



Appeal Decision

Site visit made on 4 June 2024

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2024

Appeal Ref: APP/D1265/W/24/3338256

10 Manor Road, Dorchester, Dorset DT1 2AU

- 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 and Mrs Beavis against the decision of Dorset Council.
 - The application Ref is P/FUL/2023/04329.
 - The development proposed is described as severing the rear garden and erecting a bungalow with associated access and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans were submitted with the appeal and these provide more detail on landscaping and correct minor labelling errors. There is no substantial difference to the scheme which was considered by the Council and to my mind, this does not fundamentally change the development. I conclude that consideration of these amended drawings would not ultimately result in a different application and therefore no parties have been unfairly disadvantaged by my acceptance of these drawings.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The living conditions of future occupants with particular reference to outdoor amenity space;
 - The living conditions of existing occupants with particular reference to vehicular movements; and
 - The character and appearance of the area.

Reasons

Living Conditions Future Occupiers

4. The proposed 3-bedroom dwelling would have a generous footprint to plot ratio and 4 'zones' of outdoor amenity space are proposed within the appeal site. Proposed zones 1 and 4 would be modest in size. Zones 2 and 3 would be longer than zones 1 and 4 but would be narrow in their proposed width.
5. I have not been directed to any adopted minimum standards for outdoor space, therefore each case should be assessed on their own merits. The proposed zones could be used at different times to enjoy the position of the sun as it

changes. However, these zones would not be coherently linked to each other and would in practice serve as individually discrete spaces limiting their collective use. Each zone would also be constrained by either being narrow in width or limited in size. This layout would unacceptably constrain space to enjoy important outdoor activities such as children's play, private entertaining or sitting out. The limited nature of these proposed private spaces would therefore not meet the reasonable needs of future occupiers.

6. As a result, the proposed development would not provide acceptable living conditions for future occupants with particular reference to outdoor amenity space. The proposal would unacceptably conflict with the relevant provisions of Policy ENV16 of the West Dorset, Weymouth & Portland Local Plan 2015 ("the Local Plan") and the National Planning Policy Framework ("the Framework"). These, amongst other things, address the need for high quality design which respect the living conditions of residential occupiers.

Living Conditions Existing Occupiers

7. The proposed access would be sited close to 10 Manor Close. As vehicles turn off Manor Road, vehicular headlights would sweep across windows of No 10. Vehicles would also pass close to No 10 and 12 Manor Road as they enter and leave the appeal site.
8. There is no documented reason before me to suggest proposed vehicle movements to and from the appeal site would not be commensurate with the normal occupation of a 3-bedroom dwelling. While there would be some noticeable light and sound from vehicles passing Nos 10 and 12, given the limited likely frequency of these movements, it has not been robustly shown that unacceptable harm to the living conditions of the existing occupiers of these dwellings would occur.
9. Third parties have raised concern about air quality, however, it has not been clearly demonstrated how the proposed development would adversely impact upon air quality. The Council did not object on these grounds and there is no substantive evidence before me to disagree with the Council's findings in this respect.
10. As a result, the proposed development would provide acceptable living conditions for existing occupants with particular reference to vehicular movements. The proposal would comply with the relevant provisions of Policy ENV16 of the Local Plan and the Framework. These, amongst other things, address the need for high quality design which respect the living conditions of residential occupiers.

Character and Appearance

11. 10 Manor Road comprises a two-storey dwelling with a deep rear garden area. The proposed dwelling would be located to the rear of No 10 and there are examples of infill and back land development within the locality including some properties in Barnes Way and Herringston Road¹.
12. The dwellings to the rear of this part of Manor Road are accessed from Barnes Way. This is different to the appeal property which would be accessed from Manor Road. However, there is back land development in nearby Herringston

¹ Examples as set out in section 5 of the appellant's Appeal Statement.

Road particularly Nos 7 and 38 which has a similarity to the proposed development. These existing dwellings preserve the prevailing pattern of development, predominantly due to layouts which restrict views to limited glimpses in between frontage dwellings.

13. The proposed single storey dwelling would have a generous footprint, be of contemporary design and sited behind No 10. While this would be a departure from the prevailing character of this part of Manor Road, well designed places do not necessarily need to copy their surroundings. The proposed dwelling would be largely screened by existing buildings when viewed from the Manor Road street scene with occasional glimpses between the buildings.
14. Additionally, the mixed character of Barnes Way, which includes bungalows and two storey dwellings in combination with existing screening along the boundary would also ensure the proposed development responds to the sense of place and character of Barnes Way.
15. There is mature vegetation and trees present within and around the site and these contribute to the verdant character and appearance of the area. The proposed drawings show the retention of most trees with only lower quality trees removed. If this appeal was acceptable in all other regards, a landscaping condition could be imposed to further soften any effects of the proposed dwelling.
16. I acknowledge that spaces around the existing buildings of Manor Road are not currently used to access dwellings to the rear. However, the proposed hardstanding would not depart from the established local identity and distinctiveness of the area given the presence of frontage hardstanding elsewhere. The increase in movements associated with one 3-bedroom dwelling would be unlikely to give rise to a perceptible, or indeed material change in terms of character and appearance of the wider area.
17. For the reasons as set out above, the proposed development would preserve the prevailing pattern of development along the frontage of Manor Road and Barnes Way, relating positively to adjoining buildings. The appeal scheme would therefore have an acceptable effect on the character and appearance of the area complying with the relevant provisions of Policies ENV10 and ENV12 of the Local Plan and the Framework. These, amongst other things, seek to promote high quality design which responds to local distinctiveness and legibility of place.

Planning Balance

18. The proposal would deliver one dwelling to the Council's housing stock. There would be economic benefits from the construction phase and from the future occupiers of the proposed dwelling. Additional environmental benefits would include appropriate landscaping, ecological improvements, a reduction in carbon emissions and energy savings by incorporating renewable energy while utilising sustainable building techniques, materials, and fittings. However, given the relatively limited quantum of development proposed, I ascribe the cumulative impact of these benefits moderate weight.
19. While I have found no harm arising from the character and appearance of the area or impact on existing occupiers, this lack of harm weighs neutrally and does not amount to a consideration in support of the appeal. However, the

harm in respect to the impact upon the living conditions of future occupants would be long lasting and considerable. This harm attracts substantial weight.

20. Accordingly, the harm I have identified would not be outweighed by the benefits to tip the planning balance in the appeal scheme's favour when set against its conflict with the development plan.

Other Matters

21. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) require that permission may only be granted after having ascertained that it would not affect the integrity of a European site, such as a Special Protection Area ("SPA"). The evidence indicates that the appeal site lies within the catchment of the Poole Harbour SPA, which is designated for its internationally important populations of regularly occurring species, migratory species and supporting habitats.
22. Increased levels of nitrogen and phosphorus entering the harbour via surface water and groundwater threaten these habitats and species through eutrophication, leading to algal blooms which disrupt normal ecosystem function. These algal blooms result in reduced levels of oxygen within the water, which in turn can lead to the death of many aquatic organisms.
23. The evidence submitted suggests that a suitable mitigation strategy may come forward in the future, however, given my overall conclusions, I do not need to carry out an appropriate assessment as required under the Habitats Regulations. I therefore do not need to consider this matter any further.

Conclusion

24. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

N Praine

INSPECTOR