with a two bed, two storey dwelling at Former NHS garage/store, Park Lane, Weymouth DT4 7JP in accordance with the terms of the application, Ref WP/19/00951/FUL, dated 19 November 2019, subject to the conditions in the attached schedule.

Procedural matter

2. The details of the site location and proposed development in my heading and formal decision are taken from the application form.

Main Issues

3. The main issues are whether the proposal would preserve or enhance the character and appearance of the Lodmore Hill Conservation Area, and the effect on the living conditions of future occupiers of the site with regard to the extent of outdoor space.

Reasons

4. From the evidence and my observations, I find the part of the conservation area around the appeal site to be characterised by large villa-style buildings in substantial garden plots. Park Lane lies between those buildings that front Dorchester Road and Kirtleton Avenue. It is narrow and serves mainly rear parking areas and garages, giving it the character of a secondary service lane, although some dwellings have been built here.
5. The site currently contains a garage, fenced off from the car park to the rear of 41 Dorchester Road. The proposed dwelling would be comparably sited and be of a scale subservient to No.41. In this regard, its form and siting would be similar to some other dwellings further along Park Lane that have a resemblance to coach houses. Given the nature of Park Lane, such would respect the character and appearance of this part of the conservation area.

6. To provide a private garden, a high wall would be built along the boundary with Park Lane and around the site. This would effectively continue an adjoining length of wall and would reinforce this feature of the conservation area. While the site would not be large, it would be towards the edge of the grounds of No.41 surrounded by open land and so would not appear cramped.
7. I, therefore, find that the character and appearance of the conservation area would be preserved and its significance as an area of substantial buildings in large gardens would not be harmed.
8. Policy ENV12 of the West Dorset, Weymouth and Portland Local Plan 2015 (LP) requires housing to meet or exceed minimum space standards, but my attention has not been drawn to any standards governing garden sizes. The proposed outdoor space would be small and must also accommodate bin storage, but its shape would be usable. The proposed boundaries would not be unusually high so I find that adequate living conditions would be provided to future occupiers.
9. As such, there would be no conflict with those aims of LP Policies EVN4, ENV10 or ENV12 which seek to provide a high quality design, avoid harm to the significance of heritage assets and positively contribute to their conservation, and ensure that development is in harmony with adjoining buildings.
10. A plans condition is required in the interests of certainty. Conditions securing approval of materials and hard landscaping, including boundary walls, are necessary to preserve the character and appearance of the conservation area. The Council's suggested condition regarding external works also sought details of functional services above and below ground, but it is not clear why such details would be required in this case, so I have removed that requirement from my condition.
11. With regard to the foregoing, I conclude that the proposal is in accordance with the development plan and, so, the appeal should be allowed.

M Bale

INSPECTOR

Schedule

- 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 Plan; 19/127/01; 19/127/02; 19/127/03; 19/127/04.
- 3) No works shall commence above damp proof course level until samples of materials to be used in the construction and finish of the dwelling have been made available on site for the inspection and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials and thereafter maintained as such.
- 4) No works shall commence above damp proof course level unless full details of hard landscape proposals have, by reference to site layout drawings of an appropriate scale, been submitted to and approved in writing by the Local Planning Authority. The details shall include the following information:
 - (a) Proposed finished levels or contours.
 - (b) Means of enclosure.
 - (c) Pedestrian access.
 - (d) Hard surfacing materials.
 - (e) Implementation timetables.

The development shall be carried out in accordance with the approved details and timetable and thereafter maintained as such.