



Appeal Decision

Site visit made on 21 February 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2023

Appeal Ref: APP/D1265/W/22/3305935

7 Longfield Drive, West Parley, Dorset BH22 8TY

- 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 C Hoyland, Regal Homes Ltd against the decision of Dorset Council.
 - The application Ref P/FUL/2022/02267, dated 6 April 2022, was refused by notice dated 28 July 2022.
 - The development proposed is described as "Sever land, demolish garage and erect 1 No 3 bed bungalow with garage. Creation of new vehicular access for 7 Longfield Road".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The site falls within 5km of the Dorset Heathlands which comprises the Dorset Heathlands Special Protection Area (SPA), Dorset Heathlands Ramsar Site, Dorset Heaths Special Area of Conservation (SAC) and Dorset Heaths Special Area of Conservation (Purbeck and Wareham) and Studland Dunes. I will return to this below.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and,
 - the effect of the proposal on the living conditions of neighbouring occupiers and whether the living conditions of future occupiers of the proposed development would be acceptable, with particular regard to privacy and outlook.

Reasons

Character and appearance

4. The immediate area surrounding the site is characterised by dwellings fronting roads with generally open and undeveloped rear gardens. From neighbouring dwellings, views of the site in combination with adjoining gardens provide an open outlook.
5. The subdivision of the garden represents a form of development that would be out of keeping with the prevailing pattern of residential dwellings immediately surrounding the site. A new dwelling, albeit a bungalow with a shallow roof, on

the appeal site adjoining the rear gardens of the neighbouring dwellings would be cramped. 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. I note the Inspector dealing with the appeal on the site from 2005 came to a similar conclusion.

6. In addition, even though the proposal provides suitable access to the proposed dwelling and would be of a suitable design and materials, the subdivision of the front garden to the appeal property, creation of an additional access, and associated dividing boundary treatment, would not reflect the wider area and would be harmful to the prevailing plot size.
7. I recognise that 11A Ridgeway has been constructed in the rear garden of properties and is of a smaller plot size than the appeal proposal. However, given that No. 11A fronts Ridgeway, it has a different character and context to that of the appeal property and its immediate surroundings.
8. Even if I accept that an outbuilding of considerable size could be constructed in the rear garden to the appeal property under permitted development rights, it would not result in the introduction of a new dwelling and its associated subdivision of the plot would be likely to appear incongruous in a rear garden setting. It would not therefore be directly comparable.
9. 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 Policy HE2 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy (LP) and Paragraph 130 of the National Planning Policy Framework (the Framework). Amongst other things, these seek to ensure that development proposals are of a high quality reflecting and enhancing areas of recognised local distinctiveness, are compatible with or improves its surroundings and achieves well-designed places that are sympathetic to the local character and built environment.

Living conditions

10. The front and rear elevations of the appeal proposal comprise a number of full-height openings. These windows would be within close proximity to the rear dormer windows to No 5 Longfield Drive and No 15 Ridgeway. Although views between the windows would be at acute angles with some intervening planting, the close relationship is such that the proposal would result in an unacceptable level of overlooking for occupiers of the existing dwelling and perception of being overlooked for future occupiers of the appeal proposal.
11. I acknowledge that the site perimeter would be enclosed by two-metre-high close boarded fencing and that permitted development rights could be removed to ensure that the loft space to the proposed dwelling would not be converted. However, this would not prevent the overlooking I have identified above.
12. By reason of the close relationship of the proposed dwelling to neighbouring properties and incongruous setting identified above, the proposal would appear obtrusive from neighbouring properties.
13. Boundary treatment to the front of the proposed dwelling would ensure that there would be no directly facing windows between the appeal proposal and the rear of No 7 Longfield Drive. As a result, there would be no unacceptable loss of privacy resulting from this relationship.

14. Nonetheless, I conclude therefore on this issue that the proposal would unacceptably harm the living conditions of neighbouring occupiers and future occupiers of the proposed development with regard to privacy and outlook. As such, the proposal fails to comply with Policy HE2 of the LP and Paragraph 130 of the Framework. Amongst other things, these state that development should be compatible with or improve its relationship to nearby properties and create places with a high standard of amenity for existing and future users.

Other Matters

15. The Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document April 2020 seeks to secure a financial contribution towards the mitigation of any effects of development within 5km of the Dorset Heathlands on the integrity of the SPA and SAC. However, as I am dismissing the appeal for other reasons, I do not need to consider this matter or the related duties under the Conservation of Habitats and Species Regulations 2017 further.
16. The parties agree that the Council can demonstrate a five-year supply of housing land and I have no reason to disagree. It is clear from the Council's reason for refusal that the principle of a dwelling in this location is acceptable and that it is well served by services and facilities. I also acknowledge that the proposal would add to the supply and mix of housing from a windfall site, provide adequate outdoor space for the existing and proposed dwelling, be of a reasonable density and with adequate parking and would be constructed to a high standard of energy efficiency. However, these matters do not outweigh the harm I have identified above.
17. I note reference by the appellant to the site being brownfield land. However, the Framework clarifies in Annex 2: Glossary that brownfield land, referred to as previously developed land, does not include residential gardens.

Conclusion

18. I have concluded that the proposal would conflict with Policy HE2 of the LP. As a result, I consider that the proposal would conflict with the development plan, when read as a whole. There are no material considerations, including the provisions of the Framework, which warrant a decision other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

C Rose

INSPECTOR