



Appeal Decision

Site visit made on 25 May 2021

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2021

Appeal Ref: APP/D1265/W/21/3269354

Absit Invidia, Swyre Road, West Bexington DT2 9DD

- 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 J Girdler against the decision of Dorset Council.
- The application Ref WD/D/19/001992, dated 6 August 2019, was refused by notice dated 13 November 2020.
- The development proposed is demolish existing dwelling. Erect replacement dwelling.

Decision

1. The appeal is allowed and planning permission is granted to demolish the existing dwelling and to erect a replacement dwelling at Absit Invidia, Swyre Road, West Bexington DT2 9DD in accordance with the terms of the application, Ref WD/D/19/001992, dated 6 August 2019, subject to the attached schedule of conditions.

Preliminary Matters

2. The ownership of the appeal property has changed since the appeal was submitted. However, this does not prevent the appeal from being determined.
3. There are inconsistencies between two of the proposed plan numbers referenced in the Council's decision notice and those in its suggested conditions. In the interests of clarity, the appeal has been determined having regard to the plans referenced in the suggested conditions, namely 1101/01A and 1101/02A which show the roof over the rear of the garage as having a gable end.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area and whether it conserves and enhances the landscape and scenic beauty of the Dorset Area of Outstanding Natural Beauty (AONB).

Reasons

5. The appeal site forms part of a row of residential properties on the north side of Swyre Road as it leads into the heart of West Bexington, a rural settlement without a Defined Development Boundary (DDB) within the West Dorset, Weymouth & Portland Local Plan 2015 (LP). The properties occupy a sensitive position within the AONB, prominently sited in the landscape as it rises from Chesil Beach to the south west.
6. Absit Invidia and the neighbouring property Silvercroft were originally a pair of bungalows of a very similar design. However, the latter has been modernised with a loft conversion and large front dormer, along with changes to the

external materials, fenestration and the construction of a sizeable retaining wall to the front. As a result, there is no longer a close similarity between the two properties and they now appear as individually designed dwellings. The appeal property is of a fairly ordinary suburban design and when viewed alongside the modernised Silvercroft, it has a somewhat dated appearance. It therefore makes a neutral contribution to the character and appearance of the locality.

7. Policy HOUS6 of the LP specifies that the replacement of existing dwellings outside DDBs will be permitted subject to two criteria. The first is that the new building can be accommodated within the existing curtilage, which the appeal proposal would meet. The second is that the new building is not significantly larger than the original and does not detract from the character and appearance of the locality or its landscape setting.
8. The supporting text to the policy clarifies that an aim of restricting the size of replacement dwellings is so that it does not lead to a significant increase in less affordable larger dwellings at the expense of cheaper smaller properties. While the existing dwelling is a modest sized bungalow, its rural location and the fine views from the front across to Chesil Beach and the sea beyond significantly add to the property's value, as demonstrated by its 2016 sale price. Consequently, it may not be regarded as a cheaper smaller property of the kind that the policy seeks to retain.
9. The supporting text also clarifies it is expected that replacement dwellings will be of a similar size to the original dwelling (within 10% by volume), unless it can be shown that a larger development results in a benefit to the character or appearance of the area. Given the proposal is to replace the existing single-storey bungalow with a two-storey dwelling that has a larger footprint, it would far exceed the volume limit. It therefore has to be considered whether the larger development would result in a benefit to the character or appearance of the area.
10. As there are other two-storey dwellings within the row of properties, including a neighbouring pair of semi-detached houses to the south-east, the new dwelling's two-storey form would not appear out of place. It would have a greater presence in the Swyre Road street scene than is currently the case due to the excavated ground floor along with the increased height and width. Nevertheless, it would not be as wide as Two Wings to the north west and the ridge height would be slightly below that of the semi-detached houses. The half-hipped gable end design would also reduce its bulk to a small degree. It would therefore not appear unduly dominant.
11. The proposed dwelling would have a modern design with a wide first floor front balcony and glass balustrade. The neighbouring first floor front gable and the ground floor level would also be faced with Purbeck stone. However, like Silvercroft, several properties in the locality have been modernised or otherwise replaced by larger new dwellings of a modern design and which have introduced a wider palette of materials into the area. This includes Sea Champion to the south-east which has a full width first floor front balcony.
12. In this context, the proposal would not be an alien design which fails to reflect or interpret the distinctiveness of the design of the buildings in the area. Indeed, notwithstanding its increased size, the replacement of the fairly ordinary bungalow with a dwelling that is more visually interesting and which

incorporates high quality external materials would positively benefit the character and appearance of the area and the wider landscape setting.

13. Accordingly, it is concluded the proposed development would not have an unacceptably harmful effect on the character and appearance of the area. It would also conserve and enhance the landscape and scenic beauty of the AONB. As such, it would not conflict with Policies HOUS6, ENV1, ENV10 or ENV12 of the LP. Amongst other things, these policies seek to ensure high quality design that positively contributes to local identity, distinctiveness and the character of the surrounding area, and which protects the character, special qualities and natural beauty of the AONB. It would similarly not conflict with Section 12 of the National Planning Policy Framework (the Framework) which seeks good design that is sympathetic to local character.

Other Matters

14. There would be a taller and longer flank wall sited closer to Silvercroft than at present. However, it would largely run alongside the neighbouring property's own flank wall with only a small section projecting beyond. As such, it would not have a harmful overbearing impact.
15. It would be possible to obtain a view from the north-west corner of the proposed balcony across the front elevation and the front garden area to Silvercroft. Nevertheless, given the partially recessed nature of the balcony and its significant width, along with the folded back position of the balcony doors when open, activity on the balcony is unlikely to be focussed at the north-west corner and views from the balcony would primarily be towards Chesil Beach and the publicly visible south west corner of Silvercroft's front garden area. While the main habitable rooms of the two properties would be closer together than at present, they would be side-on to each other and remain several metres apart.
16. In light of the above, the proposed development would not have an unacceptably harmful effect on the living conditions of the occupiers of Silvercroft with regard to outlook, privacy or noise. Furthermore, as the proposal is for a replacement dwelling, it is distinguishable from previous applications for extensions at the appeal property and Silvercroft. It must therefore be duly considered against the relevant part of Policy HOUS6 which relates to replacement dwellings, whilst also having regard to the context of the recent modernised and replacement dwellings in the locality.

Conditions

17. The list of conditions suggested by the Council have been considered having regard to the tests set out in the Framework and the advice of the Planning Practice Guidance. Where appropriate, the conditions have been amended for clarity and precision.
18. A condition specifying the approved plans is necessary to ensure certainty. Conditions requiring the submission and approval of details and samples of the proposed external facing materials, as well as details of the finished floor levels, are imposed to ensure the development visually harmonises with the area. A condition requiring the removal of the materials arising from the demolition of the existing dwelling is imposed to protect the appearance of the locality. Finally, a condition to secure the implementation of the approved

Biodiversity Plan is imposed to minimise the impact on biodiversity at the site and in the interests of nature conservation.

Conclusion

19. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons given above and having had regard to all other matters raised, it is concluded that the appeal should be allowed.

C J Ford

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1101/L1B, 1101/S1, 1101/S2A, 1101/S3, 1101/01A, 1101/02A, 1101/03, 1101/04 and 1101/05.
- 3) Prior to development above damp-proof course level, details and samples of all external facing materials for the walls and roofs shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and samples.
- 4) Prior to the laying of foundations, details of the finished floor levels of the building hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be relative to an ordnance datum or such other fixed feature as may be agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5) Prior to development above damp-proof course level, the existing building on the site shall have been demolished and all arising materials shall have been removed from the site.
- 6) The Biodiversity Plan (BP) signed by Dorset Natural Environment Team 27/10/2020, shall be implemented in full in accordance with the specified details in the BP.

End of Schedule