
Appeal Decision

Site visit made on 25 October 2016

by R J Marshall LLB DipTP MRTPI

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

Decision date: 13 December 2016

Appeal Ref: APP/Q1255/D/16/3153133
61, Orchard Avenue, Poole, BH14 8AH

- 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 and Mrs Govier against the decision of Poole Council.
 - The application Ref APP/16/00491/F, dated 21 March 2016, was refused by notice dated 20 June 2016.
 - The development proposed is erect extensions to side and rear of existing 2^{1/2} storey house.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs Govier against Poole Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this appeal are: **first**, the effect of the proposed development on the character and appearance of the surrounding area; and **second**, the effect on the living conditions of the occupiers of No. 63 Orchard Avenue with special reference to visual impact and light.
4. The first issue does not derive from the Council's grounds for refusal. However, it is a concern of many locally and from what I saw justifies being one of the main considerations in this appeal.

Reasons

Character and appearance

5. Orchard Avenue is an attractive suburban road containing mainly detached houses of varied design and ages. There is in the main an appealingly spacious character to development along this road and in the vicinity of the appeal site. This is due in part to the width of the road and also to the gaps between houses. In the main there are gaps between houses at first floor level sufficient to ensure a pleasing degree of separation between properties and to ensure that their attached form remains clearly apparent. And in some cases although the gaps between houses may have been reduced the roof form or setback of the extension or adjoining property has ensured the retention of a satisfactory

degree of separation. There are, as I saw, a few instances where this is not the case. However, where this occurs it has generally detracted from the character and appearance of the area and is not something that should be replicated.

6. The proposed development would result in an extension which, seen from the road frontage, would extend right up to the boundary of the site with the adjoining house at No. 63. And this neighbouring house, although not quite up to the side boundary of the appeal site is separated from it only by the width of a narrow alleyway. There would be a marginal set back of the first floor front elevation, but this would be insufficient to create an acceptable appearance of separation between the 2 houses. As a consequence the proposed development would detract from the generally more spacious quality of the area.
7. I do not share the concerns of some locally on the more modern appearance of the proposed alterations and nor on the proposed materials given the variation of house styles in the area. However, this does not diminish the concern I have identified above.
8. It is concluded that the proposed development would detract from the character and appearance of the surrounding area. It would conflict with Policy DM1(v) of the Poole Site Specific Allocations and Development Management Policies DPD (2012) which requires new development to protect neighbours' amenities.

Living conditions

9. The proposed development, as well as extending to the side at 2 storey level would extend rearwards. Most of the concerns of the neighbour at No. 63 relate to loss of light and visual impact arising from the proximity of the proposed extension to their boundary and the degree to which it would extend back into the plot.
10. No. 63 has windows in its side elevation that would face onto the side wall of the proposed extension. These windows are an obscure glazed bathroom window on the first floor, and on the ground floor a kitchen window and a small utility room window. However, the view from these windows is already limited by an existing garage on the appeal site and this garage already restricts light to the room served by these windows. The proposed development would not have so much greater an impact in these respects as to be unacceptable. Moreover, the kitchen is also served by a large patio window facing onto the rear garden of No. 63 which provides light to the kitchen and good views from it. The proposed development would have no material impact on this.
11. However, seen from parts of the patio of No. 63 and its rear garden the proposed extension would, notwithstanding the first floor side elevation being slightly inset, look rather overpowering given its rearward extent. On balance I consider that this would be sufficient to be harmful to living conditions.
12. The proposed development would be far enough from the boundary with No. 59 for no harm to be caused to the living conditions of those in that property. The location of windows on the proposed development relative to neighbouring houses, and the ability to make some of the windows obscure glazed, would prevent any unacceptable loss of privacy. However this does not make the proposal more acceptable on this issue given the harm found above.

13. The appellant has referred to the impact of new houses at 105 Orchard Avenue and 47 Twemlow Avenue. However, in the absence of plans of these schemes, and given the limited view from the road, it is impossible to properly assess their impact on neighbour's living conditions in comparison with the proposal before me.
14. It is concluded that the proposed development would detract from the conditions of the occupiers of No. 63 Orchard Avenue with special reference to visual impact. It would conflict with Policy PCS23 of the Council's Core Strategy (2009) which requires new development to respect the setting and character of the surrounding area.

Other matters

15. Since refusing the application in the appeal before me the appellant has submitted a revised proposal which has been permitted. However, this scheme was revised in ways that directly impact on the concerns I have raised above. Thus this permission provides no support for the acceptability of the proposal before me.

Conclusion

16. For the reasons given above it is concluded that the appeal should be dismissed.

R J Marshall

INSPECTOR