



Appeal Decision

Site visit made on 23 April 2024

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 May 2024

Appeal Ref: APP/D1265/W/23/3334064

Land Between 478-480 Chickerell Road, Chickerell, Dorset DT3 4DH

- 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 Paul, Kelly and Rob Turner against the decision of Dorset Council.
 - The application Ref is P/FUL/2023/02545.
 - The development proposed is new dwelling incorporating garage and car barn.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Paul, Kelly and Rob Turner against the decision of Dorset Council. This application is the subject of a separate Decision.

Main Issues

3. 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 future occupiers of the dwelling with regard to the provision of outdoor space.

Reasons

Character and Appearance

4. The immediate area surrounding the appeal site is characterised by detached and semi-detached dwellings of a considerable size fronting roads with generally open and undeveloped rear gardens. Some nearby properties benefit from detached single-storey garages. From neighbouring dwellings, views of the site in combination with adjoining gardens provide a generally open outlook.
5. The provision of a dwelling comprising floorspace above garages to the rear of the existing dwellings would represent a form of development that would be out of keeping with the prevailing pattern of residential dwellings and neighbouring buildings immediately surrounding the site. The impact would be amplified by reason of a combination of its height and close relationship to site boundaries that would increase the prominence of the building. The proposal

- would therefore result in a development incongruous in its setting and appearing out of character when viewed from the neighbouring dwellings.
6. The proposal provides suitable access, with adequate floorspace and appropriate materials. However, the position of the dwelling close to its boundaries, immediately fronting the turning area and enclosed by fencing within a plot, and with outdoor space that would be significantly smaller than that in the prevailing vicinity would not reflect or enhance the wider area. It would result in a stark form of development. Although the proposal would increase housing density on the site, it would result in harm to the prevailing plot size. Whilst the proposed dwelling would be set back within the site, by reason of its height it would be visible down the access serving the dwelling contrary to the prevailing street scene.
 7. I recognise that a number of outline planning permissions and reserved matters have been granted for the construction of dwellings between No's 478-480 Chickerell Road, but they are not directly comparable to the appeal proposal as they directly face Chickerell Road more closely following the established built form and building line comprising larger plots with front and rear amenity space. I further recognise that dwellings have been granted to the rear of these dwellings off the proposed private drive. However, from the information before me these dwellings are single-storey and sit within larger plots. As a result, the appeal proposal would be more prominent and incongruous.
 8. I have also had regard to the previous consents for garage blocks on the appeal site. However, the garage blocks did not comprise a full upper floor with a number of windows and would have been ancillary to a dwelling. As a result, they are not directly comparable to the appeal proposal. Furthermore, I am required to consider the appeal on its merits.
 9. I acknowledge that the site is not required as part of any other approved development and could be completely separated from the remainder of the site, but this does not in itself justify the proposal.
 10. The appellant has drawn my attention to Policy ENV15 of the West Dorset, Weymouth and Portland Local Plan 2015 (LP) that relates to the efficient and appropriate use of land. However, this policy states that optimising the potential of a site and making an efficient use of land is subject to the limitations inherent in the site and impact on local character. As I have found above that the proposal would harm the character and appearance of the area, it does not find support from Policy ENV15 due to the impact on local character.
 11. The appellant has also drawn my attention to the Design and Sustainable Development Planning Guidelines Supplementary Planning Document (February 2009) (SPD). However, I do not find that the proposal complies with the SPD as it fails to maintain and enhance local character for the reasons stated above.
 12. In conclusion in relation to this matter, the development would harm the character and appearance of the area. As such, it would conflict with the relevant provisions of Policies ENV10 and ENV12 of the LP and Policy CNP11 of the Chickerell Town Neighbourhood Plan 2019-2036 (NP). Amongst other things, these seek to ensure that development proposals positively contribute to the maintenance and enhancement of local identity and distinctiveness, be informed by the character of the site and its surroundings, ensure the general

design is in harmony with adjoining buildings, and retain and include gardens to promote a generally 'green feel' to streets and spaces within the built-up areas. For the same reasons the proposal would be contrary to Section 12 of the National Planning Policy Framework (the Framework) that seeks to achieve well-designed and beautiful places.

Living conditions

13. As mentioned above, the dwelling is proposed in very close proximity to the rear and side boundaries of the site. As a result, the only functional outdoor space is limited to one side of the dwelling.
14. Policy ENV11 of the LP states that development should provide private amenity/garden space, and further states that it should be appropriate to the use proposed. Supporting text to that policy at paragraph 2.3.13 states that outdoor space should be usable. This is supported by Policy ENV16 of the LP that states that proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing residents and future residents.
15. Although I have found above that the proposal would not be appropriate to the character of the area, the outdoor space in itself would be enclosed, private and adjoin gardens to neighbouring properties. While I acknowledge its roughly triangular shape and changing levels, the space is large enough to accommodate a BBQ, seating area and separate grassed area as illustrated on the proposed ground floor plan¹. As a result, and in the absence of any minimum standards for the provision of outdoor space as confirmed within the SPD, it would be usable, quiet and appropriate for this one-bed property.
16. For these reasons, I conclude that the proposed outdoor space would not have a harmful effect on the living conditions of future occupiers of the dwelling with regard to the provision of outdoor space. As such, it complies with the relevant provisions of Policies ENV11 and ENV16 of the LP.

Other Considerations

17. I have had regard to the references and details related to a number of plots, including those for flats above garages, on the 'Fry's development'. However, these are a considerable distance from the site set within a different, and newly planned context and as a result the area has a very different character to the appeal site and is not directly comparable.
18. I have also had regard to the proposal aiding natural surveillance of the area reducing opportunities for crime. However, the area is already overlooked by a number of properties and would be further overlooked if the consented dwellings referenced above were to be constructed.
19. I have taken into account that the proposal would not harm the living conditions of neighbouring occupiers, not harm any trees or ecology, would benefit from a suitable access and car parking, would decontaminate the land and would generate CIL contributions. However, as these are requirements of local and national planning policy and guidance and would mitigate the impact from the development, they are neutral in my consideration.

¹ Drawing No.482/04A

20. The proposed development would provide an additional dwelling within the defined development boundary for Chickerell, create jobs during construction with future occupiers spending money in the area contributing to the provision of local services and infrastructure and generating Council Tax, New Homes Bonus and other economic benefits. Nonetheless, given the small scale of the proposal, these benefits would be limited and as a result I give them limited weight.
21. The site falls within the 5km buffer zone surrounding the Chesil Beach and the Fleet Special Area of Conservation, Special Protection Area and Ramsar Site. However, as I am dismissing the appeal for other reasons, I do not need to consider this matter or the related duties under the Conservation of Habitats and Species Regulations 2017 further.

Conclusion

22. Although I have found no harm with regard to the provision of outdoor space, the proposal would harm the character and appearance of the area. In my view, this is the prevailing consideration, and the proposal should be regarded as being in conflict with the development plan, when read as a whole.
23. Material considerations, including the Framework do not indicate that the proposal should be determined other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude the appeal should be dismissed.

C Rose

INSPECTOR