



Appeal Decision

Site visit made on 10 June 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 JULY 2025

Appeal Ref: APP/D1265/W/25/3361968

20 Portman Road, Pimperne, Dorset DT11 8UJ

- 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 R Wilkinson against the decision of Dorset Council.
- The application Ref is P/FUL/2024/02688.
- The development proposed is sever land; erect 1no. dwelling; form new access from Salisbury Road.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the area; and
 - The living conditions of the occupiers of 20 and 21 Portman Road with specific reference to outlook; and
 - Highway safety.

Reasons

3. The appeal site comprises a detached late twentieth century dwelling within an estate of similar age and style of property characterised by houses with generally large gardens. The existing dwelling is set at the top of a steeply sloping site backing onto Salisbury Road. On the opposite side of Salisbury Road to the site there are open fields and valley.
4. The proposal would divide the existing site in half and a two-storey dwelling would be constructed on the lower half of the site, accessed from a new access from Salisbury Road.

Character and appearance of the area

5. The proposed size of the development site would be significantly smaller than the majority of the neighbouring development within this part of Portman Road as the existing site overall is not disproportionately large when compared to the other properties within the cul de sac. The location of the proposal on the site would also result in a rear garden for the proposal measuring 2.8m at its shortest distance which would make the proposal appear cramped and out of character with the surrounding properties which typically have much larger rear gardens. Whilst there may be properties with similar sized sites to the proposal within other areas of the

estate and further along Salisbury Road, none are located within the same cul de sac and would therefore not be viewed as part of the same character area.

6. I note there are other properties with access onto Salisbury Road to the east and west of the site, some of which are located closer to the highway than the proposal. The proximity of the proposal to Salisbury Road would in itself be acceptable as there would be no infringement of the building line along Salisbury Road which is staggered, however, the subdivision of the site combined with the sloping site topography and the scale of the proposal would result in a cramped appearance when viewed from Salisbury Road and the neighbouring dwellings and would not preserve the character of the area or prevailing urban grain within this part of Portman Road.
7. For the above reasons, I conclude the proposal would have a harmful effect on the character and appearance of the surrounding area. Consequently, the proposal conflicts with Policies 4 and 24 of the North Dorset Local Plan Part 1 2016 (LP) and Policy LDC of the Pimperne Neighbourhood Plan 2016-2031 (NP) which, amongst other considerations, require development to conserve or enhance the natural environment and improve the character and quality of the area. The proposal would also conflict with paragraph 135 of the National Planning Policy Framework (the Framework) which requires development to be sympathetic to local character amongst other things.
8. LP Policy 7 and NP Policy MHN are referred to in the decision notice but are not determinative in this matter as they relate to meeting housing need and the supply and mix of housing, which are not the matters in dispute.

Living conditions

9. The majority of the proposal would be sited to the south of No 21 Portman Drive (No 21). No 21 is orientated such that its rear first floor windows would face towards the long side elevation of the proposal, which would be two-storeys high and close to the shared boundary. There is mature boundary screening between the proposal and No 21 but only at approximately ground floor height which allows an open outlook from No 21. The proximity, height and depth of the proposal would appear dominating and overbearing when viewed from the rear garden and first floor rear windows of No 21 and would have a harmful effect on the living conditions of the occupiers of that dwelling as a result. I do not consider enhanced planting along the shared boundary would overcome the overbearing and dominating impact of the proposal due to the potentially harmful impact this would have on the outlook and living conditions of the occupiers of No 21.
10. The host dwelling (No 20 Portman Road) would be in an elevated position compared to the proposal. The difference in site levels and the distance between No 20 and the proposal would be within sufficient limits to ensure there would be an acceptable outlook for the occupiers of the host dwelling.
11. For the above reasons, I conclude the proposal would have a harmful effect on the living conditions of the occupiers of No 21, with specific reference to outlook. This is contrary to LP Policy 24 insofar as it resists proposals that are of an overbearing nature or where the enjoyment of the existing properties is significantly diminished. The proposal is also contrary to paragraph 135 of the Framework which seeks to provide a high standard of amenity for existing users, amongst other things.

12. The decision notice references LP Policy 25 in relation to the effect of the proposal on the living conditions of the occupiers of the neighbouring properties. However, although LP Policy 25 refers to amenity, in this instance, LP Policy 24 is more relevant to the matters in dispute and for this reason LP Policy 25 is not determinative in this matter.

