



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/22/3302595

19 Beech Road, Weymouth DT3 5NP

- 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 Frank Baugh and Ms Joan Wilkins against the decision of Dorset Council.
 - The application Ref P/FUL/2021/01424, dated 22 April 2021, was refused by notice dated 13 January 2022.
 - The development proposed is erection of a single storey dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Frank Baugh and Ms Joan Wilkins against Dorset Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area,
 - the effect of the proposal on the living conditions of the occupiers of numbers 17 and 19 Beech Road with particular regard to noise and disturbance from vehicles,
 - the effect of the proposal on highway safety with particular regard to the visibility for drivers exiting the site.

Reasons

Character and appearance

4. The immediate area surrounding the site is characterised by dwellings fronting onto Beech Road and Jesty's Avenue with undeveloped rear gardens. The proposed dwelling is located in close proximity to the rear gardens of 17 Beech Road, and Rossendon and Beechway on Jesty's Avenue. The appeal site can be glimpsed down the proposed access from Beech Road.
5. I appreciate that the proposed access and orientation of the appeal proposal has been altered since the appeal decision (ref: APP/P1235/W/16/3156346) on the site in 2016. Nevertheless, and as set out in that decision, the subdivision of the garden represents a form of development out of keeping with the density and pattern immediately surrounding the site. A new dwelling on

the appeal site adjoining the rear gardens of the neighbouring dwellings would be contrary to the prevailing pattern of surrounding housing. In light of this, the proposal would result in a development incongruous in its setting and appearing out of character when viewed from the neighbouring dwellings.

6. In addition, the subdivision of the front garden to the appeal property through the creation of the new access, and associated dropped kerb and boundary fencing, would be out of character and harmful to the appearance of the area.
7. I recognise that dwellings have been constructed in the rear gardens of properties further along Beech Road. However, these have generally been constructed to the rear of bungalows, or at the rear of properties fronting Dorchester Road, giving this end of Beech Road a different character to that of the appeal property and its surroundings.
8. In conclusion on this matter, the development would have a harmful effect on the character and appearance of the area. As such, it would conflict 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 the maintenance and enhancement of local identity and distinctiveness and respects the character of the surrounding area.

Living conditions

9. The proposed access to the appeal property runs alongside No 17 Beech Road between its side boundary and the side elevation of No 19 Beech Road. As a result, the proposed access is in close proximity to the side elevation and front and rear gardens to No 17 and the side elevation and proposed rear garden to No 19. Due to this relationship, the manoeuvring of vehicles will be alongside No's 17 and 19, and it is the impact from these manoeuvres on the living conditions of the occupiers of these dwellings that the Council have identified as harmful.
10. I note that the area between the dwellings forming No 17 and 19 where the access is proposed, was hard surfaced, used for storage and bounded by fencing. From the evidence in front of me, it appears that this area has been used for the parking of cars/trailers and manoeuvring in association with that. In light of this, and subject to suitable surfacing and landscaping that could be controlled through a condition, the use of the area to access the proposed dwelling would not detract significantly from the enjoyment of the occupiers of No's 17 or 19. I appreciate that vehicle movements in such close proximity to both dwellings and their windows could cause some vibration, pollution, and noise. However, similar activity could currently occur from parked vehicles in this area. Given this, and the limited vehicle movements likely from a single dwelling, I do not find this impact to be significant.
11. I conclude therefore on this issue that any noise and activity associated with vehicles would not result in material harm to the living conditions of occupiers of No's 17 and 19. As such, the proposal would comply with Policy ENV16 of the LP and the National Planning Policy Framework (the Framework). Amongst other things, these state that development should be designed to minimise its impact on the living conditions and quiet enjoyment of existing and future residents, not generate activity or noise that will detract significantly from the character and amenity of the area or quiet enjoyment of residential properties and not generate unacceptable pollution or vibration unless mitigated.

Highway safety

12. No 19 Beech Road currently benefits from a large hard surfaced area to the front used for parking with a dropped kerb onto Beech Road. Beech Road is a quiet residential street, and although a number of the properties benefit from off-street parking, some on-street parking takes place.
13. This is a relatively quiet area with a number of similar accesses. It is a small scale of development and vehicles exiting the site would do so at low speeds. There is a lack of substantive evidence from the Council to demonstrate that the levels of visibility would be a hazard for users of the highway. In addition, I have limited evidence in front of me to demonstrate that the dwelling could not adequately be serviced by emergency vehicles.
14. For the above reasons, on the basis of the evidence before me, I conclude that the proposal would not harm highway safety. The Council have not drawn attention to any policies relating to highway safety, but the proposal complies with paragraph 110 of the Framework which states that development should provide safe and suitable access for all users.

Other Matters

15. The Council have provided the West Dorset, Weymouth and Portland Five-year Housing Land Supply Report dated May 2022, that indicates they can demonstrate a 5-year supply. The appellant has not provided any detailed evidence rebutting the contents of the report. As a result, I consider that, 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 to character and appearance I have identified above.
16. The appellant has drawn my attention to pre-application advice for a similar proposal that resulted in the Council encouraging the submission of a planning application on the appeal site. I note that the appellant states that they addressed a number of comments made when preparing the planning application. However, I am required to consider the appeal proposal on its planning merits. As a result, this does not outweigh my conclusions relating to the effect of the development on the character and appearance of the area.

Conclusion

17. While I have found that the proposal would contribute to the supply of homes and would not result in harm to the living conditions of occupiers of neighbouring dwellings or highway safety, that would not outweigh the harmful effect the works would have on the character and appearance of the area. Given that results in conflict with development plan policies, I conclude that the proposal would be contrary to the development plan as a whole. As such, I conclude that the appeal should be dismissed.

C Rose

INSPECTOR