



Appeal Decision

Site visit made on 2 November 2023

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th November 2023

Appeal Ref: APP/D1265/D/23/3324857

9 Dick O'th Banks Road, Crossways DT2 8BJ

- 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 Miss Denise Bunce against the decision of Dorset Council.
 - The application Ref P/HOU/2022/07975, dated 21 December 2022, was refused by notice dated 5 May 2023.
 - The development proposed is the demolition of existing rear conservatory and form new two storey rear extension.
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Preliminary matters

1. The reason for refusal on the Council's decision notice refers to the effect of the proposed dormer projection in relation to the property to the east at no. 7 Dick O'th Banks. This is clearly an error, as the property to the east that the roof addition would face is no. 11. I shall therefore consider the appeal on this basis and am satisfied that this does not prejudice the interests of any party.
2. The name and title of the Appellant differ from those given on the application form and decision notice. Nevertheless, I confirmed at my site visit that the correct version is given on the appeal form which I have therefore used in the heading above.

Decision

3. The appeal is allowed and planning permission is granted for the demolition of existing rear conservatory and form new two storey rear extension, at 9 Dick O'th Banks Road, Crossways DT2 8BJ, in accordance with the terms of the application, Ref P/HOU/2022/07975, dated 21 December 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 321 Rev C, location plan at scale of 1:1250 outlining the extension and a location plan at a scale of 1:1250 outlining the site.
 - 3) The external surfaces of the development hereby permitted shall be constructed of painted render, concrete tiles to the pitched roof and felt to the flat roof, as specified on the application form.

Main issue

4. The main issue in this appeal is the effect on the living conditions of the occupiers of the adjacent dwelling, at 11 Dick O'th Banks, with particular regard to overlooking and whether the development would be overbearing.

Reasons

5. The appeal concerns a detached dwelling. The new dormer addition at first floor level would face towards the flank of the dwelling at no. 11 where there is a window in the adjacent roof in a dormer projection but this has obscured glazing. In any event, the proposed clear glazed opening would face directly towards the roof of the property where there are solar panels rather than neighbouring amenity space. This relationship means that any overlooking of the patio immediately to the rear of the adjacent dwelling would be at a fairly oblique angle and not result in any unacceptable loss of privacy despite matters such as the elevation and proximity of the dormer addition.
6. The end of the overall rear extension would be broadly in line with the main rear wall of the dwelling at no. 11 and therefore not prominent in views from the adjacent garden. There is only a fairly minimal gap between the side of the neighbouring dwelling and the boundary fence so that there is no useable space in this position. The dormer addition would be set back significantly from the end of the rear extension. Moreover, it would not rise above the ridge of the host roof and be fairly modest in size and scale despite the flat roof. As a result of such factors, neither the dormer addition nor the overall extension would appear overbearing to the adjacent occupiers.
7. For these reasons it is concluded that the living conditions of the occupiers of the neighbouring dwelling would not be harmed. In consequence, there would be compliance with the intention of West Dorset, Weymouth and Portland Local Plan 2015, Policy ENV16, to prevent such detrimental effects.
8. The proposal would also accord with the National Planning Policy Framework (The Framework), which indicates that planning decisions should ensure that developments result in a high standard of amenity for existing users.
9. This is a case where there would be no harmful impact. The scheme would also comply with the development plan and the Framework. As a result and taking account of all other matters raised, the appeal is successful.
10. A condition specifying the approved plans is needed to provide certainty. Another requiring the facing materials to accord with those specified in the application is justified to protect the appearance of the locality. This is needed rather than a requirement to match the existing materials as the proposed painted render would not match the existing painted brickwork.

M Evans

INSPECTOR