

Appeal Decision

Site visit made on 13 February 2024

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2024

Appeal Ref: APP/D1265/D/23/3330249

11 Wesley Road, Wimborne BH21 2PG

- 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 J Rutter against the decision of Dorset Council.
- The application Ref is P/HOU/2022/07690.
- The development proposed is raise roof to form a two-storey dwelling with attached garage and covered walkway.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The submitted Location Plan¹ and Site Plan² both indicate that 2 trees are to be felled at the appeal site. However, the submitted Arboricultural Impact Assessment³ (AIA) states that no trees are proposed to be removed, and this is reflected in the submitted Tree Constraints and Tree Protection Plan⁴. As this matter does not involve a fundamental change to the application, and local residents have had the opportunity at application stage to comment on the contents of the AIA thereby ensuring that no procedural unfairness has occurred and noting that the Council determined the application on the understanding that no trees are proposed to be removed, I have considered this appeal on the same basis as the Council.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of 15 Wesley Road (No 15), with particular regard to privacy.

Reasons

Character and appearance

4. The appeal site comprises 11 Wesley Road (No 11), a modestly sized bungalow situated on a prominent corner plot in an attractive residential area. The part of No 11 which contains the lounge is subservient to the rest of the dwelling,

¹ Drawing No. 4371-01 (Rev. C)

² Drawing No. 4371-02 (Rev. C)

³ Arboricultural Impact Assessment (AIA) and tree protection (Richard Nicholson) (16 February 2023) (Ref: 355.1/AIA/AMS/1)

⁴ Drawing No. RNaPC/355.1/TCP-TPP/2

which assists in reducing its overall bulk and massing. Two mature tall oak trees are present in the garden to the east of No 11. These oak trees form part of a line of trees protected by a Tree Preservation Order which stretch beyond the site to the south, which as a group significantly contribute to the verdant nature of the area.

5. 15 Wesley Road (No 15) and 25 Wesley Road (No 25) are both 2-storey detached dwellings, and other 2-storey dwellings are also present in the local area. Even so, due to its siting near to the brow of the hill, although No 11 is a bungalow with a modest height and massing, it appears visually congruent with nearby dwellings, including with respect to its overall height. No 11 also appears visually in-keeping with the mostly low-lying dwellings present near the carriageway on the south side of Wesley Road which lead from Beaucroft Lane towards the site.
6. The proposed development would however introduce a marked increase in the eaves and ridge height of No 11, and the subservient feature of No 11, referred to above, would be lost. As a 2-storey detached dwelling in a prominent location in the street scene, it would unduly visually dominate nearby dwellings, including Nos 15 and 25. No 11 as extended would also obscure a greater proportion of the nearby line of oak trees than is currently the case, thereby compromising their contribution to the verdant nature of the area, referred to above.
7. Overall, although No 11 as extended would appropriately incorporate a pitched roof, the proposed development would result in a dwelling which would be unduly large in its context, due to the substantial increase in height and massing caused by the proposed works. Harm to the character and appearance of the area would thereby result.
8. I therefore find that the proposed development would have an unacceptable and harmful effect on the character and appearance of the area. It would conflict with Policy HE2 of the Christchurch and East Dorset Local Plan: Part 1 - Core Strategy (adopted 2014) (Core Strategy) which provides that, amongst other things, development will be permitted if it is compatible with or improves its surroundings in terms of its visual impact, height, bulk and scale.
9. The proposed development would also conflict with paragraph 135 c) of the National Planning Policy Framework (the Framework) which provides that, amongst other things, planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Living conditions

10. No 15 is set at a lower level than No 11. I observed that several of the rear-facing windows at No 11 are visible from the patio and much of the rear garden at No 15. The terrace area adjacent to the existing lounge at No 11 provides views towards the rear of No 15, albeit the shrubbery close to the boundary fence with No 15 reduces the available views somewhat. Hence, users of the patio and the rear garden at No 15 currently experience the perception of being overlooked at fairly close quarters.

11. The proposed development would extend the existing walkway which runs along the rear of No 11. Although the extended area would provide access to the rear garden at No 11, as it would be situated directly adjacent to the proposed dining / family area, with sliding doors providing easy access to and from the newly-extended area, and taking account of its size which would not be dissimilar to the size of the terrace area adjacent to the lounge at No 11 as extended, it is feasible that this extended area would be used for siting out / recreation.
12. In these circumstances, with the extended area being situated so close to the boundary with No 15 and being in an elevated position relative to the patio and the rear garden at No 15, the perception of being overlooked, referred to above, would be considerably exacerbated. This would make the patio and the rear garden at No 15 much less pleasant to use. Harm to the living conditions of the occupiers of No 15 would thereby result.
13. I therefore find that the proposed development would have an unacceptable and harmful effect on the living conditions of the occupiers of No 15, with particular regard to privacy. It would conflict with Policy HE2 of the Core Strategy which provides that, amongst other things, development will be permitted if it is compatible with or improves its surroundings in terms of its relationship to nearby properties including minimising general disturbance to amenity.

Planning Balance

14. The proposed development would provide enhanced living accommodation, to the benefit of the appellant. Nevertheless, this would mainly be a private benefit, and accordingly merits little weight in favour of the proposed development.
15. As a matter of planning judgement, I find that the matters advanced in support of the proposed development, do not, either individually or collectively, outweigh the harm identified on both main issues, nor the conflict with the development plan identified. Similarly, none of the other considerations, which include the provisions of the Framework, indicate that this appeal decision should be taken otherwise than in accordance with the development plan.

Conclusion

16. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR