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# Appeal Decision

Site visit made on 24 February 2023

by **L McKay MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 26 June 2023**

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**Appeal Ref: APP/D1265/D/22/3311056**

**5 Cresta Gardens, West Parley, Dorset BH22 8LY**

- 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 and Mrs Susie Guest against the decision of Dorset Council.
  - The application Ref P/HOU/2022/02167, dated 2 April 2022, was refused by notice dated 31 October 2022.
  - The development proposed is described on the application form as 'Roof extension including side gables and rear dormer. Two storey rear extension.'
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The proposal was amended during the application process. Both sets of proposed drawings have been provided with the appeal, revisions A and B. The Council's officer report and decision notice refer to the revision B drawings. These show the proposed roof with a half-hipped form, rather than the gables set out in the description. For the avoidance of doubt, I have determined the appeal on the basis of the revision B drawings.
3. During my site visit I viewed the appeal site from the properties at 158 and 160 Golf Links Road and saw those properties from the upstairs rear windows of No 5.

## Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the host property and the area and on the living conditions of the occupiers of 158 and 160 Golf Links Road with particular regard to privacy.

## Reasons

### *Character and appearance*

5. The appeal site is a detached dormer bungalow located at the end of a cul-de-sac. The other properties in the road are all bungalows of similar modest scale, with a variety of roof designs. The parties advise that the site is within the New Road Area Special Character Area (SCA), where large plot sizes and extensive treescape are some of the most important elements of the area.
6. Policy HE2 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy (adopted April 2014) (CS) requires the design of development to be of a high quality, reflecting and enhancing areas of local distinctiveness. It further

- requires that in SCAs development must respect the identified features and characteristics.
7. The proposal would increase the bulk and scale of the roof when seen from the road, but this would not be out of keeping in the cul-de-sac, given the existing variety. The height would still be similar to neighbouring properties and the half-hipped roof would maintain space to the boundaries at roof level.
  8. The proposed two storey rear extension would extend across most of the width of the host property and project well into the rear garden, close to the boundary. It would have a large expanse of flat roof with a small pitch around the edges (referred to as a 'crown roof'), level with the main ridge. The pitched section of roof would be small relative to the considerable expanse of wall beneath, resulting in very different proportions to the existing bungalow, where the roof comprises most of the height of the building.
  9. Consequently, the proposed rear extension would appear disproportionately large and bulky and would dominate the rear of what is currently a modest dormer bungalow, harming its character and appearance. The scale, massing and height would not be consistent with either the host property or neighbouring bungalows in Cresta Gardens.
  10. Although the size of the proposed rear extension would not be readily appreciated from Cresta Gardens, it would be clearly apparent from within the site and from neighbouring properties. It would also reduce the sense of spaciousness at the rear of the bungalow, which currently only has a single storey projection.
  11. While properties in Golf Links Road are two storeys high, they are generally well-proportioned and have a very different character to the modest bungalows which are characteristic of Cresta Gardens. Therefore, their presence does not justify an unsympathetic two-storey extension on the appeal site.
  12. For the reasons set out above, the rear extension would harmfully change the modest form and scale of the existing bungalow and would not be compatible with, or improve its surroundings, in terms of its scale, bulk and architectural style. Therefore, it would harm the character and appearance of the host property and the immediate area.
  13. The proposal would not affect the spacious size of the plot, and the potential impact of construction on nearby trees could be mitigated by planning condition. It has not therefore been demonstrated that the proposal would harm the identified features and characteristics of the wider SCA.
  14. Accordingly, the visual harm from the proposal would be limited. Nonetheless, for the reasons set out above it would not represent high quality design. It would therefore conflict with CS Policy HE2 and the National Planning Policy Framework (Framework) insofar as they require development to achieve good design.

#### *Living conditions*

15. Little of the garden of No 158 is overlooked by neighbours due to the mature evergreen trees along the boundaries and the siting of No 156 further back into its plot. The two existing rear bedroom windows of No 5 were visible at a distance from parts of the garden through a sizeable gap in the trees along the

boundary. However, looking out of those windows in No 5 only small parts of the garden were visible due to the separation distance and presence of an outbuilding under construction.

16. Views between the proposed dormer window of Bed 4 and the garden of No 158 would be partly screened by the trees. However, the two rear windows proposed for Bed 2 would be much closer to the boundary than the existing windows, with views through the gap in the trees towards the garden of No 158. Due to its low roof, the outbuilding in that garden would only screen small areas of the garden from view from these closer windows. Consequently, the proposal would result in significantly more of the garden of No 158 being overlooked than at present, resulting in a harmful reduction of privacy for those using that garden.
17. Due to mature vegetation on the boundaries, the garden of No 160 is a private and enclosed space with very little overlooking from any neighbours. The trees and relative angles meant there was little intervisibility between that garden and the dormer windows of No 5.
18. The proposed window for Bed 4 would be closer to the boundary than the existing rear windows but far enough from the dwelling at No 160 to prevent harmful overlooking between windows. From the garden the dormer would be seen at an angle and some screening would be provided by the trees, however its very close proximity would lead to a perception of overlooking for people using the garden of No 160.
19. The proposed windows for Bed 2 would also be significantly closer to the boundary than the existing dormer windows. The closest window to No 160 would be located close to a gap between the boundary trees. Consequently, it would allow those in the bedroom to see into much more of the garden of No 160 than at present, leading to a significant loss of privacy for the occupiers.
20. Although some mutual overlooking is not unusual in a residential area, the large and spacious plots and amount of vegetation in this locality mean that overlooking between properties is relatively limited. Consequently, the actual and perceived overlooking that would result from the appeal proposal would significantly and harmfully reduce the privacy of the occupiers of Nos 158 and 160 when using their gardens, to the detriment of their living conditions.
21. The dormer window to Bed 4 could be obscure glazed to reduce this impact. However, that would significantly and harmfully restrict the outlook from that bedroom, as it would be the main window and the outlook from the other small rooflights would be limited.
22. One, but not both, of the two windows of Bed 2 could be obscure glazed without significantly compromising the outlook and living conditions for the occupiers. Obscure glazing the window closest to No 160 would reduce the harm to the occupiers, but the other window would still result in significant and harmful overlooking of No 158. Obscure glazing the furthest window would not satisfactorily mitigate the harm either, as the nearest window would still overlook both neighbouring gardens. Therefore, use of planning conditions to require obscure glazing would not adequately mitigate the harm identified.

23. There are no details before me of any proposed landscaping, and it has not been demonstrated that there is enough space for planting of sufficient size to materially reduce overlooking from the proposed windows. Therefore, I cannot conclude that a landscaping condition would be necessary or reasonable.
24. The proposal would therefore harm the living conditions of the occupiers of 158 and 160 Golf Links Road with regard to privacy. Consequently, it would not comply with CS Policy HE2 insofar as it requires development to be compatible with or improve its surroundings in terms of its relationship to nearby properties, including minimising general disturbance to amenity.
25. The proposal would also conflict with the Framework, which requires a high standard of amenity for existing and future users.

### **Other Matters**

26. Occupiers do have the ability and opportunity to make use of, alter and extend their properties to adapt to changing circumstances. This should not however be at the expense of the living conditions of others. Nor has it been demonstrated that the proposal before me is the only means by which the appellants' desired accommodation could be achieved, or that it is the most sustainable option. These matters do not therefore outweigh the harm identified or justify allowing this appeal.
27. The Council advises that a bat survey would be required however it is not clear whether those details were submitted during the application. Given my findings on the main issues however, it is not necessary for me to investigate this further at this time.

### **Conclusion**

28. The proposal would harm the character and appearance of the area and the living conditions of neighbouring occupiers and would conflict with CS Policy HE2 and the Framework. There are no material considerations that outweigh the harm and justify granting permission contrary to the development plan. The appeal is therefore dismissed.

*L McKay*

INSPECTOR