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# Appeal Decision

Site visit made on 17 October 2024

**by H Nicholls FdA MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 October 2024**

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**Appeal Ref: APP/D1265/W/24/3344533**

**99 Belgrave, Southill, Weymouth, Dorset, DT4 9SN**

- 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 Ryan Banham against the decision of Dorset Council.
  - The application Ref is P/FUL/2023/06357.
  - The development proposed is conversion of garage to create 1no. residential unit.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. I have taken the description of development from the Council's decision notice as it is clearer and more concise. It is however clear from the appeal application form that the proposed conversion of the double garage is intended as a separate unit of accommodation for either long term tenants or for use as holiday accommodation.
3. At the time of my site visit, it appeared that the works to the garage had been undertaken and that some form of residential use had commenced, though the external landscaping and the hardsurfacing of the parking area had not been completed.

## Main Issues

4. The main issues are (a) the effects of the proposal on the character and appearance of the area, and (b) whether the proposal would create adequate living conditions for future occupiers.

## Reasons

### *Character and appearance*

5. The area is broadly characterised by two storey estate dwellings, with many terraced arrangements with garages and parking at the rear, and pedestrian accesses to the opposite side. In addition to the regular layout and orientation of dwellings, Belgrave and surrounding estates also share a similar material treatment, giving the area a strongly defined character.
6. The proposal seeks to adapt and convert the existing double garage to living accommodation. The evidence refers to a use independent of 99 Belgrave for either holiday uses or as a permanently rented unit of accommodation. The resultant accommodation would comprise a bedsitting room with kitchenette

and shower room/WC. Externally, the unit would largely maintain its appearance as a double garage.

7. My attention has been drawn to a local example of a garage having been rebuilt to allow for its use as an annexe. An annexe is an extension of the primary accommodation offered by that respective host dwelling and is occupied in conjunction therewith. If an annexe appears subservient in scale and appropriate for the character of the area, then this form of accommodation is generally acceptable as it maintains a single dwelling within a single planning unit.
8. What would essentially be created by the proposal, not described or specifically intended as annexe accommodation, is a subdivided planning unit containing two separate units of accommodation. The unit created from the garage would be single storey unlike the surrounding two storey counterparts and would have the appearance of a flat roof garage, rather than a dwelling. It would also have a contrived and awkward relationship with 99 Belgrave when compared to the relationship between dwellings elsewhere in the estate which are more regularly spaced and orientated.
9. As a consequence of the desire for the unit to be occupied independently of 99 Belgrave rather than as an annexe, it would create an uncharacteristic and contrived form of development.
10. For the foregoing reasons, the proposal would be harmful to the character and appearance of the area and therefore conflicts with, in particular, Policies ENV10, ENV11, ENV12 and ENV15 of the West Dorset, Weymouth & Portland Local Plan (2015) (Local Plan). Amongst other things, these Policies collectively seek to ensure new development enhances local distinctiveness, is acceptable in terms of siting, alignment, design, scale and massing and provides well-defined streets and spaces.

#### *Living conditions*

11. From the evidence, the proposed unit of accommodation would provide around 21 sqm of internal floor area. Policy ENV12 of the Local Plan requires that proposals adhere to national technical standards and in this regard, the *Technical Housing Standards – nationally described space standards*<sup>1</sup> (NDSS) are relevant. The NDSS indicates that a 1 storey unit with a shower room should be a minimum of 37 sqm. The proposal would provide just over half of the minimum requirement and therefore falls well short of what an independent unit of accommodation should offer in floorspace terms.
12. The window and door openings to the unit would provide a very limited outlook. The window facing into the rear garden of 99 Belgrave would be necessarily obscured to maintain privacy, so would thus fail to provide any outlook. The window and door in the northern elevation from where access would be achieved would provide a limited outlook to a boundary enclosure and would still have a sense of being overlooked by windows in the east elevation of 99 Belgrave, even if some boundary treatment could limit direct views.

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<sup>1</sup> 2015

13. Additionally, the garden would be overlooked and would be very modest in size. Whilst it is suggested that additional garden could be provided, that is not what is detailed on the plans before me.
14. For the foregoing reasons, the proposal would fail to create adequate living conditions for future occupiers and would therefore conflict with, in particular Policies ENV12 and ENV16 of the Local Plan which, together, require compliance with national technical standards and seek to ensure that proposals are designed to minimise the impact on amenity and quiet enjoyment of both existing and future residents.

### **Other Matters**

15. Though it has been suggested that the garages in the estate are generally underused due to being too small to accommodate modern cars, they can still serve a role as an incidental domestic storage building. I noted that many appeared to be maintained for such purposes during my site visit.
16. I have noted that the word annexe has been used by the appellant to refer to the proposal and it is a term used on some of the submitted plans. It is not sufficiently clear that that is what is proposed and a condition limiting the occupation of the unit in association with 99 Belgrave would conflict with the description of the development. The imposition of such a condition would therefore be unreasonable. Similarly, my views on the unacceptability of the proposal, particularly in respect of the first main issue, would not be overcome through the imposition of a holiday use condition.

### **Conclusion**

17. For the reasons outlined above, the proposal conflicts with the development plan when taken as a whole. There are no material considerations, including the economic benefits that may otherwise be achievable, that indicate that permission should be granted other than in accordance therewith. Accordingly, the appeal is dismissed.

*H Nicholls*

INSPECTOR