



Appeal Decision

Site visit made on 10 April 2025

by **G Roberts BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 May 2025

Appeal Ref: APP/D1265/W/24/3355620

1 Tennyson Road, Wimborne Minster, Dorset, BH21 1NT

- 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 L Barry against the decision of Dorset Council.
 - The application Ref is P/FUL/2024/00785.
 - The development proposed is sever site; demolition of outbuilding/garage; erect single storey dwelling and associated development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On the 12 December 2024 a revised National Planning Policy Framework (NPPF) came into force. However, the policies that are relevant to this appeal have not materially changed, albeit some of the paragraph numbering is different. For these reasons, I have not sought the parties comments on the revised NPPF. In addition, the Council's Statement of Case (CSOC) was dated 2 January 2025 and the Appellants Final Comments dated 16 January 2025. Both parties have had therefore an opportunity to comment on the revised NPPF insofar as they considered it relevant to their case.
3. The Council's Delegated Report indicated that the Council were unable to identify a 5 year supply of housing land, but I note from the CSOC that this position has now changed. On 26 September 2024 the Planning Inspectorate approved an Annual Position Statement – Five Years Housing Land Supply – Dorset Council. This Statement confirms that the Council can now identify a 5 year supply of housing land and can rely on this position until 31 October 2025. As such, the tilted balance set out in paragraph 11d) of the NPPF is not engaged. The Appellant has not challenged this position and I have determined the appeal on that basis.

Main Issues

4. The main issues are the effect of the proposed development on: (a) the character and appearance of the host property and surrounding area; (b) the living conditions of existing and future occupiers; and (c) whether the proposal would increase the potential risk of surface water and groundwater flooding in the locality.

Reasons

Character and appearance

5. The appeal site is located on Tennyson Road and comprises a large detached two storey property which appears to be divided into flats. The frontage comprises two separate driveways/parking areas, with a raised area of planting in between. The driveway on the northern side leads to an existing single storey garage that extends broadly from the rear wall of the host property to nearly the end of the rear garden and abuts the common boundary with 14 and 16 Milton Road (to the north). The remainder of the rear forms a modest sized garden to the host.
6. The surrounding area largely includes detached and semi-detached properties that vary in terms of their style, design, scale, layout, form (including roof form) and pallet of materials. A number of properties have been extended and altered and there are examples of outbuildings, garages and garden sheds. The area exhibits all the characteristics of a typical urban location with a degree of spaciousness and openness around the properties and a good level of greenery from well landscaped gardens, some with mature tree cover.
7. The appeal proposal involves severing the site to create a new residential dwelling through demolishing the existing garage and replacing it with a single storey building with green roof. Access to the new dwelling would be shared with the host via the northern driveway. The existing rear garden would be fenced with the rearmost part allocated for the new dwelling and a smaller area retained for the host.
8. Whilst the new building would be in a similar position to existing and would not extend further along the common boundary (to the north), the footprint, mass and extent of the new building would be far greater than the existing garage. This is clear from a comparison of the existing and proposed floor plans which show that the new building would extend much further (south) into the garden and behind the main rear wall of the host property. As such, it would result in a new dwelling that appears both contrived and cramped. It would be completely out of keeping with the urban grain and prevailing pattern and rhythm of residential development in the surrounding area.
9. The proposal would impact on the sense of openness and would result in a new dwelling whose design, layout and relationship to the host and to neighbouring properties that is both unsympathetic and out of character. Overall, it would represent a poor quality of urban design that fails to reflect or enhance local distinctiveness or be compatible with its surrounding and would not sit comfortably on the appeal site.
10. I accept that its plot size may be comparable or larger to that on the Wimborne Chase development (to the north west) but that is a planned development of new houses and as I found above the harm that arises does not necessarily relate to just the plot size of the proposal. Even so and as is required, I have determined the appeal proposal on its individual merits having regard to the specific circumstances of the case and its local context. I also recognise the benefits of providing a new dwelling with an energy efficient design and green roof, but these considerations do not affect my findings on this issue.

