



Appeal Decision

Site visit made on 5 August 2025

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 August 2025

Appeal Ref: APP/D1265/W/25/3365438

22 Devon Road, Weymouth, Dorset DT4 0PH

- 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 Mullin against the decision of Dorset Council.
 - The application Ref is P/FUL/2024/03493.
 - The development proposed is erection of dwelling.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The Council refused permission for the reasons set out in its Decision Notice. However, the proposal is for a self-build scheme, and an exemption from the Biodiversity Net Gain requirement is claimed on this basis. I have sought the views of the Council and the appellant on how the self-build nature of the proposal, and therefore the exemption, could be secured. I have taken the response of the appellant into account.
3. The main issues are:
 - the effect of the proposal on the character and appearance of the area,
 - the effect of the proposal on the living conditions of the occupiers of number 20 Devon Road (No. 20) in respect of outlook, and whether the proposal would provide adequate living conditions for its future occupiers with regard to outdoor space,
 - the effect of the proposal on protected species, namely bats, and
 - whether the proposal should make provision for Biodiversity Net Gain.

Reasons

Character and Appearance

4. The appeal site consists of a two-storey semi-detached dwelling within a post-war housing estate. It is one of several pairs of such dwellings arranged around the turning head of this part of Devon Road, a cul-de-sac. Many properties hereabouts consist of simple, semi-detached houses, with gaps of reasonable width between them, formed of broadly regular front and side gardens. These include a gap between the appeal property and the adjacent dwelling, No. 20.

5. Although other parts of the estate are more densely developed, the area in the vicinity of the appeal site has a distinctive, planned and fairly spacious pattern of development. The proposal seeks to erect a two-storey dwelling to the side of the existing property. It would consist of several projections, with differing proportions, setbacks, ridge heights and pitches, to appear subservient to and a continuation of the host dwelling. It would use external materials to match the existing property.
6. Even so, the proposal would result in a large, lengthy mass of additional built form to the side of the existing property. Although a gap would remain to No. 20, the additional form of the proposed dwelling would be positioned close to the boundaries of the site, harmfully eroding the space available to the side and unbalancing the existing semi-detached pair. Furthermore, the complicated and jarring roof form of the proposed dwelling, and its differing footprint and fenestration arrangements, would fail to reflect the simple design of surrounding properties, including the existing dwelling.
7. Consequently, the proposal would undermine the spacious character of the street scene and would have a constrained, overdeveloped and contrived appearance. This would fail to respect the distinctive rhythm and pattern of development hereabouts. Despite its angled position, the adverse effects of the proposed dwelling would be clearly visible and prominent from the road and turning head.
8. My attention has been drawn to planning applications in the wider area, made over many years. These include some extensions said to be large enough to be separate dwellings. However, full details of these examples have not been provided to me, although some appear to be in parts of the estate with a denser character and in less prominent positions. I have little evidence to show that these examples have similar designs or layouts to the proposal here, which I have considered on its own merits. They do not therefore change my conclusions.
9. For the reasons given above, the proposal would harm the character and appearance of the area. As such, it would conflict with policies ENV10 and ENV12 of the West Dorset, Weymouth and Portland Local Plan (the Local Plan), adopted October 2015. Amongst other things, these require that the siting, design and scale of development relates positively to local character and distinctiveness. Local Plan policy ENV15 supports the efficient use of land, but only subject to the impact on local character. It follows that the proposal also conflicts with this policy. The harm and conflict identified carries substantial negative weight.

Living Conditions

10. The proposed dwelling would be orientated at an angle to No. 20, which has only secondary windows on its side elevation. Even so, the proposal would result in tall built form, of two-storey height and mass, being located close to the common boundary with the side garden of No. 20. Given its size and close proximity, I am concerned that the scale and bulk of the development would have a dominating impact that would adversely harm the outlook for the occupiers of No. 20 when using this area.
11. The Local Plan has no numeric minimum requirement for outdoor space to serve new dwellings, although its policy ENV11 does require this space to be appropriate to the scale of the property. The proposed dwelling would have a raised decking area to the rear which would provide an outside amenity area.

