

Appeal Decision

Site visit made on 20 September 2016

by R Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC

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

Decision date: 31st October 2016

Appeal Ref: APP/Q1255/W/16/3150590

3 Durrant Road, Poole, BH14 8TP

- 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 Crosstown Ltd against the decision of Poole Council.
 - The application Ref APP/16/00408/F, dated 7 March 2016, was refused by notice dated 5 May 2016.
 - The development proposed is 'demolish existing dwelling and erect 2 detached properties'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appellant has made a payment to mitigate the effects of the proposed development on the Dorset Heathlands Special Protection Area and Ramsar site and the Dorset Heaths Special Area of Conservation. The Council has therefore withdrawn its second reason for refusal. Therefore, the outstanding main issues are the effect of the appeal proposal on:
 - The character and appearance of the locality, and
 - The living conditions of neighbouring occupiers at 1 Durrant Road, and whether the proposed dwellings would provide satisfactory living conditions for future occupiers, both with regard to outlook and privacy.

Reasons

Character and Appearance

3. The appeal site includes a bungalow situated at the junction of Durrant Road and Corfe View Road. The appeal property, which lies on the north side of the road, is a detached 1930s bungalow with a hipped roof and accommodation in the roof space. The road falls steeply towards Alton Road such that 1 Durrant Road lies at a much lower level than No 3.
 4. Durrant Road and the surrounding area are residential in character and include a mix of bungalows, chalet bungalows and houses and blocks of flats. The locality has been subject to much recent change, including a number of plot subdivisions with recent houses and blocks of flats, mostly contemporary in design. For this reason, the character and appearance of the locality is generally varied in terms of size, type and design of development.
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5. The bulk and height of the appeal dwellings, due to their elevated position and close proximity, would have an unacceptably dominant relationship with 1 Durrant Road and would result in an uncomfortable transition with that dwelling. For this reason and due to its prominent location at a junction of two roads, the appeal development would appear unduly prominent and would jar in the street scene of Durrant Road, particularly when viewed from a lower level near the junction of that road with Alton Road. I have noted other development brought to my attention by the appellant, in particular recent development in Corfe View Road, both on this side of the road and opposite. However, none result in a similarly dominant relationship of two dwellings to a smaller dwelling on lower ground and have the same impact on the street scene. I have also noted that the proposed dwellings would be further away from No. 1 than the existing bungalow. However, that increase in distance does not render it acceptable for the reasons set out above. The harm identified would occur regardless of the facing materials employed on the upper part of that building, and as I observed a variety of materials in the locality, I attach limited weight to the impact of the use of horizontal timber boarding as proposed. Further, it would be unaffected by the fact that this side of Durrant Road has had more recent development than the other side.
6. I have noted the other concerns raised by the Council. I am aware that the proposed dwellings would be narrower than others in the locality and would not include any overhang. However, as there is variety in the width of properties, both recently developed and otherwise in the locality and those proposed would have pleasing proportions as seen from Corfe View Road, even though they would be positioned on a prominent corner site, no harm would arise as a consequence. In addition, they would have an acceptable relationship with neighbouring development at 16-18 Corfe View Road, in terms of height and separation distance. For this reason and due to the gap between the two proposed dwellings they would continue the rhythm of that street and sit comfortably within it. As I observed other properties of similar design next to one another in the locality, particularly recent development, no harm to the Corfe View Road street scene would result as a consequence of the similar design of the two proposed dwellings.
7. In considering this matter, I have had regard to previous appeal decisions brought to my attention (APP/Q1255/A/07/2035867; APP/Q1255/A/13/2206306 and APP/Q1255/A/13/2210974). Where relevant to this appeal, I have generally concurred with the views of my Colleagues.
8. I conclude that the appeal proposal would adversely affect the character and appearance of the locality. It would therefore fail to accord with Policies PCS 5 and PCS 23 of the Poole Core Strategy (2009) (CS) and Policy DM 1 of the Poole Site Specific Allocations and Development Management Policies Development Plan Document (2012) (DPD). Those policies, together, seek development that will exhibit a high standard of design and will complement or enhance Poole's character, local identity and cultural vitality.

