



Appeal Decision

Site visit made on 27 September 2022

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th October 2022

Appeal Ref: APP/D1265/W/22/3296607

74 High Street, Wyke Regis, Weymouth DT4 9NX

- 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 M Hall against the decision of Dorset Council.
 - The application Ref P/FUL/2021/04799, dated 16 November 2021, was refused by notice dated 5 January 2022.
 - The development proposed is to erect chalet bungalow on land at rear fronting Chesil View.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended drawings were submitted with the appeal, omitting the single storey kitchen projection at the rear. This proposal differs significantly from that submitted to the Council, and on which the views of interested parties were sought. Consequently, my consideration of the amended scheme would deny those who should have been consulted through the planning application process the opportunity of such consultation. I have therefore determined the appeal on the basis of the plans originally submitted to the Council. In determining this course of action, I have considered an appeal decision that the appellant has drawn to my attention, where an Inspector accepted revised plans with an appeal. However, in that case, the amendments only affected the internal layout of the building, and did not materially alter the nature of the development.

Main Issues

3. The main issues are:
 - a) The effect of the development on the character and appearance of the area; and,
 - b) The effect of the development on the living conditions of the occupants of 72, 74 and 76 High Street, and 23c Chesil View, with regard to outlook and light.

Reasons

Character and appearance

4. 74 High Street is the middle one of a row of three detached houses that are built into the slope and set at a higher level than the street. The land continues

to rise at the rear, and the back gardens of the houses border Chesil View, which runs at a higher level to the west. The appeal site is roughly L-shaped, comprising the western part of the garden of No 74, together with a piece of land that appears to have originally been the rearmost part of the adjacent plot at No 72. The proposal involves the severance of the plot and the construction of a dwelling fronting Chesil View and lying directly behind No 74. The land at the rear of No 72 would form a garden area for the proposed dwelling. As the development would lie behind the frontage houses, there would be little impact on the character and appearance of the area when viewed from High Street.

5. Seen from Chesil View, the appeal site forms part of a street scene that comprises the rear gardens of the houses that front High Street. Some of these gardens are enclosed from the road by block walls, but most have vehicular access to open parking areas or garages. The garages are, without exception, single storey flat-roofed buildings. Consequently, although they sit at a higher level, they remain subservient in scale and form to the houses that they serve. The houses on the opposite side of Chesil View are set well back from the road behind front gardens and parking areas. There is, therefore, a sense of openness between the houses that front High Street and those on the opposite side of Chesil View, with only single storey utilitarian buildings in the intervening space.
6. The proposed dwelling, with its pitched roof and first floor dormer windows, would be a much more prominent building that would intrude into this open streetscape. Whilst its form and design would be similar to 23b and 23c Chesil View, its location, and relationship to other buildings would be entirely different. It would be closer to the road and, unlike 23b and 23c, it would lie immediately behind a row of existing houses in a back-to-back formation that would be uncharacteristic of the prevailing pattern of development in the area. Whilst it is contended that the existing domestic outbuildings mean that this tandem arrangement is already prevalent, these are all single storey, and serve the main frontage dwellings, so do not result in severance of the plots. The proposal would, however, be clearly perceived as a separate dwelling, and its uncomfortable relationship with the frontage houses would mark it out as an incongruous addition to the street scene.
7. It is also argued that 23b and 23c were originally permitted as tandem development to the rear of No 70 High Street. However, 23c is orientated at right angles to the host dwelling, and there is a considerable distance between the buildings. As a result, there is a spacious relationship between the two in the street scene. By contrast, the rear elevation of the proposed dwelling would be parallel with that of No 74, and there would only be about 15 metres between the main opposing elevations. The single storey projections at the rear of both dwellings would be considerably closer. Furthermore, the proposed building would be very close to both of its side boundaries, as well as being nearer to the road than is typical of the locality. Consequently, it would have a cramped appearance that would be out of character with the surrounding area.
8. I am mindful that this is not an area that has a particular local distinctiveness, and that there is diversity in the architectural character of the buildings. However, there is a discernible pattern to the layout of the buildings and their interrelationship with each other. The proposal would conflict with this arrangement, and, as a result, the dwelling would be a discordant feature, that would not relate well to the Chesil View streetscape. In arriving at this

conclusion, I have had regard to the development at the rear of the Albert Inn, which has been drawn to my attention. However, in that case the proposed dwellings were at right angles to the existing commercial building, and a considerable distance away. Consequently, the impact on the street scene was not directly comparable.

9. For the reasons given above, I conclude that the proposal would not accord with the surrounding pattern of development and would have a cramped and incongruous appearance in the street scene. The proposal would, therefore, be contrary to Policies ENV10 and ENV12 of the West Dorset, Weymouth & Portland Local Plan 2015 (the Local Plan). These policies seek to ensure that development is informed by, and respects, the character of the site and the surrounding area.

Living conditions

10. Nos 72, 74 and 76 High Street are two-storey houses that lie to the east of the site, and at a considerably lower level. As a result of their construction into the slope of the land, the ground floor windows in their rear elevations face onto steep embankments, retaining walls and fences. As a result, the amount of light reaching these windows, and the outlook from them, is already limited. The sectional drawing submitted with the appeal demonstrates that the proposed dwelling would not result in any further significant loss of light to, or outlook from, the ground floor windows of No 74. From what I saw, the same would apply to Nos 72 and 76.
11. However, the drawing also shows how close the proposed dwelling would be to the first-floor windows in No 74, and to its rear garden. The ground floor level of the dwelling would be higher than the first-floor level of No 74, and it would only be about four metres from the proposed boundary. At such an elevation, and in such close proximity, it would be a dominant presence. Lying directly opposite, and occupying the full width of the plot, it would significantly reduce the occupants' outlook from the first-floor accommodation. It would also have an overbearing impact on the limited outdoor amenity space that would remain available for the occupants of No 74.
12. The impact on outlook from the first-floor windows of Nos 72 and 76 would be less significant, as occupants would still have an open view directly down their respective gardens. However, as the dwelling would fill the entire width of the plot, its gable ends would be almost directly adjacent to the side boundaries of both rear gardens. The gables would be about seven metres wide, and would rise to a ridge height of about six metres. They would, therefore, be an overbearing presence for the occupants of both gardens that would be harmful to their amenity.
13. 23c Chesil View is a bungalow with two roof dormers that face the appeal site. It lies at a slightly higher level to the northwest, and at right angles to the proposed dwelling, which would be approximately 16 metres away. There is a boundary wall and fence about two metres high between the two. As a result, the proposed dwelling would have little impact on the outlook from the ground floor windows of No 23c. The difference in levels, and the distance between the buildings, means that the outlook from the dormer windows would also not be significantly affected by the proposal.

14. The orientation of the buildings means that the proposed building would not interrupt sunlight in the direction of No 23c after about midday. Before that time, any shadow cast would mainly affect the garden area of the proposed dwelling itself. As a result of the distance between the buildings, their orientation, and their relative levels, there would not be any significant loss of light reaching the windows or garden of No 23c. Consequently, there would be no harm to the living conditions of the occupants of that property.
15. However, the bulk and proximity of the proposed dwelling to the first-floor windows of No 74, and the gardens of Nos 72 and 76, would result in a loss of outlook and an overbearing presence that would be harmful to the living conditions of the occupants of those dwellings. The proposal would, therefore, be contrary to Policy ENV16 of the Local Plan, which seeks to ensure that, amongst other things, development does not have a significant impact on the amenity of the occupiers of properties through its overbearing nature.

Planning Balance

16. Paragraphs 119 and 120 of the National Planning Policy Framework (the Framework) encourage the effective use of small sites in meeting the need for homes, particularly, as is the case here, on an accessible site within the existing built-up area. The benefits of providing an additional dwelling should, therefore, be recognised in the balance of considerations. The proposal would also provide economic benefits through the creation of employment during the construction process. However, the small scale of the proposal means that these benefits would be limited. Consequently, they do not outweigh the harm that would be caused to the character and appearance of the area, the living conditions of the occupants of the adjacent residential properties, and the conflict with development plan policy in these regards. Paragraph 12 of the Framework says that, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

Conclusion

17. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR