
Appeal Decision

Site visit made on 25 October 2016

by Mike Fox BA (Hons) DipTP MRTPI

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

Decision date: 9 November 2016

Appeal Ref: APP/Q1255/W/16/3155134

35 Old Kiln Road, Upton, Poole, Dorset, BH16 5SG

- 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 Steve Davies against the decision of Poole Council.
 - The application Ref APP/16/00465/F, dated 21 March 2016, was refused by notice dated 16 May 2016.
 - The development proposed is to sever land and erect a 2 bedroom dwelling with associated car parking.
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Decision

1. The appeal is allowed and planning permission is granted to sever land and erect a 2 bedroom dwelling with associated car parking at 35 Old Kiln Road, Upton, Poole, Dorset, BH16 5SG in accordance with the terms of the application Ref APP/16/00465/F, dated 21 March 2016, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The Appellant has made the appropriate payment (signed and dated) in a legal undertaking pursuant to Section 111 of the Local Government Act 1972, towards Dorset Heathlands Strategic Access Management and Monitoring and I note that this matter is no longer at issue between the parties. I have no reason to come to an alternative view and I have therefore taken this undertaking into account in my decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is a corner plot of an end-of-terrace house with a large side garden within a residential area. The Council's concern is that the proposal would fail to sit comfortably in the street scene by appearing cramped and eroding the open aspect between the buildings in the area. The Council also considers that the parking layout would prevent the provision of an adequate landscape setting to offset the loss of existing space and landscape.
5. The plot size of the proposed new dwelling, at around 138 square metres, would fall well within the range of comparable plot sizes of properties in the neighbouring area. I therefore consider that the proposed development would

not appear to be conspicuously smaller, or cramped, in relation to its neighbours. Furthermore, it would be viewed as part of a terrace rather than as a stand-alone building. Its scale and design, including its roof, fenestration and external materials, would be complementary to the existing terrace. Its roof height would be marginally below that of the existing dwelling, to which it would be adjoined, and its building line would be slightly stepped back. This would result in an acceptable degree of subservience to the neighbouring building and the overall terrace, and in my view this would be especially appropriate in the street scene at this corner location.

6. The openness of the site is already limited by the existing garage which would make way for the proposed development, which would be one storey higher (plus the pitched roof). However, the enclosure of the existing property by a 2m plus high conifer hedge, reinforced by fencing on much of the perimeter, also limits the open aspect of the site in the street scene. I therefore consider that any loss of openness at the appeal site would be minimal and not harmful to the character and appearance of the area. In particular, that part of the prominent hedge, which wraps around the corner of the plot, and which is an asset to the street scene, would be retained, and this can be reinforced by condition.
7. The parking layout would generally match that of the neighbouring plots. It would not detract from the character and appearance of the area, whilst the proposed new hedge between the existing and proposed parking spaces would enhance the landscaping associated with the proposed development.
8. I therefore consider that the proposed development would not have a harmful effect on the character and appearance of the area, in terms of design, massing, height, use of external materials and landscaping, and that any loss of openness would be minimal. As such it would not offend any of the core planning principles or specific policies in *the Framework*¹ or be out of conformity with any of the relevant policies in the Poole Core Strategy or Site Specific Allocations & Development Management Policies DPD.
9. The Appellant has drawn to my attention a number of other sites where additional end-of-terrace houses have been added. I agree with the Council, however, who point out that these sites are located in other parts of the Borough (and beyond) and do not demonstrate direct similarities with the proposal before me, and I can therefore attach only limited weight to them in determining this appeal. In any event, each case must be determined on its individual merits. I have also examined the recent appeal decision submitted by the Council², which again I consider does not exhibit direct similarities with the proposal before me, which limits the weight I can attach to it; and in particular, I note that this recent decision relates to a detached bungalow rather than the extension of a terrace.

Conditions

10. I have considered the conditions suggested by the Council both in the light of paragraph 206 of *the Framework* and recent Government advice, and also the response of the Appellant to the wording and reasons for the conditions. As a consequence, I have made a few changes to some of the detailed wording. In

¹ DCLG: National Planning Policy Framework (*the Framework*); March 2012.

² Appeal Decision Ref APP/Q1255/A/14/2228947,140 Foxholes Road, Poole; dismissed 18 February 2015.

accordance with the GPDO, development must be carried out within three years of the date of this decision and in accordance with the approved plans, and I have imposed these conditions accordingly. Conditions (3) and (10) are to safeguard the character and appearance of the area in accordance with policies PCS23A and PCS5 (v) of the Poole Core Strategy. Condition (4) is to ensure the delivery of a sustainable and energy efficient scheme and reducing reliance on centralised energy supply and in accordance with policies PCS31, PCS32 (ii) and (iii) and policy PCS35 of the Poole Core Strategy and guidance contained within Section 10 of *the Framework*.

11. Conditions (5) and (6) are in the interests of highway safety. Condition (7) is to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal. Condition (8) is in the interests of delivering development which does not result in unacceptable levels of run-off and in accordance with policy PCS35 of the Poole Core Strategy and guidance contained within Section 10 of *the Framework*. Condition (9) is to safeguard the living conditions of neighbouring residential occupiers and in accordance with policies PCS5 (v) and PCS23 (A) of the Poole Core Strategy and paragraph 17 [4] of *the Framework*.

Conclusion

12. I have found that the proposed development would not harm the character and appearance of the area and as such would not be contrary to the relevant policies in *the Framework* or the development plan. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Mike Fox

INSPECTOR

Schedule of conditions

- 1) The development to which this permission relates 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: Location Plan Ref AG2014-40-03 Rev A received 21/03/16; Site Plan Ref AG2014-40-04 Rev B received 21/03/16; Proposed Plans Ref AG2014/40/02 Rev C received 21/03/16; and Landscape Details Ref AG2014-40-05 Rev A received 21/03/16.
- 3) The materials and finishes to be employed on the external faces of the new development hereby permitted shall match those of the existing building at No 35 Old Kiln Road.
- 4) Prior to the commencement of the development hereby permitted, details of the use of on-site renewable energy sources to meet a minimum of 10% of predicted energy use of the residential development shall be submitted to and approved in writing by the local planning authority and subsequently implemented, retained and maintained.
- 5) Before the development hereby permitted is brought into use and notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 2015 or any subsequent re-enactment thereof, 2mx2m visibility splays shall be provided either side of the new access, and cleared of all obstructions over 0.6 m above the level of the adjoining highway, including the reduction in level of the land if necessary, and nothing over that height shall be permitted to remain, be placed, built, planted or grown on the land so designated at any time.

- 6) The development hereby permitted shall not be brought into use until the access and vehicle parking shown on the approved plan have been constructed, and these shall thereafter be retained and kept available for those purposes at all times.
- 7) Prior to the commencement of development, a scheme for the provision of sustainable urban drainage shall be submitted to and approved in writing by the local planning authority. The drainage works shall be implemented in accordance with the approved scheme and thereafter retained.
- 8) All ground hard surfaces shall either be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the site. The hard surface shall thereafter be retained as such.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, and the Town and Country Planning Act 1990, or any subsequent re-enactment thereof, no further extensions or outbuildings other than those authorised by this permission shall be erected without express planning permission first being obtained from the local planning authority.
- 10) The existing hedge which wraps around the front and side of the site shall be retained. This hedge shall be safeguarded by the erection of a protective fence of a type and along a line to be agreed in writing by the local planning authority prior to works commencing on site, and shall be erected before and retained in situ throughout the development phase. Within the areas so fenced there shall be no development or development related activity of any description, including the deposit of spoil, the storage of materials and the mixing of concrete.