



Appeal Decision

Site visit made on 16 April 2013

by G M Hollington MA, BPhil, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 May 2013

Appeal Ref: APP/U1240/A/13/2191083

2 Insley Crescent, Broadstone, Dorset, BH18 9BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Townsend against the decision of East Dorset District Council.
 - The application Ref. 3/12/0689/COU, dated 18 July 2012, was refused by notice dated 2 October 2012.
 - The development proposed is conversion of detached garage to self-contained dwelling to be used in conjunction with 2 Insley Crescent (for occupation by family member).
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Decision

1. The appeal is allowed and planning permission is granted for conversion of detached garage to self-contained dwelling to be used in conjunction with 2 Insley Crescent (for occupation by family member) at 2 Insley Crescent, Broadstone, Dorset, BH18 9BA in accordance with the terms of the application, Ref. 3/12/0689/COU, dated 18 July 2012, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawings numbered A100 and A101.
 - 3) The conversion hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 2 Insley Crescent.

Application for Costs

2. An application for costs was made by Mr Peter Townsend against East Dorset District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The effect of the revocation of the Regional Strategy for the South West has been considered but, in the light of the facts in this case, the revocation does not alter my conclusions.
4. The emerging Christchurch and East Dorset Core Strategy carries modest weight at this stage, prior to its examination.

Main Issues

5. The main issues are:

- (a) the effect of the proposed development on the character and appearance of the surrounding area;
- (b) the effect of the proposed development on the living conditions of occupiers of the proposed development and the existing dwelling, with particular reference to privacy; and
- (c) whether the financial contributions sought by the Council in respect of the Dorset heathlands and transport are necessary to enable the development to go ahead.

Reasons

6. The description of the proposed development (set out above) could be regarded as ambiguous but the appellant has confirmed the intention is that the accommodation would be used as additional living accommodation for family members, i.e. as an annexe to the existing detached bungalow. Its occupier(s) would share the garden and use of the washing machine/tumble dryer facilities in the existing dwelling, so they would not live entirely independently.

(a) Character & Appearance

7. The appeal property is in a suburban residential area comprising predominantly bungalows and chalet bungalows with modestly sized gardens. Between many of the dwellings are detached garages, usually set back from the dwellings and impinging on the space behind them. In my opinion, therefore, the area's spacious character is derived more from the generally broad roads, the grass verges and the absence of two-storey houses, rather than the back-to-back distances between dwellings.
8. Conversion of the garage would include the formation of two windows in the street elevation in place of the main garage door and the addition of rooflights in the side elevation facing the rear of the bungalow. The proposed works would therefore change the building's appearance but not materially alter its relationship with the bungalow.
9. No subdivision of the existing curtilage is proposed and so users of the accommodation would share the back garden, from which the only access to the accommodation would be derived (not directly from the street). A planning condition could be imposed to prevent occupation of the converted building other than for purposes ancillary to the residential use of the existing dwelling.
10. In these circumstances, there would be no material change in the density of housing and the development would not appear cramped or incongruous. My conclusion on this issue is that the proposed development would not harm the character and appearance of the surrounding area.
11. The development would not conflict with the aims of policies HODEV2 and DES8 of the East Dorset Local Plan to maintain or improve the quality of the surroundings, which are consistent with the National Planning Policy Framework (the Framework). Nor would it conflict with the similar aims of policies HE2 and LN2 of the emerging Core Strategy.

(b) Privacy

12. The windows in the side elevation of the proposed accommodation would look over the shared garden to the rear windows of the existing bungalow. This would result in unacceptably poor levels of privacy for the occupiers of each building and users of the garden unless the proposed accommodation were restricted to being ancillary to that of the bungalow. This could be achieved by means of a planning condition.
13. I therefore conclude on this issue that the proposed development would not result in harm to the living conditions of occupiers of the proposed development and the existing dwelling, with particular reference to privacy. It would not conflict with the aim of policies DES8 and HE2 to ensure a compatible relationship to nearby properties (the former also being consistent with the Framework).

(c) Financial Contributions

14. The local planning authority (LPA) is seeking financial contributions in respect of heathlands mitigation and transport infrastructure, but the appellant contends they are not justified for the type of development proposed.
15. The appeal site lies within the zone 400m-5km from heathlands that are notified as Sites of Special Scientific Interest and which form part of the Dorset Heathlands Special Protection Area (SPA), Dorset Heaths Special Area of Conservation (SAC) and a Ramsar site.
16. *The Dorset Heathlands Planning Framework 2012-2014* (DHPF) Supplementary Planning Document (SPD) offers a means of mitigating the effects of this and other proposals, thereby providing a reasonable prospect that effective mitigation would be delivered and allowing it to reasonably be concluded that development would be unlikely to have a significant effect on the integrity of European SPA and SAC sites. It would ensure compliance with a European Directive and the Habitats Regulations.
17. Such mitigation would normally be achieved by means of a planning obligation to secure financial contributions. The SPD states that "the obligation will be applied to every residential development regardless of number of units proposed where there is a net increase in dwellings but will not be applied to extensions". Provided an appropriate planning condition were imposed, the appeal proposal would not result in a net increase in dwellings but be more akin to an extension.
18. The requirements of the DHPF SPD do not, therefore, apply in this case and the proposed development would be unlikely to have a significant effect on the integrity of European SPA and SAC sites. The proposal would satisfy the Conservation of Habitats and Species Regulations 2010.
19. The development would accord with the aims of Local Plan policy NCON4 and emerging Core Strategy policy ME2. Consequently, the financial contribution sought by the LPA in respect of the Dorset heathlands is not necessary to enable the development to go ahead.
20. Local Plan policy TRANS14 seeks developer contributions where new development will have an impact on transportation links for which existing

infrastructure is inadequate. Policy KS 11 of the emerging Core Strategy has similar aims.

21. Contributions are sought in accordance with the *South East Dorset Transport Contributions Scheme 2* (SEDTCs) SPD. This applies to all development where there is a net increase in standard daily trips but one of the stated exemptions is any development that results in no additional residential units. With the imposition of an appropriate planning condition, the appeal proposal would not result in an additional residential unit but an annexe to an existing unit.
22. As a result, the proposed development would not conflict with the aims of policies TRANS14, KS 11, Implementation policy E and the SEDTCs SPD. The financial contribution sought by the LPA in respect of transport is not necessary to enable the development to go ahead.

Other Matters

23. The LPA is concerned that an undesirable precedent would be set, but circumstances vary from site to site and each case needs to be determined on its own merits.
24. I have also taken into account all the other matters raised in the written representations, but they do not outweigh the considerations which have led to my conclusions on the main issues.

Conditions

25. I have considered the need for conditions in the light of the advice in Circular 11/95: *The Use of Conditions in Planning Permissions*. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.
26. To ensure there would be no harm in respect of the main issues considered above, it is necessary to restrict occupation of the proposed accommodation to purposes ancillary to the residential use of the existing dwelling.

G M Hollington

INSPECTOR