
Appeal Decision

Site visit made on 10 October 2016

by Robert Parker BSc (Hons) Dip TP MRTPI

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

Decision date: 11 November 2016

Appeal Ref: APP/Q1255/W/16/3153798

R/O 148 Bournemouth Road, Poole, Dorset BH14 9HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Richard Kirk against Poole Council.
 - The application Ref 16/00177/F, is dated 1 February 2016.
 - The development proposed is demolition of existing storage/garage building and erection of 2 bedroom maisonette over ground floor parking and storage.
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Decision

1. The appeal is dismissed and planning permission for demolition of existing storage/garage building and erection of 2 bedroom maisonette over ground floor parking and storage is refused.

Application for costs

2. An application for costs was made by Mr Richard Kirk against Poole Council. This application is the subject of a separate decision.

Procedural Matter

3. The Council has not formally determined the planning application. However, it has indicated that had it been in a position to do so permission would have been refused for reasons relating to the character and appearance of the area, the living conditions of the occupiers of adjoining residential properties and the adequacy of the accommodation being proposed.

Main Issues

4. In light of the above, and having regard to everything I have read, the main issues in this case are:
 - a) the effect of the proposal on the character and appearance of the area;
 - b) the effect on the living conditions of the occupiers of Nos 146, 148 and 150 Bournemouth Road, with particular regard to outlook and sunlight; and
 - c) whether the development would provide an acceptable living environment for its occupiers, with reference to outdoor amenity space, outlook, privacy and daylight.
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Reasons

Character and appearance

5. The appeal site lies to the rear of No 148 Bournemouth Road. It comprises a single storey, flat roof building and an attached lean-to garage with access onto Florence Road. Together these structures occupy the full width and depth of the plot. The appellant states that the site has been let on a commercial basis for over ten years. There is no conclusive evidence on this point. What is clear, and regardless of their use, is that the buildings have the general appearance of ancillary outbuildings belonging to No 148.
6. Other properties to the north of Florence Road have a similar arrangement, with this side of the street being characterised by a mix of predominantly single storey service buildings and areas of hardstanding which are used for parking in connection with the buildings fronting Bournemouth Road.
7. The proposed development would be substantially taller and bulkier than the existing buildings, due to its full two storey eaves, deep gable and steeply pitched roof. It would be visible for some distance in both directions along Florence Road and in the context of the domestic garages on adjoining sites the building's scale would make it stand out as an isolated and discordant form of development.
8. The appellant has drawn my attention to the recent developments at No 51 and No 55 Florence Road. However, these are some distance from the appeal site and they flank an existing two storey commercial building. They are also less bulky in comparison with the proposed development, with lower eaves and dormer windows giving the appearance of one and a half storey buildings. In my opinion, those schemes do not have direct parallels and they have not set a precedent for two storey development further along the street.
9. I have been referred to an earlier planning application for the appeal site which was the subject of a dismissed appeal¹. In contrast to that scheme, which I note the Inspector found to be unacceptable on design grounds, the current proposal would be substantially larger in footprint, height and mass. In my view, it would be no more acceptable than the previously rejected plans.
10. Policy PCS23 of the Poole Core Strategy (2009) (PCS) seeks to ensure that new development exhibits a high standard of design that will complement or enhance Poole's character and local distinctiveness by respecting the setting and character of the site, surrounding area and adjoining buildings. The proposal would fail to have proper regard to the prevailing scale of development along this section of Florence Road and for this reason I conclude that it would be materially harmful to the character and appearance of the area in conflict with the aforementioned development plan policy.

Living conditions of neighbours

11. The proposed development would back directly onto the small rear yard belonging to No 148. The replacement building would be significantly more overbearing in comparison with the existing flat roof structure as a consequence of its higher eaves and steeply pitched roof.

¹ APP/Q1255/A/07/2041733

12. During my site inspection I accepted an invitation from a neighbour to make an assessment from No 146 Bournemouth Road. I saw that the proposed building would abut the garden to that property. The height of the gable wall and the mass of pitched roof would be oppressive and it would result in loss of sunlight to the neighbours' principal amenity space.
13. The development would also result in loss of outlook from the windows in the adjacent ground floor flat at No 150 Bournemouth Road. The impact would not be so significant on its own as to justify dismissal of the appeal. However, it lends weight to my overall conclusion that the development would have an unacceptable adverse effect on the living conditions of the occupiers of adjoining properties. The proposal would thus conflict with Policy PCS5 (iii) of the PCS insofar as it seeks to ensure that residential proposals for plot severance do not harm the amenities of local residents.

Living conditions within the development

14. The proposed dwelling would lack any form of amenity space for future residents. The Council has not identified any minimum standards with which development should accord. Nevertheless, it seems to me that the objective should always be to provide an area of outdoor space to facilitate activities such as general relaxation, gardening and children's play.
15. Clearly there will not always be the opportunity – conversions and flatted schemes are examples which immediately spring to mind – and this needs to be factored into the final planning balance. However, in my view the absence of any outdoor space within the appeal scheme must weigh against it.
16. Whilst I note that the appellant's arguments in respect of No 51 Florence Road, that scheme provides a courtyard garden in excess of 13 square metres. The appeal scheme by comparison would provide no outdoor amenity space. Given that this would be a new-build development it cannot be reasonably argued that provision is not practicable. The lack of a refusal reason on the decision notice for the previous scheme does not alter my view on this point.
17. Neither does the dearth of garden for the scheme at No 55 Florence Road. I understand that this building was approved as an office and later converted to residential use under permitted development rights. The Council therefore had no opportunity to consider whether or not there was sufficient amenity space.
18. The Council is concerned that the appeal scheme would use high level roof lights as the sole means of providing light for one of the bedrooms. The appellant contends that the design is acceptable and has pointed to other developments, including a flatted scheme at 145-153 Bournemouth Road, where this has been accepted. Notwithstanding those examples, I am minded to agree with the Inspector for 35 Harbour View Road² that such an arrangement would provide a poor level of outlook by reason that views would be limited mainly upwards towards the sky. This also weighs against the proposal.
19. As regards the issue of privacy, the relationship between the proposed roof lights and existing windows in neighbouring buildings would ensure that there are no opportunities for mutual overlooking and therefore no loss of privacy.

² APP/Q1255/W/14/3001014

20. I note the concerns regarding the lack of windows serving the landing/stairs and the ground floor toilet, first floor shower room and main bathroom. However, these are all secondary and circulatory spaces. The primary habitable rooms would all be well lit with south facing window openings.
21. Notwithstanding this finding, I conclude that the absence of amenity space and the use of high level roof lights for Bedroom 2 would provide a poor living environment for future occupiers of the dwelling. This would not constitute the high quality design sought by Policy PCS23 of the PCS and it would be inconsistent with a core planning principle of the National Planning Policy Framework (the Framework) to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

22. I have had regard to the fact that the proposal would use previously developed land to contribute to the supply of housing in a location with good access to shops, services and public transport. I have also taken into consideration the benefits to the construction industry, the additional spending by future residents in local businesses and the revenue arising through the New Homes Bonus and Council Tax. Furthermore, I have no reason to doubt that the proposed development would be built with higher standards of insulation than the existing buildings. However, none of these factors, individually or cumulatively, outweighs the harm I have identified above.
23. The Council contests the appellant's assertions regarding the use of the existing buildings. However, the appeal does not turn on this issue. The outcome would have been the same regardless of whether or not the buildings are lawful for commercial purposes.
24. No marketing information is provided to support the contention that there is no demand for employment use on the site. There is also nothing to demonstrate that such uses would not be viable. Although it is suggested that continuation of the existing commercial use would proliferate traffic noise and other nuisances, there is no firm evidence of such impacts. I have therefore given these aspects of the appellant's submissions limited weight.
25. It is put to me that the existing buildings could be converted to a dwelling under permitted development rights and that this would not necessarily bring the same level of benefit to the local area. However, this would require an application under the prior approval procedure and there is no certainty regarding the outcome. Even if such a development did go ahead, a building conversion is likely to be significantly less harmful to the character and appearance of the area.
26. Residents have objected to the proposal on the grounds that it would place additional pressure on kerbside parking in the locality. However, there is no substantive evidence on this matter and I note that the Highway Authority has not objected to the proposal. Accordingly, this matter does not constitute a reason to dismiss the appeal.
27. I have seen a copy of completed S111 Undertaking which would provide for a financial contribution towards Strategic Access Management and Monitoring in relation to the Dorset Heathlands protected European sites. However, the Undertaking would not address my fundamental concerns about the scheme and has thus not had a significant bearing on my decision.

Conclusion

28. The Framework makes clear that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is a core planning principle that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. In my judgement, the proposal would fail to achieve these objectives and as such it would bring it into conflict with the social and environmental roles of sustainable development.
29. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR