

Appeal Decision

Site visit made on 18 July 2022

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2022

Appeal Ref: APP/D1265/D/22/3298030
59 Clearmount Road, Weymouth DT4 9LE

- 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 Relph against the decision of Dorset Council.
 - The application Ref P/HOU/2021/03622, dated 23 September 2021, was refused by notice dated 22 February 2022.
 - The development proposed is remove existing raised decking, provide single storey rear extension and new raised decking with access steps.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the appeal proposal upon the living conditions of the occupants of 57 Clearmount Road, with specific reference to outlook and light.

Reasons

3. The appeal site relates to a semi-detached house on a plot that slopes down from west to east such that the ground floor on the rear elevation is almost at first floor level with steps up to a decking area adjacent to the dwelling's dining room.
4. 57 Clearmount Road to the north is of a similar arrangement although it is on lower ground, which along with its immediate rear sitting out area is elevated although not to such a degree. The neighbouring house also has habitable room windows on its rear elevation and the proposal, being almost two storeys in height, would give rise to the creation of a substantial flank wall that would project 4.35m from the main rear elevation of the appeal dwelling.
5. Due to the aforementioned situation with regard to ground levels, the eaves of the extension would be 4m high and combined with the depth would give rise to an erosion of the outlook from the rear of the neighbouring dwelling, notwithstanding the presence of the intervening boundary treatment.
6. I accept that the rear garden of no57 is relatively long and therefore only 4m of the neighbouring garden area would be directly affected by the proposed

extension, however it is the most sensitive area, having a direct effect upon both internal and external areas.

7. I note that the submitted BRE Assessment of Daylight concludes that the proposal would meet the relevant criteria, however by virtue of its orientation the scheme would give rise to a degree of overshadowing of the aforementioned internal and external areas next door; and therefore restrict some sunlight received by them, particularly from around midday to early afternoon. The Council's reason for refusal refers to 'some' loss of light; but on its own it would be difficult to substantiate a refusal of planning permission.
8. I understand the need for the appellants to improve their living space so as to be able to accommodate their children in the longer term, although I am not convinced that the scheme before me is the only option or whether the depth proposed is the minimum necessary to fulfill those aims.
9. Overall, I can only conclude that due to the overall height and depth of the proposed extension that it would give rise to an unduly overbearing effect upon the rear windows and decking area of no57. Therefore the proposal would be contrary to Policies ENV12 and ENV16 of the West Dorset, Weymouth and Portland Local Plan (2015). Together these policies require extensions of buildings to not overpower neighbouring properties and that proposals should be designed to minimise their impact on the amenity of both existing residents and future residents provided, amongst other things, they do not have a significant adverse effect through an overbearing impact.

Conclusion

10. Having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR