
Appeal Decision

Site visit made on 16 September 2022

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 October 2022.

Appeal Ref: APP/D1265/D/22/3302563

1 Marlborough Place, Wimborne, Dorset, BH21 1HW

- 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 Gormley against the decision of Dorset Council.
 - The application Ref P/HOU/2021/05382, dated 6 December 2021, was refused by notice dated 5 May 2022.
 - The development proposed is to erect a detached double garage with a games room on the first floor.
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Decision

1. The appeal is allowed and planning permission is granted to erect a detached double garage with a games room on the first floor at 1 Marlborough Place, Wimborne, Dorset, BH21 1HW in accordance with the terms of the application, Ref P/HOU/2021/05382, dated 6 December 2021, subject to the conditions set out in the attached Schedule.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of its surroundings.

Reasons

3. Marlborough Place is a residential cul-de-sac comprised of relatively modern detached dwellings. The cul-de-sac leads from Rowlands Hill, a busy road, and the appeal property is the first property on the left when entering it. The land opposite comprises the heavily wooded grounds and garden of Melbury Cottage. The proposed building would be sited alongside the house, in the space between it and Rowlands Hill, which is partly used as garden, but also as the tarred driveway to the existing garage sited towards the rear of the plot.
4. A recent planning permission¹ was granted for a new garage in this location as part of a larger scheme. This is material to my considerations not only because it remains capable of implementation, but more importantly since it illustrates the type of development which the Council considers acceptable. The appellant considers the current proposal to be '*slightly larger*' than the approved garage. I do not entirely share that view. It is longer, higher and slightly wider than the approved garage, and is of a greater scale.

¹ Ref 3/20/0019/HOU dated 6 May 2020

5. To properly assess the impact of the building on the wider scene, I walked within the cul-de-sac and along Rowlands Hill north and south. I also drove along Rowlands Hill in both directions.
6. The building would be sited behind the host property's front elevation. It would thus be largely screened in views from the west. The cul-de-sac turns at a right angle beyond No 3, and from that part of Marlborough Place running north to south, views of the proposed building would be masked by a retaining wall and mature trees and vegetation. It would be seen from front-on, but otherwise it would be barely discernible from within the cul-de-sac.
7. The single footway in Rowlands Hill runs alongside its western frontage. When approaching the site from the south on foot, views of the proposal, if built, would be masked by the bulk of the dwelling known as 19 Rowlands Hill², which abuts the footway. From this point onwards, up the hill, the footway is at a lower level than the appeal site, and the timber fence alongside the appeal property's garden would effectively restrict views of the proposed building. When approaching along the Rowlands Hill footway from the north, views of the proposed building would be very limited, being masked by the trees and vegetation growing in Melbury Cottage's grounds.
8. Motorists could theoretically see some of the proposed building, but in practice, Rowlands Hill's steepness, limited width and difficult driving conditions are such that I expect that motorists would be fully concentrating on the road. The proposed building would not in my view catch the eye.
9. Thus, extant development and greenery would largely and effectively mask the proposed building from wider views. Views of it would be limited to front-on and at the mouth of the cul-de-sac. It would not therefore have a wide impact, and in my view, despite its increased scale in comparison with the approved garage, I find its design to be perfectly appropriate in this relatively modern housing environment.
10. I therefore conclude that the proposal would sit acceptably in its spatial context without harming the character and appearance of its surroundings. Accordingly, I find no conflict with those provisions of Policy HE2 of the Christchurch and East Dorset Local Plan – Core Strategy directed to ensuring high quality design in new development.

Conditions

11. The Council's suggested condition regarding materials shall be imposed in the interests of visual amenity, albeit in a modified form.
12. It is necessary in the interests of certainty that the development should be carried out in accordance with the approved plans.
13. There is no suggestion either in the application or appeal documentation that the building would be used other than as incidental to the host property. Nor is there any suggestion that it would be used as a separate unit of accommodation. Any use other than that applied for, or a separation from the host property would require planning permission. Accordingly, the Council's 4th suggested condition is considered unnecessary.

² This property is described as No 29 in the appellant's statement, but I have taken my lead from the address shown on the submitted OS plans

14. The Council has not adequately explained the reason for the imposition of its 5th suggested condition. In the absence of a clear reason, it shall not be imposed. In any event, the locality is largely characterised by the extent and density of surrounding trees.
15. Although not mentioned in the description of the development, the appellants' grounds of appeal make it clear that one of the benefits of the scheme lies in the removal of the existing garage. I agree that that would be the case. Accordingly, for the avoidance of doubt and in the interests of visual amenity a condition requiring its removal is imposed.

Other matters

16. All other matters referred to in the representations have been taken into account, including the views of the Town Council. The basis for their objections is evaluated in the officer report on the application, and I share the view that each application should be considered on its merits, as I have done in this case.
17. The appeal site lies outside the boundaries of the St. John's (Rowlands Hill/St. John's Hill) Conservation Area (CA). I share the views of the Council's Conservation Officer who said that *'the proposed garage building will be largely screened by the green boundary to the site from the conservation area. There is limited impact on the character and appearance of the conservation area boundary and setting of the conservation area'*. The officer therefore raised no objection, and I have no reason to either on this account.
18. I have taken account of the various references to the Framework³.
19. No other matter is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

Schedule of Conditions

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 accordance with the following approved plans: Ref 1212/PLAN/02b Rev 1; 1212/PLAN/04b Rev 2; 1212/PLAN/05b & 1212/PLAN/06b
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
4. The development hereby permitted shall not be used or occupied until the existed garage has been demolished and all demolition materials removed from the site.

³ The National Planning Policy Framework

