



Appeal Decision

Site Visit made on 9 June 2021

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2021

Appeal Ref: APP/D1265/W/21/3268015

16 Goldcroft Road, Weymouth, Dorset DT4 0DZ

- 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 Gray against the decision of Dorset Council.
 - The application Ref WP/19/00980/FUL, dated 10 June 2020, was refused by notice dated 12 November 2020.
 - The development proposed is described as 'erection of dwelling.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are as follows:
 - the effect of the development on the character and appearance of the area;
 - whether the proposal would provide adequate living conditions for future occupiers with regard to amenity space; and
 - the effect on highway safety including the safety of pedestrians using the access.

Reasons

Character and Appearance

3. The appeal site lies in a residential area which is characterised by semi-detached dwellings and bungalows. The host dwelling has a long rear garden, terminating at a service road which provides access to the rear gardens, parking and garaging for a number of properties on Goldcroft Road and Goldcroft Avenue.
4. The appeal site forms part of the rear garden of 16 Goldcroft Road and would be accessed via the service road which joins Goldcroft Avenue to Thornhill Crescent. The service road is single track and although concreted for a short distance where it joins both highways, it is a rough track with grass along its centre for much of its length. Interspersed along its length are a number of domestic garages and workshops. Whilst they all vary in terms of their design and materials, there is no doubt that they all have a subservient, ancillary and functional relationship with the dwellings they serve.
5. The appeal proposal comprises a 2-bedroom bungalow. Whilst the bungalow would be relatively compact with a hipped roof which would reduce its overall

height, it would be larger than any of the garages and workshops along the service road. It would not have the appearance of an ancillary building and would be the only residential unit accessed from the service road. On this basis, it would clearly be at odds with the prevailing pattern of development. Furthermore, its limited plot size and coverage with buildings is also at odds with the relatively large plots along Goldcroft Road and it also leaves the host dwelling with a markedly diminished garden which is out of character with others in the area.

6. Accordingly I find that the appeal scheme would significantly harm the character and appearance of the area and therefore conflict with Policies ENV10 and ENV12 of the West Dorset, Weymouth and Portland Local Plan 2015 (LP) which seek to maintain and enhance local identity and distinctiveness through the provision of development which complements and respects the character and appearance of an area.

Living Conditions of Future Occupiers with regard to amenity space

7. The bungalow would be set back from the service road to provide a hardened area to the front for parking. This would leave a small area to the rear of the plot for a private garden for its occupiers. It would be measurably smaller than any of the garden areas afforded to surrounding properties and even smaller than the paved parking area to the front of the property. Being fully enclosed with a 1.8m close boarded fence it would not create a pleasant environment in which the occupiers of the property could sit out in and its size would limit the residential activities which could take place there.
8. Policy ENV16 of the LP relates to 'amenity'. Having considered the policy, I find that it does not reference the effect on the living conditions of future occupiers of new development with regards to adequate provision of amenity space. Accordingly, I do not consider that it is relevant to the appeal before me. Nevertheless, paragraph 117 of the National Planning Policy Framework (Framework) promotes the need for new development to provide healthy living conditions for its occupiers. The small and enclosed rear space would not in my view achieve this and as such, I find that the proposal would have an adverse effect on the living conditions of future occupiers of the property such as to make the development unacceptable. The proposal is therefore contrary to the Framework.

Highway Safety including the safety of pedestrians using the access

9. I have set out above my observations regarding the character and nature of the service road. During my site visit, I did not see any cars travelling along it. However, from what I observed, I am of the view that the width and condition of the track means that traffic speeds would be low. The track is also straight enabling anyone using it to see along the majority of its length. The frequency of accesses and surfaced parking provision along its length means that there are sufficient pedestrian refuge areas along its length.
10. Whilst I understand the concerns about the impact on highway safety if this appeal proposal were to be repeated along its length, I am not satisfied that a single dwelling would result in an unacceptable impact on highway or pedestrian safety. As such, I find that the appeal proposal complies with Policy COM7 of the LP and paragraph 109 of the Framework which states that

development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety.

Planning Balance

11. The main parties agree that the Council is not able to demonstrate a 5 year supply of deliverable housing sites. The Council states that its most up to date figures show a housing land supply of 4.83 years. This shortfall is only 0.17 years and therefore I attribute it only moderate weight in favour of the proposal.
12. Para 11 of the Framework states that where the development plan is out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the benefits of the Framework taken as a whole, or there are specific policies in the Framework which indicate that development should be restricted. From the evidence before me, there are no specific policies in the Framework which suggest that the appeal development should be restricted.
13. When judged against some of the core planning principles, the proposal would perform well in that it would be in an urban area where access to facilities is likely to be at its greatest. The proposal would make a very modest contribution of 1 dwelling to the supply of housing and there would be economic advantages arising from the construction and occupation of it.
14. However, a well-designed environment is also a key aspect of sustainable development. I have identified significant harm to the character and appearance of the area and also to the living conditions of future occupiers and as a result, the social objective of sustainable development would not be achieved. When assessed against the benefits of the Framework taken as a whole, I conclude that the adverse impacts of the appeal proposal significantly and demonstrably outweigh the benefits.

Conclusion

15. The proposal would conflict with the development plan when it is read as a whole and there are no material considerations, including the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan.
16. For the reasons given above I conclude that the appeal should be dismissed.

Alison Fish

INSPECTOR