



Appeal Decision

Site visit made on 13 July 2022

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2022

Appeal Ref: APP/D1265/W/22/3293542
84 Wyke Road, Weymouth DT4 9QJ

- 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 Nam Tang against the decision of Dorset Council.
 - The application Ref P/FUL/2021/02774, dated 30 July 2021, was refused by notice dated 29 November 2021.
 - The development proposed is demolish existing dwelling and construct new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the living conditions of the occupants of 82 Wyke Road, with reference to outlook and sunlight; and,
 - the character and appearance of the area.

Reasons

Living conditions

3. 84 Wyke Road is a detached two storey dwelling set within a suburban row of housing on the north side of the highway. Directly to the east is 82 Wyke Road. No 82 has a side return within which is a conservatory leading to a rear patio.
4. The proposed dwelling would extend back into its site beyond the rear building line of the existing dwelling and would do so over two stories. Given the massing and proximity of the dwelling, it would present a dominant, almost bare two storey flank to No 82 directly west of the conservatory and patio.
5. This relationship would markedly reduce outlook from within and around the conservatory. Looking at the orientation between No 82 and the proposed dwelling, there is also the potential for a significant loss of sunlight to these areas from the late afternoon on. I am referred to the neighbourhood context of this issue, but I have assessed the scheme on the merits of its own effects, and the specific relationship that would be created between the two properties.
6. I must therefore conclude that the proposal would have an unacceptable effect on the living conditions of the occupants of 82 Wyke Road with reference to outlook and sunlight. It would conflict with the residential amenity aims of Policy ENV16 of the West Dorset, Weymouth & Portland Local Plan (Local Plan) (adopted 2015) and the National Planning Policy Framework (the Framework).

Character and appearance

7. The row of housing on the north side of Wyke Road shares a roughly uniform building line and there is a commonality in some architectural features and finish materials, which offer a loose sense of unity. No 84 and No 82 read as a pair. However, there are equally examples of properties which diverge from this character, which provides scope for dwellings to exhibit their own, more modern style. As the appellant has shown, there are examples of contemporary interventions which have been successfully accommodated elsewhere, so a mixture of designs is a palpable characteristic of the wider area.
8. The replacement dwelling would adequately adhere to the building line. Its symmetrical twin gable frontage would take suitable reference from the gabled designs of housing nearby. Larger scale glazing is already evident at properties within the area, and the vertical emphasis of the fenestration takes reference from the Mock Tudor panelling of No 82. The Council is concerned about the design and potential prominence of the flat roof upper most element of the dwelling, the roof room, but this would be set back into the site to the extent that, in reality, it would not impose itself upon the Wyke Road scene.
9. Consequently, I conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area. It would accord with the design aims of Policies ENV10, and ENV12 of the Local Plan, the Urban Design Supplementary Planning Guidance (2002) and the Framework.

Other Matters

10. The appellant is concerned about the procedural conduct of the Council before and during the appeal. However, this matter is not germane to my assessment, which must focus on the planning merits of the proposed development.

Planning Balance and Conclusion

11. The harm that would arise to the living conditions of neighbouring residents draws the scheme into conflict with the development plan when read as a whole. There are no other considerations that would outweigh this conflict.
12. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR