



Appeal Decision

Site visit made on 7 March 2024

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2024

Appeal Ref: APP/D1265/D/24/3336894

The Warren, Deans Grove, Wimborne, Dorset, BH21 7AE

- 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 Andrew Palmer against the decision of Dorset Council.
 - The application Ref P/HOU/2023/05274, dated 12 September 2023, was refused by notice dated 16 November 2023.
 - The development proposed is the erection of a carport.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a carport at The Warren, Deans Grove, Wimborne, Dorset, BH21 7AE in accordance with the terms of the application Ref P/HOU/2023/05274, dated 12 September 2023, subject to the conditions set out in the attached Schedule.

Preliminary matters

2. The site lies within the South East Dorset Green Belt (GB) and the Burts Hill Conservation Area (CA).

Main issues.

3. These are: (a) whether the outbuilding is inappropriate development within the GB, and (b) whether the proposed development would preserve or enhance the character or appearance of the CA.

Reasons

Whether inappropriate development

4. The Framework¹ establishes that the construction of new buildings in the GB should be regarded as inappropriate unless one of the specified exceptions applies. These include the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building.
5. The Council has not cited a development plan policy in its sole reason for refusal but relies on the provisions of the Framework. However, Policy KS3 of the Christchurch and East Dorset Local Plan Part 1 - Core Strategy (CEDLP) sets out the most important purposes of the GB which are directed to protecting its openness and the physical identity of individual settlements.

¹ The National Planning Policy Framework

6. The carport would be built within the garden of the dwelling but separated from the host property. In view of its intended use and siting in relation to the main dwelling, the structure would in my view be appropriately treated as a domestic adjunct. The Council took account of recent case law² in its decision but considered that the proposed structure was sited too far away from the host property to be properly regarded as an addition or extension. In the context of the facts of the *Warwick* case, I do not share that view. It would be perceived as being in the same visual plane and relatively close to the original building at about 7m distant.
7. The main dwelling has been extended before. The officer report on the most recent permission granted accepted that the extension was modest in size and not a disproportionate addition. No empirical guidance is provided in either the Framework or development plan as to what may be regarded as a disproportionate addition. Considering its modest size and that the proposed structure would be open on three of its sides and would not therefore comprise a solid mass, I do not view the proposed car port as being a disproportionate addition to the original building, taking account of previous additions.
8. I therefore conclude that the proposal would not amount to a disproportionate addition to the original building and it would not comprise inappropriate development within the GB. Because of this, the building would not prove harmful to openness or to any of the purposes of the GB. Neither would it conflict with the principal purposes of the GB as set out in CEDLP policy KS3.

Conservation Area

9. On being consulted on the proposal the Council's Design and Conservation Officer said:

The location, height, scale, materials, and design of the new car port will not detract from the character of the building or appear overly dominant on the plot.... the new building will be largely screened from the lane behind mature boundary planting.... the works will not harm the character and appearance of the conservation area or the setting of the neighbouring heritage assets.

10. The Council adopted her advice and guidance and I fully concur with her assessment. The car port would barely be visible from the highway or other public vantage points because of the screening effect of trees and other vegetation, even in winter before re-foliation has taken place. In view of its secluded position and well screened siting, the car port would have little or no impact on the local scene so that the character and appearance of the CA would be preserved.

Conditions

11. Having regard to my conclusions on the two main issues the appeal shall be allowed. The Council has suggested the imposition of certain conditions.
12. In the interests of certainty, a condition identifying the approved plans is imposed. In the interests of visual amenity, three further conditions are imposed: in respect of materials, albeit that it shall vary from that suggested

² *Warwick District Council v Secretary of State for Levelling Up, Housing And Communities* [2022] EWHC 2145 (Admin)

by the Council; one directed to protect trees and lastly, one directed to retaining the car port as an open structure.

Other matters

13. I have considered all other matters raised in the representations, including the views of the Parish Council, but none is of such strength or significance as to outweigh those considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

SCHEDULE OF 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: Drawing Nos 18052 02B & 18052 04.
- 3). The materials to be used in the construction of the car port hereby permitted shall be those specified on approved drawing Ref 18052 04.
- 3). The tree protection measures set out in the report prepared by Mark Hinsley Arboricultural Consultants Ltd, dated 8 September 2023 and shown on the associated Site Plan shall be strictly adhered to at the commencement of and throughout the construction period.
- 4). Once completed in accordance with the approved plans the car port hereby permitted shall not be altered or modified other than with the prior permission of the local planning authority.