The Planning Inspectorate

Appeal Decision

Site visit made on 25 January 2023

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date:21st February 2023

Appeal Ref: APP/D1265/D/22/3311233

Martins Mead, Ferndown Road, Lyme Regis DT7 3DN

- 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 Chris Shrubb against the decision of Dorset Council.
- The application Ref P/HOU/2022/02190, dated 04 April 2022, was refused by notice dated 30 August 2022.
- The development proposed is described as the construction of a part single storey and part two storey rear extension.

Decision

1. The appeal is allowed and planning permission is granted for the construction of a part single storey and part two storey rear extension at Martins Mead, Ferndown Road, Lyme Regis DT7 3DN in accordance with the terms of the application Ref: P/HOU/2022/02190, dated 04 April 2022, subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan - Martinsmead; Existing Elevation - SHRUBBMHEXI 1.1; Existing Floor Plans -SHRUBBMHEXI2; Site Plan – SP500 Rev1.1; Proposed Elevations – SHRUBBMHPRO Rev1.5; Proposed Floor Plans - SHRUBBMHPRO2v2 Rev1.4.

   3) The development hereby permitted shall be carried out in accordance with the Recommendations set out within Section 6 of the Preliminary Ecological Appraisal & Bat Emergence Survey Reference 210714A rev01 dated February 2022.

   4) The development hereby permitted shall be carried out in accordance with the Conclusions and Recommendations of the Ground Stability Assessment Report Reference 2833-R-002 dated March 2022.

Procedural Matter

2. During the consideration of the appeal proposal by the Council, revised plans were submitted and consulted upon amending the detail of the proposals to a part single storey and part two storey extension to the rear elevation of the appeal property. As a consequence, I have amended the description to better reflect the detail of the appeal proposals before me.

Main Issue

3. The main issue in this case is the effects of the development on the living conditions of existing neighbouring occupiers, having particular regard to the neighbouring property Jan-Marie, situated to the south-west.

Reasons

4. The appeal proposal seeks to provide an extension running the width of the rear elevation of Martins Mead, a detached two storey dwelling, situated to the north-eastern end of Ferndown Road on the south-eastern edge of Lyme Regis.

5. The extension would be predominately two-storey in form, consisting of two hipped gable ends, however, the south-western side of the proposal would consist of a single storey lean-to which will also angle back to the rear of the appeal property.

6. The Council have outlined that they consider the proposal will have an overbearing impact on the living conditions of the detached property Jan-Marie, situated to the south-west.

7. I observed from my site visit, that Jan-Marie is situated within a spacious plot, with a rear garden rising up to the north-west in a similar manner to the garden space serving Martins Mead, both of which have a high standard of outlook, including views towards the coast to the south and south-east. The level of Jan-Marie, and its immediate rear patio are at a lower level to the appeal site, the outlook from these rear windows and patio area are predominately to the north-west and out to the rear garden space of Jan-Marie. I also noted that the rear garden space of Jan-Marie is flanked by a two-storey extension to the neighbouring property within close proximity to the south-west, providing for an element of enclosure to this side.

8. Whilst I acknowledge that the extension would be positioned close to the boundary with Jan-Marie, and that Jan-Marie is positioned at a lower level, it would be the single storey component of the proposed extension that would be closest to Jan-Marie. Due to the proposed lean-too and angular form of the roof, this component of the proposed extension would pitch away from Jan-Marie and would soften the transition to the two-storey form of the proposed extension which would be set further back into the appeal site, and away from the boundary with Jan-Marie.

9. For the above reasons and taking into account the depth of the proposed extension, which would be shorter than the depth of the existing gable of Martins Mead, I do not consider that the appeal proposal would result in an oppressive or overbearing impact upon the living conditions of Jan-Marie. The outlook and use of the rear garden space would remain similar to the existing position. Due to the separation of the appeal property from other nearby dwellings, I am also satisfied there would be no wider overbearing impacts resulting from the appeal proposal.

10. Further to the above, I have also considered the details submitted by interested third parties in respect of loss of sunlight arising from the proposed development. However, due to the form, depth and orientation of the appeal proposal, I conclude that there would be no issue of overshadowing resulting in a significant loss of light.

11. In conclusion, I am satisfied that the proposal would not have an unacceptable effect on the living conditions of existing neighbouring occupiers. The proposal therefore aligns with Policy ENV16 of the West Dorset, Weymouth and Portland Local Plan (2015) which, amongst other matters, supports development where it would not have a significant adverse effect on the amenity of the occupiers of properties through inadequate daylight or excessive overshadowing, overbearing impact or flicker. The proposal would also align with paragraph 130 of the National Planning Policy Framework (2021) which requires development to ensure a high standard of amenity for existing users.

Other matters

12. A number of other matters have been raised by interested parties and I have taken them all into account. This includes matters such as parking arrangements, land stability, and effects upon an adjacent Site of Special Scientific Interest. However, Whilst I have given all of the points raised careful consideration, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters.

Conditions

13. In addition to the standard time limit condition, in the interest of certainty, it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans. Conditions are also necessary in respect of ecology and ground conditions.

Conclusion

14. For the reasons given above, having regard to all matters raised, I conclude that the appeal should be allowed.

J Evans

INSPECTOR