
Appeal Decision

Site visit made on 11 October 2016

by Jacqueline Wilkinson Reg. Architect IHBC

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

Decision date: 28 October 2016

Appeal Ref: APP/Q1255/W/16/3152900

Aster Court, 341 Wimborne Road, Poole, BH15 3ED

- 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 Tony Philips, Pentagon Poole Ltd, against the decision of Poole Council.
 - The application Ref APP/16/00192/F, dated 18 February 2016, was refused by notice dated 14 April 2016.
 - The development proposed is erection of a self-contained one bedroom flat over carports.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area, on the living conditions of the adjacent occupiers at 339 Wimborne Road in terms of overbearing aspect, on the living conditions of the future occupiers in terms of outdoor amenity space and whether the effects on the nearby designated European Sites and Site of Special Scientific Interest (SSSI) would be adequately mitigated.

Reasons

Character and appearance

3. The appeal site is within an area of residential development which has taken place in recent times behind the mainly two-storey semi-detached properties which line the south side of Wimborne Road. An access road leads to a large roughly rectangular space on three sides of which are residential blocks and dwellings and on the fourth the rear gardens of semi-detached houses. This space is dominated by hard surfaces, parking and the rear fences of the frontage properties, which have been hard surfaced for parking in a somewhat ad hoc manner. Decorative iron gates lead to a further development of bungalows to the south. This space serves as the main access to two blocks of flats, (Aster Court and Livingstone Court). Its character is mundane and unattractive, due to the domination of hard surfaces, parking and high domestic fencing, but there is some sense of place given by the spaciousness of the layout, framed by the buildings that surround it.
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4. The appeal site is a detached remnant of the rear garden to 341 Wimborne Road and is surrounded in part by a high brick wall on its north and west sides. Appeal decision ref. APP/Q1255/A/14/2213426 has been put before me and I note that the Inspector accepted that the land had been in separate ownership for some time. That proposal was for a double garage and the appeal was dismissed on the grounds that the layout would not create a safe space. However, the Inspector commented that a "single storey garage would be of a domestic size which would not appear overly prominent in the street scene, being smaller than the residential properties nearby, and that it would have suitably subservient appearance when seen in conjunction with them. It would have little impact on the spaciousness of the area".
5. The proposed flat would be set over a three car open parking bay. The upper floor would be part mansard, part flat roof with a half hip at the two long ends, with timber cladding above head height. The composition would be asymmetrical, with north-west facing dormers serving a living room and a single bedroom. The proposed building, due to its height and scale, would be an inappropriately dominant feature in this spacious open setting. The approved but as yet unimplemented scheme to add two flats at roof level to Aster Court¹ adds to my concerns that the proposal would be an unacceptable increase in built form in this relatively spacious setting.
6. The approved scheme for Aster Court includes a requirement that the appeal site is laid out as parking for four cars, with a small "amenity" space to the west side behind the part retained 2m high wall. As a consequence of the need to accommodate two further parking spaces for the proposed flat, two additional spaces are proposed in front of Aster Court as part of this scheme.
7. The existing pedestrian path to the front door of Aster Court is set forward of a projecting window bay with a small but important bed of shrubs in front of the building. Whilst the position of the path on the appeal plan is the same as shown on the approved plans, it is unclear whether the path is the existing path or a new path, as there are no "as existing" plans in either case, although the parking spaces are denoted as the "existing car spaces" on the approved plan.
8. I am not persuaded that there is sufficient room in front of the existing path for the proposed parking bays without impinging on the existing parking space at the end of the bay. Given the tightness of the parking layout, this matter could not be left to a condition. Parked cars and hard surfaces are already over dominant and the existing pockets of soft landscaping, however small, are critical to softening this effect. The additional car parking would add to the harmful impact of parked vehicles in the area.
9. The appellant describes the setting of the car park as having a lack of trees, but with small pockets of landscaping. The two pockets of garden either side of the proposed development would be enclosed by high fences as indicated on the plans and these are unlikely to have much significant planting above the fence line and the small strip in front of the 2m high boarded fence would not be likely to soften the impact of the proposal to any appreciable degree.
10. Poole Core Strategy policy PCS05 *Broad locations for residential development* (iii) refers to residential proposals involving plot severance, but I consider that