12. Even so, the rest of the space around the dwelling would be constrained by the close proximity of the site boundaries, and the necessary inclusion of a shed/cycle store, parking and bin storage. As such, the remaining space would be very limited, and of an awkward shape, making it of little practical use.
13. As a two-bedroom dwelling, I am mindful that the proposal may well provide accommodation for a small family, and the need for areas for children's play. Accordingly, I am not satisfied that the proposal would provide sufficient space for its future occupiers.
14. With regard to the examples of development cited within the estate, those which are extensions would not necessarily have the same needs or requirements for open space as a separate dwelling. Nor do I have details of the amount of space proposed for the new dwellings previously approved. As such, I can make little useful comparison in respect of this issue.
15. For the reasons given, the proposal would have a harmful effect on the living conditions of the occupiers of No. 20 in respect of outlook, and would not provide adequate living conditions for future occupiers with regard to outdoor space. As a result, it would be contrary to Local Plan policies ENV11 and ENV16, which require adequate amenity space for proposed development, and no significant adverse overbearing impacts. I give this harm substantial negative weight.

Bats

16. The proposal would involve alterations to the roof of the existing dwelling. No Preliminary Roost Appraisal (PRA), to establish the potential for bats within the roof void of the existing dwelling, has been submitted. I am told that the slates on the existing roof are of good condition, and the fascia and soffits sealed, such that ingress by bats is not possible. In undertaking the development, it is intended that existing slates would be removed, but that there would be no cutting into the roof such as might affect bats.
17. Even so, in the absence of substantive ecological evidence, such as a PRA, I cannot be confident that there are no bats within the roof. Some species roost under tiles and, if bats are present, the works to the roof would be likely to disturb the species and their habitat.
18. Consequently, the proposal could well have a significant adverse effect on bats here. It would therefore conflict with Local Plan policy ENV2, which requires that significant harm to nature conservation interests should be avoided, mitigated or compensated for.
19. The Decision Notice makes reference to Local Plan policy SUS2. However, this policy relates to the distribution of new development, with Weymouth being one of the highest priority locations for new housing. I therefore find no conflict with this policy.

Biodiversity Net Gain

20. As identified above, a Biodiversity Net Gain, of at least 10% is now normally required for new development. In this case, the application is made for a self-build scheme, and an exemption from the Biodiversity Net Gain requirement is claimed on this basis.

21. That said, no formal mechanism, such as a planning obligation, is before me to secure the self-build nature of the proposal, for example its initial occupation by an individual with input into its design and layout. The appellant has offered to enter into such an obligation, but I have not pursued this given my overall findings.
22. A planning condition would not be sufficient to secure the dwelling as self-build accommodation, because it would be difficult if not impossible for the Council to enforce. It follows that the biodiversity gain objective would not be met. I give this harm substantial negative weight in the planning balance.

Other Considerations and Matters

23. Reference has been made to a potential fallback of a two-storey extension to the existing dwelling. However, no plans or details of such a proposal are before me, and nor do I have evidence that it could be undertaken as permitted development. Such an extension may not have the same requirements for open space or Biodiversity Net Gain as the separate dwelling proposed here. I am therefore not convinced that a two-storey extension represents a fallback sufficient to justify the harm I have identified.
24. An examined Annual Position Statement confirms that the Dorset Council area can demonstrate housing supply just in excess of five years. This figure is fixed until October 2025 in accordance with paragraph 233 of the National Planning Policy Framework (the Framework). As such, there is no dispute that the proposal does not benefit from the presumption in favour of sustainable development of Framework paragraph 11.
25. The proposal would nevertheless add to the supply of housing in the area. That said, it relates to just a single dwelling, and so its advantages to housing supply, even as self-build accommodation, would be small. I therefore give this benefit only limited positive weight.
26. Future occupiers of the proposal would make a positive social and economic contribution to the area, as would its construction economically. It would also make more efficient use of the land in a location with good access to services and facilities. As a single dwelling, I give these matters further additional limited positive weight.
27. The proposal lies within an area where it may affect the Chesil & The Fleet Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site. These are protected pursuant to the Conservation of Habitats Regulations 2017. Had I found no harm in respect of the main issues, as competent authority I would have carried out an Appropriate Assessment in respect of the potential effects on the SAC and SPA. However, as the balance of considerations is against the proposal, this matter need not be considered any further in this case.

Conclusion

28. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case, and the weight I give to them, do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold INSPECTOR