Highway safety

13. Based on the plans and my site visit, I have not been provided with sufficient evidence to convince me that the proposed visibility splays can be achieved without requiring third party consent for the management of hedgerow to the east. Whilst visibility splays can extend over highway land and grass verge, they cannot extend over third-party land unless there is a mechanism, such as a planning obligation within a legal agreement, to ensure the splays would be retained and maintained by the third party landowner in perpetuity. No such mechanism is before me.
14. Whilst I note planning permission is required for boundary treatment in excess of 1m adjacent to the highway and hedging should be kept clear of pavements, this is not directly relevant to the need for third party landowners to trim existing hedging back sufficiently to provide and maintain a visibility splay. In respect of the overhead wires within the hedge to the east, these are above the height of the visibility splay requirements and therefore do not have a direct bearing on this issue.
15. I note the appellant has been maintaining the hedging to the east of the site, however, this does not alter the fact that there is an absence of a legal agreement between the relevant parties to control the hedge, I therefore cannot be certain the required visibility splays would be retained in perpetuity. This would present an unacceptable risk to highway safety. Whilst the road maybe straight the requirement for visibility splays on this site must still be met. Each case is determined on its own merits.
16. For the above reasons, I conclude the proposal would have an unacceptable effect on highway safety. This is contrary to paragraphs 115 and 116 of the Framework which require safe and suitable access to the site and state development should be refused on highway grounds if there would be an unacceptable impact on highway safety.

Other Matters

17. The site lies within the Cranborne Chase & West Wiltshire Downs National Landscape (CC & WWD NL). Paragraph 189 of the Framework requires great weight to be given to conserving and enhancing landscape and scenic beauty in National Landscapes. Section 245 of the Levelling-up and Regeneration Act 2023 (LURA) places a duty on relevant authorities to further the statutory purposes of the National Landscape.
18. The proposal would retain much of the boundary screening to the sides and would be within the settlement boundary where residential development forms part of the landscape and the overall design is considered acceptable. The Council does not raise any concerns over the effect of the proposal itself on the natural beauty of the CC & WWD NL and considers the proposal would have a neutral effect. Based on the evidence and my observations on my site visit, I am also satisfied that there

would be no harm in that regard. I therefore find, the proposal would conserve the landscape and natural beauty and further the statutory purposes of the National Landscape.

19. I acknowledge this is not the first iteration of the scheme, however, I have not been provided with earlier iterations and I must determine the appeal based on the information in front of me.

Planning Balance and Conclusion

20. The Council has confirmed its housing land supply position for a year through a published Annual Position Statement (APS) that has been examined by the Planning Inspectorate. In this, the Council demonstrates a housing land supply of 5.02 years and in accordance with paragraph 233 of the Framework this is fixed until the APS expires on 31 October 2025. In addition, as noted under the main issues above, the Policies I have found to be most relevant to my decision are broadly consistent with the Framework and I consider them up to date for the purposes of this appeal. Consequently, Framework paragraph 11d) is not engaged.
21. The contribution of a single dwelling towards the housing land supply are noted as are the sustainable location credentials of the proposal, the creation of employment opportunities for the duration of the build and the economic and social benefits an additional dwelling brings to a community. These factors accord with the Framework's social, economic and environmental objectives and I give them moderate weight as benefits of the scheme. The Council has raised no concerns in relation to the principle of the development, parking levels, quantity and quality of amenity space for the proposal, matters relating to the amenity of neighbouring properties other than those relating to outlook or the design and materials of the proposal. On the evidence before me, I see no reason to disagree. However, an absence of harm in these regards is a neutral factor.
22. The appellant has sought a Biodiversity Net Gain (BNG) exemption on the basis that the proposal is for a self-build dwelling. However, BNG would nevertheless need to be secured by legal agreement in the event that the proposal does not fulfil the criteria for self-build, and no such mechanism is before me. This cannot be secured by condition because securing it via a condition would fail to satisfy the tests in the Framework. In these circumstances, I give the provision of a self-build dwelling limited weight.
23. I have identified harms in relation to the effect of the proposal on the character and appearance of the area, the living conditions of the occupiers of No 21 and highway safety, to which I ascribe considerable weight. These harms bring the scheme into conflict with the development plan read as a whole. The benefits of the proposal identified above, are not sufficient to outweigh the harms I have found. Accordingly, material considerations, including the Framework, do not indicate a decision otherwise than in accordance with the development plan. I conclude the appeal should be dismissed.

C Coles

INSPECTOR