Living Conditions

9. The proposed dwellings would be close to 1 Durrant Road and on higher ground. Even though those proposed dwellings would be further away than the existing bungalow, their three storey bulk would appear dominant and overbearing when viewed from the outdoor rear and side space of No.1. This

- would be the case, even though there is a boundary fence and planting between the two properties and a garage adjacent to the joint boundary at No.1 and that land to the rear of that property is at a lower level.
10. Moreover, the windows at the rear of the proposed dwellings would overlook the small rear private outdoor space and side garden of No.1; even though I accept they would not provide a clear line of sight. That the proposed rear windows are to habitable rooms adds to my concern. Whilst I note that windows at the upper most floor level would be obscure glazed with restricted opening, due to their height and proximity to No. 1 they would still result in a perception of being overlooked for those neighbouring occupiers. I have taken note of the existing rear roof light, but this is one window only. The proposed would include two dwellings with large windows in the rear elevations. I have also taken into account the boundary planting and fence and No. 1's garage near to the boundary along with the space at a lower level. However, whilst these matters would diminish the overlooking into the area at the rear of No. 1, they would not overcome it, particularly in relation to the side garden area. Overall, the level of overlooking and perceived overlooking would be greater than that common in an urban area or generally within the locality.
 11. The proposed dwellings would include a bedroom on the upper most floors which would have an obscure glazed window in the rear elevation, which would have restricted opening. As that would be the only window to the largest bedroom of unit 1, it would have a limited outlook and would result in an oppressive living environment. As that room is the largest bedroom and the only one with an ensuite it would be likely to be used as a principal bedroom, which adds to my concern. Even if it were partially obscure glazed only, as suggested by the appellant, it would still provide a limited outlook, such that it would not overcome my concern. As the largest bedroom in unit 2 would include another window to the side which would provide an alternative outlook to the obscure glazed rear window, I consider that it would provide adequate living conditions, in the same regard. As there would be some separation distance between the rear windows of the proposed properties and the existing boundary fence, this would not negatively impact on the living conditions for future occupiers.
 12. I have noted, in coming to these conclusions, the relationship of development nearby in Corfe View Road to that on Alton Road, brought to my attention. However, I do not have details of the circumstances that led to all those developments. In any event, none replicate the circumstances of this appeal, in terms of the proximity of two proposed dwellings to a single storey dwelling and its rear and side outdoor space.
 13. Both proposed dwellings would have the main living areas on the upper floor with a large window on the rear elevation. Due to its elevated position, the proximity of 1 Durrant Road and the road and pavement, it would provide an unacceptable level of privacy for the future occupiers.
 14. In coming to these conclusions, I have had regard to the views of my Colleagues in determining previous appeals on the same site (APP/Q1255/A/08/2069713 and APP/Q1255/A/13/2210974). The former relates to an extension to the existing dwelling, which includes windows and doors at first floor level to a landing, which is not a habitable room. This matter

differentiates it from this appeal. I have generally concurred with the views of my Colleague outlined in the latter, where relevant to this appeal.

15. I conclude that the appeal proposal would result in unacceptable harm to the living conditions of neighbouring occupiers at 1 Durrant Road, with regard to outlook and privacy. It would also fail to provide satisfactory living conditions for future occupiers, with regard to privacy and outlook. For this reason it would fail to accord with CS Policy PCS 5 and DPD Policy DM 1. These require development that achieves a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

16. I acknowledge that the appeal would provide an additional unit of accommodation and would provide high quality family homes. However, whilst this would be a benefit, it would not outweigh the unacceptable harm that I have identified.
17. I have noted that the appeal site is within an area protected by a Tree Preservation Order. However, the Council confirms that no protected trees would be adversely affected by the appeal development. On this basis and from what I observed on my site visit, I have no reason to take an alternative view on this matter.
18. I have had regard to a recent approved planning application at the appeal site (APP/16/01189/F). However, that development includes two semi-detached dwellings which would be a different design, with a lower ridge height and a hipped roof facing 1 Durrant Road. For these reasons it would have a reduced visual presence as viewed from No.1 and less impact on the Durrant Road streetscene. Further, it would include smaller windows to bedrooms, most of which would be obscure glazed. That which would be clear glazed facing 1 Durrant Road would result in much less opportunity for overlooking into the rear and side outdoor spaces of No.1 than the appeal, due to its position and size. Those rooms with obscure glazed windows would have an alternative outlook. Furthermore, the bedrooms on the upper floors, although with limited outlook, would not have an ensuite bathroom and as other bedrooms would; the proposed layouts would not lend themselves to the use of those rooms as the principal bedrooms. Even though closer to No.1, that planning approval, therefore, would be materially different to the appeal before me.

Conclusion

19. For the above reasons, and taking all other matters raised into consideration, I conclude that the appeal should be dismissed.

R Barrett

INSPECTOR