

Appeal Decision

Site visit made on 19 December 2023

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th January 2024

Appeal Ref: APP/D1265/D/23/3328078

26 Broughton Crescent, Weymouth, Dorset DT4 9AR

- 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 Carl Butcher against the decision of Dorset Council.
 - The application, Ref. P/HOU/2023/02222, dated 12 April 2023, was refused by notice dated 20 June 2023.
 - The development proposed is a 2 storey side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed extension on the living conditions for neighbouring occupiers as regards outlook and light.

Reasons

3. The appeal scheme is for the demolition of the existing attached garage to No. 26 and its replacement with a two storey side addition. The design is a revised scheme which is acceptable to the Council as regards its appearance. However, the officer's report explains that the extension would have a significant effect on the light and outlook from two windows in the flank of No. 24.
 4. For the appellant the grounds of appeal argue that No. 24 is higher than No. 26; that the extension would remain inside the footprint of the existing garage, and that the development would keep the side footpath as separation between the two houses. The extension would also not be directly in front of the two windows.
 5. I have taken these points into account, but consider that the proximity of the proposed two storey addition to the ground floor kitchen window would be such as to be overbearing in the outlook from that room. Furthermore, as the appeal dwelling is positioned to the southwest of No. 24 I am satisfied that harm would also result from a loss of natural light to the kitchen as a result of the development.
 6. The absence of technical information from both the appellant and the Council precludes a more precise assessment on the loss of daylight and / or sunlight, but I am nonetheless satisfied that there would be an unacceptably adverse
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impact for the adjoining occupiers. This would particularly be the case as regards outlook.

7. There would also be a noticeable impact in terms of light and outlook in relation to the landing window of No. 24. However this would be less pronounced because of its higher position and also less harmful because the window is not to a habitable room.
8. I acknowledge the appellant's point that the objection has arisen after the scheme was amended from having a flat roof. However, if this refers to a flat roof at eaves level I consider that the Council would have been correct to reject this because of a harmful effect on the character and appearance of the host dwelling and the street scene of Broughton Crescent.
9. I have had regard to all other matters raised but conclude that the appeal scheme would have an unacceptably harmful effect on the living conditions for the occupiers of No. 24 Broughton Crescent in terms of outlook and light. This would be in conflict with Policy ENV16 of the West Dorset, Weymouth & Portland Local Plan 2015 and with paragraph 135f) of Government policy in the National Planning Policy Framework 2023.
10. The appeal is dismissed accordingly.

Martin Andrews

INSPECTOR

