



Appeal Decision

Site visit made on 28 September 2022

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th October 2022

Appeal Ref: APP/D1265/D/22/3303728

9B Sycamore Road, Weymouth, Dorset, DT4 9UF

- 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 Comben against the decision of Dorset Council.
 - The application Ref. P/HOU/2022/02552, dated 20 April 2022, was refused by notice dated 16 June 2022.
 - The development proposed is convert and extend garage to Annex.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have adopted the description of development as it appears on the decision notice as it better describes the proposal.

Main Issue

3. The main issue is whether the proposal would: result in an overdevelopment of the site, impact on the character of the area and lead to a poor level of amenity for existing and future occupiers.

Reasons

4. The appeal site comprises a detached single storey bungalow with a separate garage to the side. The surrounding area comprises a mixture of bungalows and two storey houses, which vary in terms of their layout, design, style and age. The host property was granted planning permission in July 2007 (ref. 07/00426/FUL) following an earlier refusal for a larger bungalow which the Council considered to be a cramped form of overdevelopment that would have a poor relationship with its neighbours.
5. Since the host property was constructed a single storey sun room has been added to the rear of the host, a flat roofed lean to store added to the detached garage, and a flat roofed summer house and glazed greenhouse added to the rear garden. A number of these buildings are linked by decking. The appeal proposal would effectively consolidate these outbuildings with the existing garage and lean to and extend them to create a single building that would be used as an annex. The proposed building would have a hipped roof.
6. The Council's Delegated Report (CDR) suggests that the proposal would be able to function as a separate dwelling in that it is not physically attached to the host property and contains all the facilities required to support a self-contained

dwelling. The Appellant argues that the proposal is for an annex and that the Council's concerns in this respect have influenced its decision on the acceptability of the proposed development.

7. The accommodation and facilities that the proposal would contain are those that you would commonly expect to see in an annex. In addition, whilst annexes are often physically attached to the host property, it is common to find annexes in buildings that are physically separate. Provided the level of separation is not significant and there is a functional link between the two, where certain facilities are shared and the occupants live as part of the household in the host property, then, subject to other planning considerations, there is no reason why, in principle, an annex would not be acceptable in those circumstances. Even so, the development before me and the subject of this appeal, is for a proposed annex. There is no proposal before me for a separate dwelling. I have, therefore, determined the appeal on this basis.
8. The Council have, in their reason for refusal, referred to policies ENV10, ENV12 and ENV16 of the West Dorset, Weymouth & Portland Local Plan 2011 – 2031 (October 2015) (Local Plan). Whilst policy ENV16 deals primarily with amenity issues in the context of overlooking, loss of light and noise and disturbance, policies ENV10 and ENV12 relate to the design and positioning of new buildings and their landscape/townscape setting. Amongst other requirements, these policies seek to ensure that new development is permitted where: its siting, scale and mass complements and respects the character of the site and surrounding area; the position of the new building relates positively to adjoining buildings; that extensions relate to and do not overpower the original building or neighbours properties; that the development is informed by and has sufficient hard and soft landscaping to integrate with the character of the area; and, it contributes positively to the maintenance and enhancement of local distinctiveness. The approach out in these policies is consistent with those in the National Planning Policy Framework (July 2021) (Framework), specifically paragraph 130.
9. Within the above context, the footprint, mass and scale of the existing outbuildings (within the rear garden) are very modest and are typical of the type of small outbuildings you would expect to see in such locations. As these outbuildings are separated by decking, there is a large amount of space around and in between them which provides an added sense of openness in what is already a small and constrained rear garden. The proposed building would incorporate these outbuildings, significantly extending their existing footprint, mass and scale. Even with the inclusion of the garage and lean to, the footprint of the proposed building would in itself be substantial and the result would be a large solid building that, in my view, would be excessive in such a small garden.
10. I understand that the height of the new building has been reduced, but even so its eaves would extend above the exiting boundary fencing and combined with its large, hipped roof the proposed building would be prominent and visible from surrounding properties. The result would be a proposal that would be out of keeping with the prevailing pattern of development and a building does not sit comfortably on the rear garden to the appeal site. The sense of openness and to a lesser extent the sense of greenery that the existing rear garden retains would largely be lost.

11. The proposal is not an extension to the host property, but, even with the inclusion of the garage and lean to, it is a substantial new outbuilding which would not complement or respect the character of the area and would not relate positively to the scale, mass, siting, layout and site coverage of adjoining properties. As extended, the proposed building would overpower the host property and would neither be proportional or subservient to it. The local context comprises largely detached bungalows fronting onto the road, set within small plots that contain various outbuildings that are subservient to their hosts. The appeal proposal, due to its significant footprint, mass and scale, would result in the opposite and would be highly visible and prominent failing to contribute positively to the maintenance and enhancement of local character and distinctiveness.
12. The existing rear garden is already small, with very little functional open amenity space. The appeal proposal would remove the existing summerhouse and greenhouse, both of which contribute towards the functionality of the garden and its enjoyment by the existing occupiers of the host property. These would be lost, as would the existing decking and part of the grassed area, leaving essentially a small area of grass in the north western corner of the garden to be shared between the occupiers of the annex and host property. In addition, the new building would be sited in close proximity to the sun room to the host, restricting the views and light that that room receives. The building relationship between the host property and new building would also generally be poor, it would dominate the common boundaries with its neighbours and there would be an absence of any meaningful hard and soft landscaping.
13. All the above are clear indicators that the appeal proposal would lead to the overdevelopment of the appeal site, with a very poor level of amenity for both existing and future occupiers. The proposed layout would be cramped, it would not secure a good quality of design and would not reflect the pattern of development within the area or contribute towards local distinctiveness and character. I do recognise that the purpose of the proposed annex is to enable the elderly parents to remain on site and their children/relatives to occupy the host property to care for them in old age. Whilst I sympathise with and fully understand the Appellants personal circumstance in this respect, these considerations are not sufficient to outweigh the significant harm that I have identified above.
14. Accordingly, I find that the proposal would result in the overdevelopment of the appeal site and a cramped form of development that would significantly reduce the level of amenity for existing and future occupiers and would be out of keeping with the prevailing pattern of development and local character. As such, the proposal would be contrary to policies ENV10, ENV12 and ENV16 of the Local Plan and the corresponding policies of the Framework.

Conclusions

15. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR