



Appeal Decision

Site visit made on 8 November 2022

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16TH January 2023

Appeal Ref: APP/D1265/W/22/3302056

Garages Rear of 33-33a Sussex Road, Weymouth DT4 0PL

- 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 Jamie Lyons, Bradley Scott Ltd against the decision of Dorset Council.
 - The application Ref P/FUL/2021/03025, dated 1 July 2021, was refused by notice dated 29 December 2021.
 - The development proposed is replace existing garages with 3no. 1 bedroom dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is accompanied by alternative plans which show a half-hipped roof to one of the dwellings. These plans have not been subject to any public consultation but have been viewed and commented on by the Council. Given the minor nature of the amendment, and given my findings below, I am satisfied that no third party would be prejudiced by my consideration of these amended plans. They seek to overcome the issue relating to the effect of the proposed development on the living conditions of occupiers of neighbouring properties. I have therefore considered them in determining this appeal.
3. The appellant references the emerging Weymouth Neighbourhood Plan (NP). However, I have limited details of the status of the plan although understand that it is not due to be 'made' until January/February 2024. On that basis, I give the document little weight.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area with particular regard to the proposed front boundary treatment,
 - the effect of the proposal on the living conditions of future occupiers of the appeal proposal with regard to the provision of outdoor space; and,
 - the effect of the proposal on the living conditions of the occupiers of numbers 31, 33 and 33a Sussex Road with particular regard to outlook.

Reasons

Character and appearance

5. The area is characterised by dwellings that front the road with generally open or low-level boundary treatments to their frontages. This is replicated in the two bungalows that appear to have been recently constructed opposite the site on Queensland Road. The existing site comprises garages with open parking to the front.
6. There is fencing to either side of the site at the back of the pavement. However, these fences provide privacy to the side gardens of properties rather than their main frontages.
7. The 1.5-metre-high fencing would present a harsh frontage to the road, making the development appear cramped and would not integrate with the character of the surrounding area. The fencing to the front of the appeal dwellings would be out of character with the local identity and distinctiveness of the area.
8. The garages do not appear highly used due to the overgrown planting to the frontages and the garages are themselves not reflective of the wider character of the area. However, these points do not outweigh the harm to the character and appearance of the area that the proposed fencing would cause on the frontages of the dwellings.
9. For these reasons, I conclude that the proposed front boundary treatment would harm the character and appearance of the area. As such, the proposal fails to comply with Policies ENV10 and ENV12 of the West Dorset, Weymouth and Portland Local Plan 2015 (LP) that, amongst other things, seeks to ensure that development proposals contribute positively to local identity and distinctiveness and are informed by, and respect, the character of the site and surrounding area.

Living conditions of future occupiers

10. The three dwellings are proposed in very close proximity to the rear boundary of the site on a similar footprint to the existing garages. As a result, the only functional outdoor space is located to the front of the dwellings facing Queensland Road. I note areas are identified in this location for bin and cycle storage.
11. Policy ENV11 of the LP states that development should provide private amenity/garden space, and further states that it should be appropriate to the use proposed. Supporting text to that policy at paragraph 2.3.13 states that outdoor space should be usable. This is supported by paragraph 130 of the National Planning Policy Framework (the Framework) that states that development should provide a high standard of living conditions for future occupiers.
12. Due to the location of the outdoor space to the front of the site behind a 1.5-metre-high fence, it would enable some people using Queensland Road to view into these areas in very close proximity. Even though the road may not be heavily used, I do not find the outdoor space proposed to be sufficiently private. As the outdoor spaces would not be sufficiently private, I do not find them appropriate for the use as required by Policy ENV11 of the LP.

13. I appreciate that there is public open space available near to the site, but this would not be private and as a result would not address the need for the provision of private outdoor space. I note that the appellant considers the front outdoor spaces to be open and spacious for a likely single occupier, but this does not negate the need for those occupiers to benefit from suitable private open space.
14. For these reasons, I conclude that the proposed outdoor space would have a harmful effect on the living conditions of future occupiers of the appeal proposal. As such, the proposal fails to comply with Policy ENV11 of the LP.

Living conditions of occupiers of the neighbouring properties

15. The existing garages are located in very close proximity to the rear elevations of numbers 31, 33 and 33a Sussex Road. As a result, the garages already have a degree of impact upon the outlook from their rear windows. In light of the close proximity, height, and position on raised land, the garages are visible from and have a degree of impact on the outdoor space to these properties. In addition, the garage roofs are in close proximity to, visible from, and have a degree of impact on, the rear outdoor spaces to No's 31a and 31b Sussex Road that are located immediately to the rear of the site.
16. The proposed dwellings, by reason of their increased height compared to the existing garages, their raised position and location close to the rear and side boundaries, would have a greater impact upon these neighbouring properties and their outdoor spaces. The greater height, proximity and raised nature of the site would result in an overbearing impact and as a result harm to the outlook and outdoor space to No's 31, 33 and 33a. For the same reasons, the proposed dwellings would have a greater and unacceptable overbearing impact upon the outdoor spaces to No's 31a and 31b to the rear of the site.
17. I note that the Council have not refused planning permission due to the loss of sunlight or daylight. I see no reason to disagree. I also take on board the comments from the appellant that the roofs of the dwellings would step down with the land and that the dwellings would occupy a similar footprint to the garages. However, this does not reduce the impact from the increased height of the buildings and the resultant impact upon neighbouring residents.
18. The alternative plans proposing a half-hipped roof would have minor benefits in reducing some of the bulk of the roof of the building. Nevertheless, this would not be sufficient to wholly overcome the harm.
19. For these reasons, I conclude that the proposal would result in a significant adverse impact on the living conditions of the occupiers of No's 31, 33 and 33a Sussex Road with regard to outlook. As such, the proposal fails to comply with Policy ENV16 of the LP that, amongst other things, seeks to ensure that development proposals are designed to minimise their impact on the living conditions of existing residents or have a significant adverse effect through an overbearing impact.

Other Matters

20. The Council have provided evidence in the West Dorset, Weymouth and Portland Five-Year Housing Land Supply Report dated May 2022, that indicates that they can demonstrate a 5-year supply. The appellant has not provided any substantial evidence rebutting the contents of the report. As a result, I

consider, on the balance of probability, a 5-year supply of housing has been demonstrated. Notwithstanding this, I recognise that the proposal would make a small contribution to boosting the supply of housing. It would make an efficient use of under-utilised land in a sustainable location in accordance with paragraphs 119 and 120 of the Framework. However, these benefits do not outweigh the harm I have identified above.

21. The appellant references the need for affordable housing in the area in support of the appeal. However, the proposal is not seeking planning permission for affordable housing as defined by the Framework. I therefore give this little weight. The appellant also refers to the NP that seeks smaller dwellings and properties for first-time buyers, but these points do not outweigh my findings above.
22. I note that the proposal would represent infill development and would meet minimum internal space standards, but these points are neutral in my consideration.
23. The appellant references another appeal (ref: APP/D1265/W/20/3263011) in support of the proposal. From the limited information before me in relation to this other appeal, the area has a different character and appearance with high frontage boundary walls being characteristic of the area. On that basis, it differs from the individual circumstances of this appeal, such that it does not outweigh my findings above.

Conclusion

24. For the reasons given above, I conclude that the proposed development would not accord with the development plan. Thus, I conclude that the appeal should be dismissed.

C Rose

INSPECTOR