11. Policy HE2 of the Christchurch and East Dorset Local Plan: Part 1 – Core Strategy (CEDLP) relates to the ‘Design of New Development’ and requires developments to be of a high quality, reflecting and enhancing areas of recognised distinctiveness. It continues by stating that new development will be permitted if it is compatible with or improves the surrounding area in terms of, amongst others matters, layout, site coverage, scale, visual impact and relationship to adjoining properties. For the reasons set out above, the appeal proposal would fail to comply with a number of these policy requirements.
12. Paragraph 135 c) of the Framework states that innovation or change should not be discouraged but the paragraph also states that new development should be: visually attractive, function well and add to the overall quality of the area; be sympathetic to local character including the surrounding built environment and landscape setting; establish or maintain a strong sense of place; and secure a high standard of amenity for existing and future users. For the above reasons, the proposal would fail to comply with the overall requirements of paragraph 135.
13. Accordingly, I find that the appeal proposal would result in significant harm to the character and appearance of the area contrary to policy HE2 of the CEDLP and the corresponding policies of the NPPF.

Living conditions – existing and future

14. As I confirmed earlier, the proposed building would extend much further into the rear garden of the host than the existing garage and by severing the garden, it would result in a small amenity area being retained for the host property. The proposed layout shows that this would be enclosed by fencing. Assuming this fencing to be some 1.8 metres in height to maintain privacy, the quality of the retained amenity area would be very poor and of little functional use. Whilst the new dwelling would be provided with a reasonably sized and functional amenity area, a large part of it would be directly overlooked from the upper floor window to the host property. The harm that arises in this respect would not be mitigated by proposed fencing/landscaping or by the layout of the new dwelling.
15. The proposed dividing fence would also be sited close to the side windows to the new bathroom and bedroom, albeit I accept that the latter also has a principal window (doors) facing the rear garden. With the shared access, I understand that the occupiers of the new dwelling could access their garden by walking past the ground floor rear windows of the host (located where the ‘planters’ are shown on the submitted plan) and would also have clear views into the retained garden and conservatory style extension. Also, as the new building would extend further into the garden and behind the host, it would result in built development encroaching much closer to the hosts ground floor windows than at present, harming the outlook from those windows. In addition, occupiers of the host property would be able to walk past the kitchen window to the new dwelling, harming the privacy of the new occupiers.
16. All of the above factors would result in a very poor level of amenity and privacy for both existing and future occupiers and further supports my finding that the appeal proposal is poorly designed and results in a cramped and contrived layout.
17. The Council have referred to the fact that the size of the new dwelling would fall below that referred to in the nationally described space standards (as per footnote

51 to paragraph 135 of the NPPF) for a one bed (2 person) house. Even so, this shortfall appears marginal and whilst it would not be sufficient on its own to justify refusing planning permission, I agree with the Council that it is the combination of all the above factors that result in the proposal failing to provide a high standard of amenity for future as well as existing occupiers.

18. Whilst I note that no objections have been submitted to the proposal by neighbours that does not outweigh the harm that would arise to living conditions. Neither does it negate the need for the impact of the appeal proposal, on both existing and future occupiers, to be properly and thoroughly assessed against the relevant standards and prevailing development plan policies.
19. Accordingly, I find that the proposed development would result in significant harm to the living conditions of existing and future occupiers of the host property and the proposed dwelling contrary to policies HE2 and LN1 of the CEDLP and paragraph 135 of the NPPF. These require that all new development be built to minimum living standards, for internal and external areas, that the relevant standards are met and that they secure a high standard of amenity for existing and future users.

Flood risk

20. Whilst a Flood Risk Assessment (FRA) was included with the application, a revised FRA has been submitted with the appeal in response to the Council's objection and the CSOC responds to this. Having considered all the evidence before me on this issue I concur with the findings in the CSOC. I agree that it is appropriate to adopt a precautionary approach so that it can be firmly concluded whether the proposal is not at risk from flooding and whether the development is on a sequentially preferred site, and thus complies with policy ME6 (Flood Management, Mitigation & Defence) of the CEDLP and also paragraphs 170, 173-174 and 181 of the NPPF.
21. The Dorset Strategic Flood Risk Assessment identifies that the whole application site as being located in an area susceptible to groundwater emergence flooding and leaving aside the proposed flood resilience measures, in the revised FRA, I agree with the Council that it does not clearly demonstrate that the site is not at risk from groundwater emergence flooding. In addition, no sequential test has been undertaken or any reasoning provided as to why this would not be relevant. In addition, it has not been demonstrated that the proposed surface water drainage scheme is both viable and deliverable on the application site, so that the proposed development can remain safe for its lifetime and would not increase flood risk elsewhere. There is also no revised sustainable drainage plan to accompany the revised FRA so as to assess the above requirements.
22. Accordingly, I find that it has not been clearly demonstrated that the proposal would comply policy ME6 of the CEDLP or the corresponding policies of the NPPF.

Conclusions

23. For the reasons given above and having taken all other matters raised into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR