
Appeal Decision

Site visit made on 13 June 2022

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5TH July 2022

Appeal Ref: APP/D1265/D/22/3294754

17 Netherton Road, Weymouth, Dorset DT4 8SB

- 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 Kilby against the decision of Dorset Council.
 - The application Ref P/HOU/2021/02819, dated 17 July 2021, was refused by notice dated 30 December 2021.
 - The development proposed is erection of two storey extension and raising of roof to form additional storey with rear balcony.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposal upon the character and appearance of the area; and
 - The effect of the proposal upon the living conditions of surrounding residents, in particular 18 and 18A Netherton Road, with particular regard to overbearing and loss of privacy.

Reasons

Character and appearance

3. The appeal property comprises a detached dwelling, set within a reasonably large plot. It consists of a tiled roof, rendered walls with some stonework to the first floor. To the front is an area of grassed garden, along with an area for parking and turning. To the rear is an enclosed garden.
4. The surrounding area is predominately residential and is characterised by a mix of dwelling types and sizes, including detached and semi-detached properties. The design of the properties is also varied, with a number having been considerably altered over the years. As a result, there is no particular design feature that is prevalent along the road.
5. The majority of the proposed alterations to the appeal property would be visible when viewed from Netherton Road. Whilst they would represent an increase in the overall bulk and scale of the building, I do not consider the design approach, along with the overall scale of the proposed additions, to be out of keeping with other developments in the area. Considering the varied mix of house design, type and size within the local area, the design and

appearance of the proposed additions would not be out of context with the street scene and would therefore have no adverse effect upon the character and appearance of the area.

6. I therefore conclude that the proposed development would not harm the character and appearance of the area and, in this respect, is in accordance with Policy ENV12 of the West Dorset, Weymouth and Portland Local Plan 2015 (Local Plan) and the Framework.

Living conditions

7. Netherton Road gently slopes downwards in an eastly direction and, as a result, the appeal property is slightly raised above those further to the east.
8. Whilst not being any closer to the neighbouring property, the proposal would increase the height of the appeal property and bring the two-storey side element of the appeal property further forward. As such, the proposed two storey extension would protrude beyond the front of No 18A. It would also be visible from No 18, which, due to its orientation, has windows that face towards the appeal site. As a result of its position and size, the proposed development would have some effect upon the neighbouring dwellings. However, given the separation distance between them and the proposed development, along with the position and design of the neighbouring dwellings within their plots, I do not consider that the proposed development would have such an adverse overbearing effect, so as to materially harm the living conditions of adjoining residents, to justify the withholding of planning permission for this reason alone.
9. The proposed rear balcony would extend across a substantial part of the rear roof of the appeal property. Due to the nature of the appeal plot and its relationship with surrounding dwellings, there is already an element of overlooking from the rear windows of the appeal property. Notwithstanding this, due to the size and scale of the proposed rear balcony, along with its height in relation to neighbouring dwellings, the level of overlooking of surrounding properties, in particular those directly to the east, would be significantly increased. As a result, the proposed rear balcony represents a form of development that would be detrimental to the living conditions of surrounding residents.
10. Whilst I do not consider the proposal to result in any overbearing effect, due to the harm I have found from overlooking, the proposed development would have an adverse effect upon the living conditions of surrounding residents.
11. For the above reasons, I therefore conclude that the proposed development would harm the living conditions of surrounding residents and, in this respect, is contrary to Policy ENV16 of the Local Plan and the Framework. This policy, amongst other things, requires development to be sensitive to neighbouring uses.

Other Matters

12. The applicant has referred me to existing permitted development rights to extend the property. It has been submitted that this provides a fallback, which carries significant weight to justify making a decision not in accordance with the development plan. However, such permitted development rights are largely universal, with the vast majority of properties afforded the right to extend

without the need for planning permission, as such this carries only limited weight. In any event, this is not considered to outweigh the conflict I have found with the development plan.

13. In coming to this conclusion, I have also considered other developments within the vicinity of the appeal site, however none are sufficiently comparable to the proposal to overcome my conclusion in relation to the harm that would be caused.

Conclusion

14. I have found that the proposed development would not have an adverse effect upon the character and appearance of the area. However, this is outweighed by the harm to the living conditions of surrounding residents. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR