
Appeal Decision

Site visit made on 2 September 2025

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 September 2025

Appeal Ref: APP/D1265/W/25/3367691

Land North of 69-72 Reap Lane, Portland DT5 2JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant technical details consent.
 - The appeal is made by Compass Point Estates LLP against the decision of Dorset Council.
 - The application Ref P/PIT/2024/05829, sought consent pursuant to permission in principle Ref P/PIP/2021/03738
 - The development proposed is described as 2 no. Dwellings based on a permission in principle application (ref. P/PIP/2021/03738) for the erection of up to 2 no. Dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for Technical Details Consent following the grant of Permission in Principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The Permission in Principle has established that the location, land use, and amount of development is suitable in principle. The Technical Details Consent that is subject of this appeal can consider the remaining detailed matters but cannot reopen what has been agreed at the Permission in Principle stage. I have determined this appeal on that basis.
3. I have removed words not related to acts of development from the description of development in the banner heading above.

Main Issue

4. The main issues are:
 - the effect of the proposed development on the living conditions of neighbouring occupants regarding outlook; and
 - the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Living Conditions

5. The Council has granted permission in principle for up to two dwellings to be located on the appeal site. However, given that detailed matters such as design are dealt with at TDC stage¹, it is not unreasonable for the Council to consider

¹ Planning Practice Guidance: Paragraph: 001 Reference ID: 58-001-20180615

whether the design and scale of the proposed dwellings would be suitable for the appeal site. However, the amount of development, which in this case is for up to two dwellings, has been dealt with at Permission in Principle stage.

6. The appeal site comprises of a rectangular parcel of undeveloped grassland. It is bounded by a terrace of houses to the north (Numbers 73-78 Reap Lane) and a cycle path from Reap Lane to a footpath. The southern boundary is defined by a parking area and the general typography of the site results in the appeal site being characterised by a high point centrally. The immediate locality is generally residential and predominantly two storey terraced houses.
7. The appeal scheme would introduce two semi-detached dwellings which would be sited opposite 73 – 76 Reap Lane (Nos 73-76). The proposed dwellings would be two storey and considering the typography of the site, the proposed dwellings would be level with Nos 73-76.
8. The separation distance between the main front elevations of Nos 73-76 and the appeal scheme dwellings would be approximately 9.8 metres. I acknowledge that there is a public byway similar in width to a single-track lane which the dwellings would overlook, however the introduction of two-storey dwellings would remain significant given the proposed location, scale and massing. Consequently, whilst the ridge height of the appeal scheme dwellings would be lower than the existing dwellings, the proposed proximity of the appeal scheme to the main elevations of Nos 73-76 in conjunction with the two-storey character of the proposed dwellings would, to my mind, result in an overly dominant form of development. Accordingly, it would unacceptably harm the living conditions of neighbouring occupants with regard to outlook.
9. Regarding the separation distances on Lime Kiln Close and the rear elevations of the houses at Reap Lane, I do not know the full circumstances which led to the relationship between these dwellings. Nevertheless, each application is determined on its own merits and given the specific site context of the appeal site before me, it does not lead me to a different conclusion.
10. A lack of harm regarding noise and disturbance for occupants of the adjacent dwellings due to the car free character of the proposed development is a neutral factor in this matter.
11. In conclusion, the proposed development would result in unacceptable harm upon the living conditions of neighbouring occupants regarding outlook due to the lack of an adequate separation distance between the main elevations of the appeal scheme and existing dwellings on Reap Lane. It therefore would conflict with Policies ENV12 and ENV16 of the West Dorset, Weymouth and Portland Local Plan 2015 (the LP) insofar as they seek to ensure that developments are sympathetically positioned and do not result in harm to the amenity of existing neighbouring residents.
12. The Council refer to Policy ENV10 of the LP however this relates to landscape and townscape setting, and in my judgement, is not determinative for this main issue.

Character and Appearance

13. The appeal site forms part of an open area within the layout of the surrounding area with mainly terraced housing forming linear development on either side of the

land. Nevertheless, the proposed development would be two-storey in height, and the ridge heights of the appeal scheme would be lower than those on the opposite side of the path. Additionally, the appeal scheme would use sympathetic external materials to the existing dwellings. Consequently, to my mind, the proposed dwellings would generally assimilate with the nearby dwelling houses and the wider surrounding area.

14. Therefore, given all of the above, the proposed dwellings would not result in unacceptable harm to the character and appearance of the surrounding area. Consequently, it would comply with Policies ENV10 and ENV12 of the LP insofar as they seek to ensure developments are assimilate with the general design, character and appearance of the surrounding area.
15. The Council refer to Policy ENV16 of the LP, however this relates to amenity and consequently, in this case, it is not a determinative policy for this main issue.

Other Matters

16. The Council can currently demonstrate a housing land supply of 5.02 years according to the most recent Annual Position Statement which it is entitled to rely upon until the 31 October 2025. Nevertheless, the appeal scheme would still provide two dwellings to contribute to the housing stock of the Council area.
17. The appeal scheme would provide above the minimum requirement regarding biodiversity net gain. Additionally, there is limited substantive evidence before me to demonstrate that the appeal scheme would deliver tangible long-term benefits such as climate resilience, although I do recognise that the scheme would be car-free. The appellant also highlights that the appeal scheme would contribute to the Council's Community Infrastructure Levy. However, given the small scale of the scheme this would be modest. I therefore attach limited weight to the appellant's claimed benefits.
18. A lack of harm regarding flood risk and drainage are neutral factors in the determination of this appeal.

Conclusion

19. Whilst I have found the proposal to not harm the character and appearance of the surrounding area, it remains that the appeal scheme would result in unacceptable harm to the living conditions of neighbouring occupants regarding outlook. Thus, the proposal conflicts with the development plan and material considerations do not indicate that a decision should be made other than in accordance with it. For the reasons given above the appeal should be dismissed.

B Astley-Serougi

INSPECTOR