



Appeal Decision

Site visit made on 17 July 2024

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2024

Appeal Ref: APP/D1265/W/23/3333960

2 Queens Road, Blandford Forum, Dorset DT11 7JX

- 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 Lawsh Limited against the decision of Dorset Council.
 - The application Ref is P/FUL/2023/04705.
 - The development proposed is demolition of garage; new dwelling with parking and associated development.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Lawsh Limited against Dorset Council. This application is the subject of a separate decision.

Preliminary Matters

3. The site is within an conservation area where I have a duty Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing its character or appearance. The Council did not raise this as an issue however I must consider it and both parties have been made aware of this and been given the opportunity to comment.
4. Within the Final Comments the appellant states that 'The LPA appears to concede that the north-east window is not an issue in terms of overlooking as they only reference the roof lights now'. Whilst the Council could have been clearer in their response they do not explicitly state that they no longer consider the overlooking north-east window to be a concern. I have therefore included an assessment of overlooking from this window as part of my consideration of the case.

Main Issues

5. The main issues are:
 - whether the proposal would preserve or enhance the character or appearance of the Blandford Forum Conservation Area; and
 - the effect of the proposal on the living conditions of neighbouring occupiers with regard to noise and disturbance and privacy and the living conditions of future occupiers with regard to amenity space.

Reasons

Character and appearance

6. The appeal site falls within the Blandford Forum Conservation Area (CA) which covers the centre of the town and an area of housing to the north east, where the appeal site is located along with a further developed area to the north west.
7. The area surrounding the site is predominantly characterised by terraced housing. Queens Road is a straight road with a pleasing formal layout of mainly red brick properties arranged in terraces and semi-detached pairs with few detached properties. There are access lanes off Queens Road but the buildings they lead to are not highly visible.
8. Victoria Road to the south of the site is narrower with a more intimate feel than Queens Road. Houses are closer together directly fronting the street or with shallow front gardens. There are examples of modern properties on this street although not all positively contribute to the character of the area.
9. I find that the significance of the CA is derived from the traditional buildings and their layouts within a close knit but structured arrangement. Where there are gaps between buildings the more open garden areas can be seen. Apart from domestic structures the rear gardens do not contain significant built form, although Princess Court is noted. Where there are examples of backland developments these are either not highly visible from the road or are well integrated within the street.
10. The appeal proposal would introduce a single detached house into the rear garden of a property in a manner which would be uncharacteristic of the prevailing pattern and layout of development within rear gardens. The proposed house would be very close to its side boundaries and the small garden to the rear would make the house appear cramped on the site. Further, the height of the proposed building and the changes in level would make the proposed house more visible and it would appear as a rather incongruous modern addition.
11. The proposed house being greater than one storey would be clearly visible from Victoria Road where there is an access to the parking area for 54b and c. Whilst the most harmful views would be from Victoria Road there would also be limited views of the proposed house from Queens Road.
12. Sensitive 'infilling' may be encouraged by Policy 7 of North Dorset Local Plan (NDLP) however, this proposal is not regarded as sensitive and would not comply with this policy as it fails to respect the character and distinctiveness of the locality.
13. The Council raises concerns with the appearance of the access and parking area. Whilst this would be narrow and of some length there are other similar access lanes close by, notably to Princess Court and to the side of 2A.
14. I have been referred by the appellant to other examples of backland development although limited details have been provided. My observations were that the new dwellings on Victoria Road appear as part of a new road and are tucked behind the houses on the street. They have been designed as a pair of traditional semi-detached properties and comfortably form part of the layout

- of the area. The Princess Court development is not visible from surrounding streets so therefore has a more limited impact on the appearance of the area.
15. No specific details have been provided in respect of the building to the rear of No 9 Queens Road. From the street it appears as a garage or outbuilding to the rear of a more modern property with limited other views available and therefore the context is not comparable. The property on Albert Road clearly fronts towards the street appearing set back from it rather than the development of a backland plot. Its position next to an older building with similar proportions and design mean that it sits comfortably within the context of the area. None of the examples are directly comparable and each site requires bespoke and site specific considerations to be taken into account.
 16. Overall, due to the siting of the proposed house and its visibility from Victoria Road it would fail to preserve the identified special characteristics of the CA. It would therefore conflict with Policies 5, 7 and 24 of the NDLP in so far as these seek to protect heritage assets and promote high quality design in conservation areas, taking account of matters such as character, context, distinctiveness, appearance, scale and layout. Along with section 12 of the National Planning Policy Framework (the Framework) which relates to the developments being high quality and sympathetic to their local character and history.
 17. In the context of paragraph 208 of the Framework, the harm to the significance of a designated heritage asset would be less than substantial and this should therefore be weighed against the public benefits.
 18. Benefits in favour of the scheme include the sites sustainable location which is outside of the AONB, efficient use of land and the sustainable qualities of the building along with climate change benefits. Along with some increase in employment during the construction process and spending by workers and the future occupiers. The provision of one additional home in a sustainable location, even if there were deficiencies in housing supply, can only be given modest weight. Other benefits of the scheme are also considered to be limited given the scale of the development.
 19. Given its scale there would be some small associated economic and social benefits. Nevertheless, these benefits do not outweigh the harm to the significance of a designated heritage asset that I have identified. Consequently, the proposal would also conflict with the heritage objectives of the Framework.
 20. Even if the presumption in favour of sustainable development in paragraph 11 d) of the Framework was engaged, given this finding the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, in accordance with 11 d) i. The proposal would not therefore be the sustainable development for which the Framework indicates a presumption in favour.

Living conditions

21. The access to the development is very narrow and would run directly adjacent to the boundary fence of No 4 as well as the garden of No 2. Whilst there may not have been any objections to this on highway grounds it would be harmful in terms of the impact on neighbouring properties. Cars using this access would drive very close to the boundary and the width of the driveway means that it is

- not possible for the inclusion of any buffer. The noise of the cars right next to what is currently a peaceful part of the garden would be cause disturbance.
22. Whilst there are no ground floor side windows in the flank elevation of No4 there are windows in the rear of the property which would be close to the drive. Furthermore the constrained nature of the site means that vehicles would need to undertake several manoeuvres in order to leave in forward gear exacerbating the issue. The fact that there are existing driveways and parking areas surrounding the site does not diminish this impact, if anything it adds to the reason to reject the access rather than further increase noise and disturbance.
23. Although the vehicle movements to the property may be low as only a single dwelling is proposed the proximity to the boundary means that any additional movements along a drive of this length and width would be harmful.
24. Nos 2A and 4 Queens Road have relatively long gardens which slope down away from the houses. The rear ends of the gardens are relatively private. The new dwelling would introduce windows at first floor level. These are far enough away from windows in neighbouring properties to ensure internal privacy is maintained. The rooflights whilst on the side of the property would not provide direct views into neighbouring gardens when closed. A greater level of overlooking is possible when this type of window is open but a condition could be imposed to limit the extent that they can open.
25. The windows in the gable ends would have more accessible views and the level difference is acknowledged, however, these would be at oblique angles across the neighbouring gardens and the installation of the louvres would further limit the impact. Some overlooking is to be expected in built up areas and a reasonable degree of privacy would be retained for the neighbouring properties.
26. In terms of amenity space for the proposed dwelling. Whilst this is smaller than some other gardens in the area it is of a sufficient size for future occupiers to use for recreation and drying purposes. There is sufficient space for at least 6metres of washing line as required by Policy 24 of the NDLP.
27. Overall, I find that the proposal would maintain a suitable level of privacy for neighbouring properties and provide adequate amenity space for future occupiers. However, the proposed access would have a harmful impact on the adjacent neighbour in terms of noise and disturbance and would therefore be contrary to Policies 7, 24 and 25 of the NDLP which relate to impacts on neighbouring properties.

Other Matters

28. The availability of turning space was raised by an interested party. However, there was no objection from the Highway Authority on this basis and the matter has not been raised by the Council. As the appeal is dismissed for other reasons I have not considered this matter further.
29. The concerns raised by interested parties in respect of overshadowing, highways/parking, biodiversity, trees and drainage are acknowledged. However, based on the evidence provided there is no reason to disagree with the Council's conclusions on these matters.

Conclusion

30. The proposed development would conflict with the development plan, when read as a whole and there are no other material considerations, including the provisions of the Framework, that outweigh this finding. Therefore, for the reasons given the appeal should be dismissed.

H Faulkner

INSPECTOR