



Appeal Decision

Site visit made on 28 March 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th May 2023

Appeal Ref: APP/D1265/W/22/3311619

71 Burnbake Road, Verwood, Dorset BH31 6ES

- 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 Dorset Developments J and R Limited against the decision of Dorset Council.
 - The application Ref P/FUL/2022/05046, dated 10 August 2022, was refused by notice dated 10 August 2022.
 - The development proposed is described as 'to erect 4 dwellings'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Dorset Developments J and R Limited against Dorset Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The description of development on the appeal form is different from the application form. In the absence of written confirmation of agreement from the appellant to change the description of development, I have used the description as taken from the application form in the banner heading above.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and,
 - 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

5. The appeal site is a large garden area to the rear of No. 71 Bugdens Lane. It is relatively flat with hedging forming the boundary with Bugdens Lane.
6. Whilst development along Burnbake Road on approach to the site is characterised by a mix of bungalows and two-storey dwellings of varying designs and sizes set back behind hard surfaced roads with pavements, Bugdens Lane has a different character.

7. On viewing and turning into Bugdens Lane, the area becomes less densely developed and more verdant and open in appearance. The lane is characterised by a more uniform design of predominately rendered or light-coloured brick bungalows of a lower height set back from a road formed from chippings and informal grass verges without pavements. I appreciate that No. 71 Burnbake Road has a brick finish, but it is the exception at this end of the lane where render is the dominant visible facing material.
8. The proposal would introduce two-storey dwellings with a principally brick finish that would be considerably taller than the bungalows along the lane, and taller than the two-storey dwelling forming No. 8 Bugdens Lane. This, combined with their close relationship to each other and No.8, the layout would result in an unduly prominent and incongruous appearance contrary to the prevailing pattern of development within which the site is viewed. The proposal would be an overly intensive form of development in this context, unacceptably diminishing the open character of the lane and not represent a high-quality design.
9. Whilst the proposed dwellings are of a suitable design in themselves, with garages with rooms above providing a variation in height and interest to the development, garages with rooms and dormers above are not characteristic features to properties on Bugdens Lane. As a result, these design features, and the proposed frontage hedge planting, would not adequately mitigate the overbearing scale and prominent nature of the development when viewed from Bugdens Lane.
10. I acknowledge that some dwellings further down Bugdens Lane sit in generally uniform plots with some plots similar in size to those proposed. However, unlike the appeal proposal, they are bungalows with generally differing designs or set back behind sizable frontage gardens creating a less obvious and regular form of development. This gives the appearance of a less dense pattern of development and as a result, they better respect the character of the lane. I also acknowledge that the proposal would create improved surveillance of the lane, but this could be achieved through a less incongruous form of development.
11. I note the two-storey dwellings adjoining the appeal site off Oak Leaves. However, given the close nature of the proposed built form with small gaps between the proposed buildings, the dwellings on Oak Leaves would not be highly visible from Bugdens Lane. As a result, they would not form the immediate context within which the proposed dwellings would be viewed.
12. In conclusion on this matter, the development would have an unacceptably 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

13. A side boundary to Plot 1 would be positioned near to the reconfigured rear elevation of No.71 Burnbake Road. Whilst this would result in a boundary fence in close proximity to the rear elevation of No.71, at present part of this elevation faces out onto outbuildings at a similar proximity and at a greater height than the proposed fence. The new boundary treatment would taper away and be separated from the rear of No.71 that would retain an open outlook from other elevations resulting in an acceptable relationship.
14. Plot 1 would comprise a garage with en-suite above located close to the rear boundary and side elevation to No.71 Burnbake Road. However, Plot 1 would be set in from this boundary with the built form off-set from the side and rear of No.71 at a reduced height behind a boundary fence. This relationship adequately protects the living conditions of the occupiers of No.71.
15. The side elevation to Plot 4 would be positioned in close proximity to No. 8 Bugdens Lane. As a result, first floor windows to No. 8 would be afforded some views over the rear outdoor space to Plot 4. However, the windows to No. 8 are at a relatively low height with boundary treatment and the proposed single-storey rear projection to Plot 4 restricting views over the main usable outdoor space proposed to the immediate rear of Plot 4. Whilst views from No.8 may be afforded over the remainder of the outdoor space, the angle of any overlooking and distances would not be unreasonable in this built environment where an element of mutual overlooking is common.
16. Views of the front of the proposed dwellings would be possible at close quarters from Bugdens Lane. However, any such views would be of the fronts of the dwellings behind boundary planting. In addition, the lane is a no-through road for vehicles and relatively wide in nature with the proposed dwellings benefitting from private living and outdoor space to the rear. In a residential environment such as this, an element of mutual overlooking and vehicle noise from access roads towards front elevations is to be expected. The distance to dwellings on the opposite side of the lane would adequately prevent any harmful levels of overlooking.
17. As a result, I conclude therefore on this issue that the proposal would not unacceptably harm the living conditions of neighbouring occupiers or future occupiers of the proposed development with regard to loss of privacy and outlook. As such, the proposal complies 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

18. 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 associated 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.

19. I note that Policy LN2 of the LP and the Framework seek to maximise density and the optimal use of land. However, these matters do not outweigh the harm I have identified above in terms of the effect on the character and appearance of the area.
20. I have taken into account all the other matters raised in the representations, including the draft conditions which could have been suitable had a grant of planning permission been appropriate, but do not find that they alter my conclusions on the main issues in this case.

Conclusion

21. Although I have found no harm in terms of the living conditions of neighbouring occupiers and future occupiers with particular regard to privacy and outlook, this particular proposal causes material harm to the character and appearance of the area. In my view, that is the prevailing consideration, and the proposal should be regarded as being in conflict with the development plan, when read as a whole.
22. Material considerations, including the Framework do not indicate that the proposal should be determined other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude the appeal should be dismissed.

C Rose

INSPECTOR