



Appeal Decision

Site visit made on 10 May 2022

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2022

Appeal Ref: APP/D1265/D/21/3283351

14 The Flats, Organford Road, Holton Heath BH16 6JY

- 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 Lydia Brown against the decision of Dorset Council.
 - The application Ref 6/2021/0008, dated 7 January 2021, was refused by notice dated 30 June 2021.
 - The development proposed is described on the application form as, "Rear extension and addition of second storey and remodel throughout".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal site is in the Green Belt. Neither party has suggested that the proposal represents inappropriate development in the Green Belt. As I have no evidence to indicate otherwise, I have proceeded on the basis that the proposal would not comprise inappropriate development in the Green Belt.

Application for costs

3. The appellant made an application for costs. This application for costs has been dealt with in a separate decision.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers, with particular reference to light and outlook.

Reasons

5. The appeal site comprises a detached pitched-roof bungalow. At the time of my site visit a rear extension to the bungalow was under construction. The site is flanked by 2-storey buildings. Organford Road contains a mixture of 2-storey and single storey buildings of varying architectural styles.
6. 16 Organford Road (No 16) is a ground-floor flat, situated to the north of the site. The windows to No 16's kitchen and living room face the site. As the secondary window to the living room faces the side elevation of flats to the north, that window does little to assist in providing light to the living room. I observed that the living room is not well-served with respect to daylight, as a result.

7. Nevertheless, due to the separation distance between the appeal property and No 16, and that the proposed extended roof would be pitched, in my view the proposed increase in the ridge height of the appeal property by approximately 1.5 metres would not result in materially detrimental impacts with respect to any loss of daylight to the living room at No 16.
8. Considering that there is an even greater separation distance between 12 Organford Road (No 12) (a ground-floor flat) and the appeal property than between No 16 and the appeal property, for the same reasons the proposal would not result in materially detrimental impacts with respect to any loss of daylight to the habitable rooms at No 12.
9. The proposal would not increase the width of the appeal property, meaning that the existing separation distances between the adjacent flats would be maintained. As mentioned above, the existing pitched roof form would be retained. Moreover, the proposed roof dormer would constitute a modest feature in the roof slope in physical terms.
10. I observed that the outlook from the windows at No 16's kitchen and living room are largely obscured by the presence of the appeal property. The proposal would increase the ridge height of the appeal property by approximately 1.5 metres, across the full length of the property.
11. Taking this corresponding increase in scale and massing into account, the extended appeal property would erode a significant proportion of the existing outlook from the kitchen and living room windows at No 16, and would appear overbearing and imposing when viewed from those windows. Those living spaces would become much less pleasant to use, as a result. Accordingly, the proposal would cause harm to the living conditions of the occupiers of No 16.
12. I observed that the outlook from the habitable rooms facing the appeal site at No 12 is mostly constrained by the presence of the appeal property. The proposed increase in the height of the appeal property across its full length and the resulting increase in its scale and massing would serve to further undermine the existing outlook from those windows at No 12, and the extended appeal property would appear unduly dominating and overbearing in views from those windows. In this way, those living spaces would become much less pleasant to use, which would result in harm to the living conditions of the occupiers of No 12.
13. I also observed the existing levels of outlook from the habitable rooms facing the appeal site at 15 and 13 Organford Road (Nos 15 and 13), which are first-floor flats. I saw that the appeal property currently blocks a significant proportion of the outlook from the windows to those rooms.
14. As the proposal would raise the ridge height of the appeal property by approximately 1.5 metres across its full length, with a corresponding increase in its scale and massing, the proposal would unduly reduce the levels of outlook from those windows at Nos 15 and 13, and the extended appeal property would appear unacceptably overbearing and imposing in views from those windows.
15. I note the Council's assessment that the impacts of the proposal on those first floor windows would be similar to that which is currently experienced by the ground floor flats but in my view this outcome would not be desirable as the

significant reduction in outlook and the resulting overbearing nature of the appeal property when viewed from the relevant windows would make those living spaces much less pleasant to use. It follows that harm to the living conditions of the occupiers of Nos 15 and 13 would result via the proposal.

16. I note the appellant's points that the resultant built form layout would not be an unusual relationship between buildings in a residential environment and that the proposed first floor extension would have a similar visual impact when viewed from the ground floor windows of the adjacent flats as the existing flats buildings do when viewed from the existing ground floor windows of the bungalow. However, in this case the degree of change that would be caused to the appeal property arising through the proposal, in terms of the increase in the scale and massing of the appeal property, as described above, would result in unacceptable impacts in relation to the living conditions of the occupiers of neighbouring properties.
17. I observed 2-storey buildings adjacent to single-storey buildings along Organford Road, including Moorside, which was granted planning permission in 2019 for front and rear extensions and to raise the roof to form first floor¹. I note that the evidence indicates that Moorside is at an approximately identical distance to Sans Souci as the appeal property is to Nos 16 and 15.
18. I note that the Officer's Report for that application mentioned that the Council did not consider that raising the roof ridge height and extending Moorside would result in unacceptable overbearing impacts on the occupiers of nearby properties. However, no further detail is given in the Officer's Report as to exactly why the Council came to this conclusion. As such, this limits the comparability of that example to the appeal proposal.
19. I observed that the windows in the roof of Sans Souci facing Moorside are set at an angle, rather than being vertical as is the case with the windows on the south-facing side of No 15. Hence, the raising of the roof at Moorside has likely had an insignificant effect on the outlook from those windows at Sans Souci, in contrast to the appeal proposal which would result in unacceptable harm to the living conditions of the occupiers of No 15. Considering this, and the lack of detail relating to matters of outlook, mentioned above, that example is not directly comparable to all the relevant circumstances involved in this appeal. Consequently, that example does not change my findings.
20. I therefore find that the proposal would have an unacceptable and harmful effect on the living conditions of Nos 16, 12, 15, and 13 Organford Road, with particular reference to outlook. The proposal would conflict with Policy D of the Purbeck Local Plan Part 1 (adopted 2012) which provides that, amongst other things, the Council will expect proposals for all development and other works to avoid and mitigate effects of adverse impacts on local amenity.
21. The proposal would conflict with the advice given in the Purbeck District Design Guide Supplementary Planning Document (adopted 2014) which provides that, amongst other things, the impact of a proposed development upon the quality of life enjoyed by neighbours requires special attention, including in relation to overbearing impacts. The proposal would also conflict with paragraph 130 of the National Planning Policy Framework, which provides that, amongst other

¹ 6/2019/0514

things, planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Other Matters

22. No concerns have been raised by the Council in their decision notice with respect to matters relating to making an effective use of land, the effect of the proposal on the character and appearance of the host property and the surrounding area and the wider landscape, nor in relation to the living conditions of the existing and future occupiers of the appeal property. However, even if I were to likewise reason that the proposal would be acceptable in these respects, these would be neutral factors rather than ones which weigh positively in favour of the proposal, as is the fact that no written objections have been submitted by any of the occupiers of the adjacent flats, nor by the Parish Council.
23. The proposal would enhance the level of accommodation at the appeal property and it would assist in meeting the needs of the appellant's family. However, this would offer mainly private benefits. Thus, I give these considerations limited weight.
24. Overall, I find that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the harm identified, nor the conflict with the development plan.

Conclusion

25. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is dismissed.

Alexander O'Doherty

INSPECTOR