¹ Ref APP/14/00577/F

this is no longer relevant to this appeal, as the plot was severed many years ago and the Council has since granted permission for its use as parking in connection with the approved scheme at Aster Court. However (v) requires in all cases that development should contribute positively to those attributes of a particular street (in this case a place) which distinguish it, including spacing of buildings. Policy PCS23 *Local Distinctiveness* requires development to respect the setting and character of the surrounding area. Policy DM1 *Design* of the Poole Site Specific Allocations and Development Management Policies (DMP), April 2012 sets out key elements to demonstrate how development responds to a local area's or site's specific constraints.

11. These policies accord with the broad aims of the National Planning Policy Framework (the Framework) which sets out in paragraph 17 *Core planning principles*, the core principle that planning should take into account the different roles and characters of different areas and in Section 7 *Requiring good design*, paragraph 58, that planning decisions should ensure that development establishes a strong sense of place, responds to local character and are visually attractive as a result of good architecture and appropriate landscaping.
12. I therefore conclude that the proposed development would be contrary to the requirements of the Core Strategy and DMP policies and to the broad aims of the Framework set out above.

Living conditions

13. The rear garden of 339 Wimborne Road abuts the appeal site, to the south. Approximately a third of this garden has been laid to a hard surface and parking. Given the likely permanence of this arrangement, the orientation and the distance from the rear of the dwelling, the proposed building would not significantly affect the quality or usability of the private outdoor amenity space adjacent to the appeal site or closer to the dwelling or the aspect from within this dwelling. I therefore conclude that the living conditions of these occupiers would not be unacceptably harmed.
14. The Council also refers to the lack of amenity space for the future occupants of the proposed flat. There would be two small spaces at each end of the appeal plot connected by a narrow space to the rear of the parking area. This connecting path would be, in accordance with the scale bar shown on the submitted plans, less than a metre at its narrowest point.
15. This split arrangement is unsatisfactory in practical terms, but subject to a condition requiring setting out dimensions to ensure that the connecting path was a clear width of 1m, these spaces could serve a basic purpose for drying clothes and sitting out. Given that the flat is unlikely to be occupied by a family, I conclude that this provision would not cause unacceptably poor living conditions in terms of outdoor amenity space for the future occupiers of the proposed flat.
16. Representations have also been made that the proposed building would be too close to properties in Daisy Close. However, I saw that it would be well separated from these dwellings and would not cause a reduction in the living conditions of their occupiers.
17. I therefore conclude that the proposal would therefore comply with the terms of policies PCS05 and DM1 with respect to the protection of the living conditions of existing and future occupiers.

European sites

18. Core Strategy policy PCS28 *Dorset Heaths international designations* requires that any development will be required to mitigate any adverse effects of the sites' integrity. The appeal site is within 5Km of the Dorset Heaths and in accordance with the *Dorset Heathlands Planning Framework Supplementary Planning Document* January 2016, mitigation is required in order to satisfy the terms of the Conservation of Habitats and Species Regulations 2010.
19. The appellant refers to his willingness to make the financial contributions required to mitigate the harm to the nearby SPA and SAC heathland through Strategic Access Management and Monitoring. However, no Unilateral Undertaking has been put before me. The appellant states that he submitted a Section 111 Heathlands legal agreement dated 13 February 2016 to the Council. A proforma relating to another site has been put before, which may be an administrative error. However, in view of my conclusions reached on the other main issues in this appeal, I have not sought further information from the appellant on this matter.

Conclusions

20. Whilst I have found that the proposal would not harm the living conditions of the adjacent or future occupiers, I have concluded that the proposed development, due to its height and scale would be harmful to the spacious character of the setting to this group of residential buildings. I have expressed concerns about the practicality of the additional parking required in front of Aster Court, and found that this prominently located parking would add to the harm caused by the development to the character of the area, through the loss of an open setting to this existing building.
21. For the reasons given above I conclude that the appeal should be dismissed.

Jacqueline Wilkinson

INSPECTOR