
Appeal Decision

Site visit made on 14 March 2022

by J Wilson BA (Hons) BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 17 March 2022

Appeal Ref: APP/D1265/D/21/3288413

26A Marston Close, BLANDFORD FORUM, DT11 7RR

- 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 Mrs Claire Vacher against the decision of Dorset Council.
 - The application Ref P/HOU/2021/03211, dated 31 August 2021, was refused by notice dated 8 November 2021.
 - The development proposed is to erect a 2-storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on a) the living conditions of the occupiers of 26A Marston Close in respect of private amenity space, and b) the living conditions of the occupiers of the adjacent property with particular regard to outlook.

Reasons

Living conditions (amenity space)

3. The appeal property is formed from the enlargement of a semidetached property which has been subdivided. The garden is smaller than the adjacent properties being around 4.5 metres in depth compared to more than twice that for adjacent gardens. Additionally, the garden of the adjacent dwelling Number 26 Marston Close (No.26) appears to wrap around the rear of the appeal property.
4. The enlargement of the dwelling would occupy most of the existing outdoor space leaving an area of a little over 1 metre in depth. The built form would dominate the rear of this dwelling leaving a disproportionately small area of outside space for what would become a 3 bedroomed home. This would result in a building which would appear excessively cramped on its plot and result in inadequate provision of private amenity space leading to poor living conditions for the occupants.
5. The appeal statement indicates that the appellant is in the process of purchasing additional garden. Whilst this is noted I have no evidence to demonstrate this and, in any event, I have to make a decision on the basis of the plans on which the Council made its decision.
6. Consequently, the development would conflict with Policy 24 of the North Dorset Local Plan Part 1 (2016) (the Local Plan) and the National Planning

Policy Framework (the Framework) which seeks to ensure that residential development provides private open space appropriate to the needs of the intended occupants and provides a high standard of amenity for existing occupants.

Living conditions (adjacent garden)

7. The proposed two storey extension would project to the same depth as the adjacent single storey rear extension at No.26. The windows at first floor level would afford a view directly over the adjacent garden at very close proximity as it wraps around the rear of the appeal site. The presence of a two storey extension so close to the boundary would create an obtrusive and overbearing addition which would have a harmful impact on the living conditions of the occupants of No.26 when viewed from their garden.
8. Consequently, the proposal conflicts with the requirements of Policy 24 of the Local Plan and the aims of the Framework. These policies, amongst other things, state that development proposals will be refused where they are of an overbearing nature or where the enjoyment of existing properties is significantly diminished. Moreover, they seek to ensure a high standard of amenity for the occupants of existing properties.

Other Matters

9. The appellant highlights that there were no objections from the neighbours or the Town Council. The absence of any objection is noted however the impact on the living conditions of current and future occupiers is a material consideration.
10. I understand that the appellant wishes to create a larger living space and an additional bedroom to avoid the need to move. Such circumstances are personal to the appellant and rarely outweigh general planning matters. In this case I have found there to be a clear conflict with the Local Plan for the reasons set out above. That conflict is not outweighed by the personal circumstances identified by the appellant.
11. The appellant also highlights that a large number of properties on this estate have been extended or altered. This property is, in itself, an addition to a semi-detached property the built form of which occupies a large proportion of the site area created when it was severed from No.26. The comparison with other extended or altered premises in the vicinity does not alter my findings in relation to the issues I have identified.

Conclusion

12. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

J Wilson

INSPECTOR