
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/22/3299826

Overland, Shipton Lane, Burton Bradstock DT6 4NQ

- 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 & Mrs Brown against the decision of Dorset Council.
 - The application Ref P/HOU/2022/00500, dated 25 January 2022, was refused by notice dated 29 April 2022.
 - The development proposed is for construction of a double garage and associated turning area/driveway.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a double garage and associated turning area/driveway at Overland, Shipton Lane, Burton Bradstock DT6 4NQ, in accordance with the terms of the application Ref. P/HOU/2022/00500, dated 25 January 2022 subject to the conditions set out below:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in complete accordance with the approved plans: P01 Rev.P2, P02 Rev.P1 and P03 Rev.P3.
 3. Notwithstanding condition 2, no development beyond initial site excavation and groundworks shall take place until specific details of the means of construction and finishing materials to be employed for the retaining wall and garage's front elevation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.
 4. The flat roof area of the garage hereby approved shall not be used as a balcony, roof terrace or any other form of external amenity area.

Main Issue

2. The main issue is the effect of the appeal proposal upon the character and appearance of the area.

Reasons

3. The site is located within a semi-rural area on the northern side of the village of Burton Bradstock and largely comprises detached houses set within generous

plots on each side of Shipton Lane. There is a wide variety of building forms and designs with properties on the north west side of the road being located on higher sloping ground; some of which have garaging within their frontages or integral to their principal elevations.

4. The appeal site is accessed via a private track that runs parallel to Shipton Lane and it has a raised decking area located above and behind its driveway. The frontage would be excavated so that the roof of the garage would be level with the height of the decking with the driveway re-graded to facilitate access to it. This would ensure that its overall impact on the character and appearance of the street scene would be minimised.
5. I acknowledge that Overland has been extended to the front, although I have not been provided with any information as to what actually constituted the original dwelling. Taking into account the fact that the garage would be partly subterranean in nature, and the presence of the side boundary treatments, I consider that the proposed garage would not appear unduly dominant, notwithstanding its depth. Bearing in mind the quite eclectic architectural context I consider, on balance, that the proposed development would complement the host dwelling with it being subservient in form to it.
6. Ultimately how successful the structure appears within the street scene will largely come down to its detailed design. Whilst I am surprised that the Council did not request full elevational details of the garage, nonetheless they have suggested a condition be imposed that requires such details to be submitted following the grant of planning permission.
7. I therefore conclude that the proposal by reason of its scale would complement the overall form of the existing dwelling and would protect the character and appearance of the street scene. I find that the proposal complies with Policies ENV10, ENV12 and HOUS6 of the West Dorset, Weymouth and Portland Local Plan 2015 which together require all development proposals be informed by the character of the site and its surroundings; that any alterations or extensions of buildings should be well related to and not overpower the original building or neighbouring properties; and that such extensions are subordinate in scale and proportions.

Conclusion and Conditions

8. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should succeed.
9. Other than the standard time limit condition the Council recommends that conditions are imposed that requires the development to be carried out in accordance with the approved plans and that details are provided in respect to the retaining wall and garage. I consider that in the interests of maintaining the character and appearance of the area that these conditions are necessary. In addition, in order to protect the living conditions of the occupants of neighbouring properties from overlooking, I consider that it is necessary to impose a condition that prevents the use of the flat roof area of the garage being used as some form or external amenity space.

C J Tivey INSPECTOR