



Appeal Decision

Site visit made on 23 January 2024

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 APRIL 2024

Appeal Ref: APP/D1265/D/23/3329072

44 Sandy Lane, Upton, Dorset BH16 5LX

- 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 Mr Dan Rimini against the decision of Dorset Council.
 - The application Ref P/HOU/2023/00474, dated 25 January 2023, was refused by notice dated 14 July 2023.
 - The development proposed was originally described as "Rear Extension, internal alterations and new rooms in a roof."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form. The Council's description and that used in the appeal form is to 'Construct new higher roof with accommodation within, construct rear extension and internal alterations. Construct new garden store.' This better describes the proposal before me.
3. A revised National Planning Policy Framework (the Framework) was published on 19 December and updated on 20 December 2023. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the matters relied on by the main parties are unchanged. Therefore, I did not need to consult with the main parties regarding the revised Framework and in determining this appeal, I have had regard to the most recent version.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. Sandy Lane is a residential street in the town of Upton. The appeal site is on the side of the road predominated by bungalows. The opposite side of the road mainly comprises two storey buildings punctuated by bungalows. The dwelling has been subject to a previous alteration in the 1980s following the granting of planning permission for a flat roof dormer to create two bedrooms in the roof space¹.

¹ Planning application reference 6/80/783

6. The site sits in a row of three bungalows that, despite their differing roof heights and forms, share similar characteristics in terms of their individual front door, bay windows and hipped roof all facing on to Sandy Lane. The proposal would see the front door and bay windows retained in their current positions on the building. However, the hipped roof would be replaced with a gable roof and the gable end would face on to the road instead. This would result in a marked visual change within the street scene.
7. However, there are other examples of properties along Sandy Lane that have gable ends facing on to the road. Although I acknowledge that they are dotted along the road and not a predominant feature of the street scene, it also needs to be recognised that the street scene has a notably diverse range of house styles. As such, a proposed change of the roof shape from a hipped roof to a gable roof would not form an incongruent change in the street scene on its own, and therefore, in principle, this alteration may not materially harm the character and appearance of the area.
8. However, the existing footprint of this property results in the proposal presenting a very substantial width to the gable end. Furthermore, as a result of raising the eaves level, a significant gap between the top of the windows on the ground floor and that level would also be established. While the orientation of properties here varies, a prevailing feature of the gable roofed dwellings on Sandy Lane is that the width of the gable is substantially narrower than that proposed here. Furthermore, the window lines sit tightly in relation to the eaves, setting out a compact and contained character to the dwellings. Here, that spacing would be materially enlarged, which, along with the significant gable width would create a massing and bulk materially in contrast to its immediate neighbours and to other similar gable fronted properties along the street. Moreover, changes in the external wall material generally takes place above eaves level, typically within the confines of the gable. This proposal would see the external wall material change at a level significantly lower than the eaves level. As such, the form and material finish of the proposal would not be in keeping with similar built form on Sandy Lane.
9. Overall, I consider that the proposed changes to the front elevation and associated increased ridge and eaves heights, would result in an incongruous form, out of character even within the relatively mixed nature of the bungalow development along Sandy Lane. As such, I consider it would be harmful to the character and appearance of the area.
10. I have been referred to numerous planning permissions that have been granted in relation to properties on Sandy Lane². For some, such as 18 Sandy Lane, it would appear there have been similar proposed changes from hipped to gable form. However, I have not found an issue with the hipped roof of the appeal dwelling being changed to a gable roof and the referenced permissions do not sufficiently demonstrate a proliferation of wide gable ends and high eaves levels on Sandy Lane. 28 Yarrells Lane, which was also noted by the Council, sits within a corner plot, orientated to a road running perpendicular to Sandy Lane, while 68 Sandy Lane, where eaves levels would also appear to have been raised, sits within a different context, with adjacent two-storey properties. While this is not a comprehensive review of all possible developments, I have considered these schemes, and was able to view the properties along Sandy

² Including planning application references P/HOU/2022/03608, P/HOU/2023/01160, 6/2021/0024, 6/2020/0579 and 6/2011/0170

Lane within their context during my site visit. Overall, I consider that these permissions do not justify the harm that would be caused by the proposed development and, in any event, I am considering the appeal on its own individual merits.

11. For these reasons, I conclude that the proposed development would harm the character and appearance of the area. Consequently, the proposal would conflict with Policy D of the Purbeck Local Plan Part 1 (Adopted November 2012), which seeks, in part, for development to positively integrate with its surroundings. The proposal would also conflict with the Framework, insofar as it seeks to ensure that development is visually attractive as a result of good architecture and layout, and sympathetic to local character, including the surrounding built environment.

Other Matters

12. The proposed development would result in improved living conditions for the occupiers of the dwelling. However, this is a private benefit that does not outweigh the conflict with the development plan identified above.
13. Neither the Council nor the appellant have commented in detail on the proposed garden store, other than the appellant's suggestions that the Council raised no objection to it.

Conclusion

14. For the reasons given above, the proposed development would conflict with the development plan, when taken as a whole. It also conflicts with the Framework and other material considerations do not indicate that I should make a decision otherwise than in accordance with the development plan. Accordingly, I conclude that the appeal should be dismissed.

K Reeves

INSPECTOR