



Appeal Decision

Site visit made on 20 September 2023

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2023

Appeal Ref: APP/D1265/W/23/3317091

Land at rear of 205 Littlemoor Road, Weymouth DT3 6AF

- 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 Mrs Sharon Jones against the decision of Dorset Council.
 - The application Ref P/FUL/2022/04669, dated 24 August 2022, was refused by notice dated 5 October 2022.
 - The development proposed is conversion of existing storage building into 2 nos 2 bedroom dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would provide acceptable living conditions for future occupants, with particular regard to outlook, sunlight, daylight and the provision of private amenity space.

Reasons

3. The appeal relates to a backland site within in an established residential area. The site is primarily contained by the rear gardens of surrounding dwellings, with access to the site provided from Littlemoor Road via a short covered through-fare under an existing 2-storey development containing flats, a takeaway, and a veterinary surgery. The site comprises a run of garages on its southern part, with an area of hardstanding located to the north of the garages. Further garage units face into the site from the north. The site is primarily enclosed by timber fencing and it has an existing lawful use for the storage of builder's materials (B8 use class).
4. The proposed single storey 2-bedroom semi-detached dwellings would have a symmetrical design and would face northwards onto small garden areas. Other than the northern elevation and small courtyard areas to the east and west, the building's elevations are hard against the boundaries of the site.
5. Light to, and outlook from, the bedrooms would be onto the small courtyard areas. Given the close proximity of the boundary fence and the extremely limited space between facing bedroom windows, the amount of daylight reaching the bedrooms would be severely restricted. Whilst I appreciate that bedrooms do not require as much natural light as living areas, it seems unlikely that occupiers would have views of open skies from within these rooms unless they were standing next to the window and looking upwards.

6. I have had regard to the BRE guidance referred to by the main parties and note that the large, glazed areas to the bedrooms are a design response to compensate for the limited visible sky angle. In the absence of an Internal Daylight Assessment, I am not persuaded, however, that the bedrooms would receive appropriate levels of internal illumination from natural daylight. The amount of daylight reaching the bedrooms would be further hindered by the likelihood that curtains or blinds would be required more frequently to provide privacy given the close and direct views between the bedrooms.
7. I also acknowledge that bedrooms are most commonly used during evening and sleeping times. Nevertheless, they are habitable rooms and the outlook from these rooms would be severely restricted by the close proximity of the facing building elevations and the side boundary treatments. The restricted outlook from the bedrooms would, therefore, have an adverse enclosing effect and a harmful effect on the living conditions of future occupiers.
8. The open plan living areas would be provided with daylight and sunlight through full length glazed patio doors and a single window on the northern elevation, with celestory windows located towards the rear of the property. The northern orientation of these windows would, however, limit the daylight and sunlight reaching the open plan living area. As such, in the absence of an Internal Daylight Assessment, I am not persuaded that adequate levels of internal illumination from natural daylight would be achieved within the open plan living areas. Furthermore, given the proximity of surrounding built form and the limited length of the garden areas, outlook from the open plan living areas would be harmfully constrained.
9. The appellant advises that proposed garden to dwelling A of the appeal site is, without including the space allocated to the car parking space, approximately 33 sq m. If the parking area is included it would add an additional 15 sq metres. Whilst the final layout of Dwelling A's garden area, including whether or not parking provision is included, could reasonably be secured by condition, that would not address the lack of privacy that results from the path to the adjoining dwelling crossing the garden. The garden to Dwelling A would not, therefore, provide a high quality usable private garden space. I have had regard to the size of gardens approved by the Council in developments drawn to my attention by the appellant. However, my concern in this case relates to the poor quality of the amenity space rather than its extent.
10. Overall, the proposals would not provide acceptable living conditions for future occupants by virtue of limited internal illumination from daylight, the restricted outlook from habitable rooms, and the provision of poor-quality outdoor amenity space. In consideration of these matters, the development represents an overly cramped form of development.
11. The proposals are therefore contrary to Policies ENV12 and ENV16 of the West Dorset, Weymouth and Portland Local Plan 2015. These policies, taken together, amongst other things, seek high quality design that protects the amenity of existing and future residents. It would also conflict with similar guidance contained within chapter 12 of the Framework, including paragraph 130, that advises development should create places with a high standard of amenity for existing and future users.

Other Considerations and Planning Balance

12. The dwellings would be near to facilities and would provide 2 additional dwellings representing a small contribution to the housing stock. It would also redevelop previously developed land (PDL) with a land use compatible with the surrounding private residential gardens. The Framework is clear that the use of PDL is encouraged subject to suitable opportunities existing. Due to the identified policy conflicts, the proposed development cannot be viewed to represent a suitable opportunity and only limited weight is afforded to this consideration. There is no substantive evidence before me to suggest the existing use of the site is detrimental to the living conditions of surrounding occupiers.
13. The harm identified in respect of the main issue means that the proposal would be contrary to development plan policies when read as a whole. The benefits and other considerations are of insufficient weight to justify making a decision other than in accordance with the development plan.

Conclusion

14. For the reasons given above, the appeal is dismissed.

S D Castle

INSPECTOR