



Appeal Decision

Site visit made on 20 February 2024

by K Jones BA (Hons) DipLA CMLI

an Inspector appointed by the Secretary of State

Decision date: 15th March 2024

Appeal Ref: APP/D1265/W/23/3326554

24A Stour View Gardens, Corfe Mullen, Dorset BH21 3TN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Steve Real of Real Properties South Limited against the decision of Dorset Council.
 - The application Ref is P/FUL/2022/07707.
 - The development proposed is the demolition of existing workshop and garage and construction of new dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission was granted in 2016¹ for three detached bungalows on the site, and a subsequent reserved matters application was approved in 2019². Although the appellant indicates that this consent has been implemented, I saw no evidence of implementation during my site visit.
3. The National Planning Policy Framework (the Framework) was revised in December 2023, and I have consulted the main parties on the changes. In this instance, I am satisfied that the revisions do not materially affect the parts of the Framework relevant to this appeal.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the living conditions of neighbouring occupiers at No 4 and No 6 Stour View Gardens, with particular regard to privacy and outlook.

Reasons

Character and appearance

5. Stour View Gardens is a long sinuous residential street, with a series of short cul-de-sac spurs leading off it. There are some distinct characters of development within the street reflecting the growth of the area over time, and

¹ 3/15/0332/OUT

² 3/19/0545/RM

a number of these contain elements of two-storey development. While these discrete areas introduce some variation into the street scene, the overwhelming majority of dwellings are bungalows. Indeed, there are several areas, including on the approach to the appeal site, that little, if any, two-storey development is apparent. I accept that two storey houses on Wimborne Road are variously visible from the local area, but the distance and orientation of these dwellings limits their contribution to the street scene of Stour View Gardens.

6. The proposed development would therefore introduce five two-storey houses into a predominantly single-storey environment. When viewed in this context, particularly from the south-west (near Nos 4 and 6) and on the approach spur from the north-west, the uncharacteristic height of the development would be a stark intrusion into the street scene. Such views would not be glimpsed, and the perception of the development would dominate this area. Sited particularly close to Nos 24A, 4, and 6, the height and massing of the proposed houses would contrast significantly with the modest scale of the bungalows. Although the appellant identifies that Plot 1 would be a one-and-a-half-storey dwelling, this is an architectural style created by lowered eaves. The physical height of the dwelling would remain that of a two-storey house, and would therefore do little to soften the appearance of the development or reduce its imposing scale.
7. An overall spacious quality is present on Stour View Gardens, with an open street scene allowing broad outward views of the sky and distant tree lines between dwellings. This quality is created by consistently low set roofs, landscaped front gardens, and a generous layout typically facilitating side parking between dwellings. This ensures that the properties are not typically viewed as terraced dwellings within the street scene. The proposed houses would be more closely spaced both in relation to one another, and to their neighbours than is typical within the local area. Parking would be primarily to the front of plots, with limited space for front gardens. This layout would cause the development to appear cramped both to external views and from within the site. The discordant height of the dwellings would also emphasise the cramped and enclosed nature of the scheme.
8. The appellant has drawn my attention to Policy LN2 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy 2014 (the Local Plan) in support of the proposed density of development. But, while this policy requires maximisation of density on all sites, this is with the proviso that it is to a level that is 'acceptable for the locality'. The minimum target density of 30 dwellings per hectare is also considered subject to local character. Policy KS2 of the Local Plan identifies Corfe Mullen as a 'main settlement', and consequently this is an area with good access to public transport, essential facilities and services, at which Policy LN2 accepts higher density developments. However, the policy is clear that this is only where the form of development would not have an adverse impact on the character of an area. In view of my reasons above, Policy LN2 does not provide support for the proposed development.
9. I have also taken into account paragraph 128 of the Framework which states that decisions should support development which makes efficient use of land. However, in doing so part d) again highlights the desirability of maintaining an area's prevailing character and setting, in which regard the scheme fails.

10. For these reasons, I therefore conclude that the proposal would result in unacceptable harm to the character and appearance of the area, resulting in conflict with policy HE2 of the Local Plan. Amongst other things, this policy requires development to be compatible with its surroundings in terms of layout, scale, bulk, and height. There would also be conflict with the Framework where at paragraph 135 it says that planning decisions should ensure that developments are sympathetic to local character, including the surrounding built environment.

Living conditions

11. Although the reason for refusal in relation to this main issue is focussed towards the impacts on privacy, the Council's delegated report and appellant's statement also refer to the 'overbearing' effect of the proposal, and therefore the outlook of neighbouring occupiers. I have considered this main issue accordingly.
12. Nos 4 and 6 Stour View Gardens are located to the south-west of the appeal site, and would have a shared rear garden boundary with proposed Plots 1 and 2. The evidence indicates back-to-back separation distances of between 14m and 17m, and a distance of 3m between the rear elevation of Plot 2 and the rear garden of No 6.
13. In relation to No 4, there would be direct views from the upper floor bedroom windows of Plots 1 and 2 towards the full rear elevation of the bungalow and across its garden area. Though there is some limited intervening vegetation, this would not substantially filter views, and the elevated windows of the new dwellings would have a clear line of sight into the private garden area and windows of the bungalow. Consequently, the separation distance of 17m would not maintain an acceptable level of privacy for the occupiers of No 4.
14. In relation to No 6, Plot 1 would be at a distance of approximately 14m. The appellant identifies that views from the upper storey bedrooms would primarily be towards the 'garage' serving No 6. It is unclear if this is a reference to the small garage/store to the rear garden (which has no obvious windows), or the side extension to the property. My observations on site indicate that the extension contains habitable rooms. Accordingly, there would be close and direct views from the upper floor main bedroom of Plot 1 towards the window of the side extension, and oblique views towards rear windows in the remainder of the dwelling. There would also be very close views from the bedroom window down into the garden of No 6. Again, with little in the way of vegetation or other screening, an elevated and clear line of sight from the new dwelling would be available, overlooking private garden space and habitable rooms. Consequently, the proposal would not maintain an acceptable level of privacy for the occupiers of No 6.
15. The rear outlook from the dwellings and gardens of No 6 and particularly No 4 would be dominated by the new houses. With little space between the new dwellings, there would be a relatively solid mass of uncharacteristically tall built form enclosing the north-eastern extents of the gardens, where currently there is open land and small outbuildings. In this context, the proposal would be imposing and unduly dominant in views from rear facing windows in the existing bungalows and from their rear gardens.

16. I have not been presented with any adopted guidance defining appropriate separation distances in this area. Nevertheless, my observations on site confirmed that with a predominance of single-storey dwellings, this is not an area in which overlooking is established or expected. Moreover, in visiting the site, I was able to view the close relationship between the appeal site and the bungalows in question. Although the appellant considers that the proposed separation distances are acceptable, there is no substantive evidence to show that these distances would be sufficient to avoid undue harm to the privacy and outlook of neighbouring occupiers.
17. The evidence provides limited detail regarding the impacts of overshadowing, though this is raised as a concern by interested parties. I am mindful that the proposed dwellings would not lie directly south of any of the closest neighbouring dwellings, and would therefore be unlikely to result in significant overshadowing.
18. Nevertheless, for the reasons outlined above, I conclude that the proposal would result in undue harm to the living conditions of neighbouring occupiers at No 4 and No 6 Stour View Gardens, with particular regard to privacy and outlook. This harm would conflict with Policy HE2 of the Local Plan. Amongst other matters, this policy seeks to minimise disturbance to amenity. There would also be conflict with the Framework where it seeks developments which create a high standard of amenity for existing users.

Other Matters

19. I note the concerns raised by some local residents over the legal ownership of a strip of land near the entrance to the site, along with rights of access across it. This is a legal matter between the parties and falls outside my jurisdiction.
20. The appeal site is located within 5km of the Dorset Heathlands, containing several international designations including the Dorset Heaths Special Area of Conservation and the Dorset Heathlands Special Protection Area. The Heathlands host protected priority habitats, and species including Dartford warblers, nightjars, sand lizards and smooth snakes, as well as other typical species of lowland heathland, wetlands and dunes.
21. In accordance with Policy ME2 of the Local Plan and the Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (the SPD), additional residential development within these areas is likely to have a significant effect on the Dorset Heathlands. While the SPD provides a mechanism to secure mitigation by legal agreement, no details of such an agreement have been submitted with the appeal. Nevertheless, as I am dismissing this appeal on other grounds, this is not a matter which needs to be considered further here. Even if I were to find that mitigation were necessary, secured and delivered, this would constitute a neutral matter and have no bearing on my decision.

Planning Balance

22. I have found that the proposed development would conflict with Policy HE2 of the Local Plan. On that basis, although the proposed development may not conflict with other policies of the development plan, I consider that the proposal would conflict with the development plan when read as a whole.

23. In its officer report, the Council accepts that it cannot currently deliver a 5-year housing land supply, and so paragraph 11d) of the Framework is engaged. The evidence does not indicate that areas or assets of particular importance³ provide a clear reason for refusing the development, and the proposal therefore falls to be considered under paragraph 11 d) ii. In these circumstances, this sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
24. In the context of the Government objective to significantly boost the supply of homes, five dwellings would make a small contribution towards the provision of housing in the area. The scheme would also make a more effective use of the site by increasing the number of units. There would likely be some short-term employment opportunities and economic benefits during the construction phase, and future residents would support nearby services and facilities. However, given the modest quantum of development, and having regard to the extant consent for three dwellings on the same site that would no longer be delivered, I afford these benefits limited weight.
25. The Council indicates that the proposal would not result in unacceptable harm in respect of matters including highway safety, drainage, trees, and biodiversity. Though I note a number of local objections relating to highway safety and drainage in particular, I have not been presented with any substantive evidence to lead me to reach a different conclusion to the Council on any of these points. However, the absence of harm in these matters is neutral in the planning balance, and does not carry weight for or against the proposal.
26. Meanwhile, the proposal would result in an incongruous form of development, failing to maintain a high standard of amenity for existing occupiers, and failing to create a scheme that is sympathetic to local character. The adverse impacts of the development resulting from the harm to neighbouring living conditions and the character and appearance of the area would significantly and demonstrably outweigh the modest benefits of the proposal when considered against the policies of the Framework as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

27. For the reasons given above, I find that the proposal conflicts with the development plan when read as a whole. Material considerations, including the provisions of the Framework, do not indicate that a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

K Jones

INSPECTOR

³ See footnote 7 of the Framework