The Planning Inspectorate

Appeal Decision

Site visit made on 17 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: 6 January 2017

Appeal Ref: APP/Q1255/W/16/3153989
Holly Hill, 9 Alington Road, Poole, Dorset BH14 8LX

- 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 West Coast Developments against the decision of Poole Council.
- The application Ref APP/16/00174/F, dated 1 February 2016, was refused by notice dated 4 April 2016.
- The development proposed is demolition of existing two storey extensions to 9 Alington Road and replacement with three new-build apartments and alterations and additions to the existing house to make a single three bedroom dwelling.

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing two storey extensions to 9 Alington Road and replacement with three new-build apartments and alterations and additions to the existing house to make a single three bedroom dwelling at Holly Hill, 9 Alington Road, Poole, Dorset BH14 8LX in accordance with the terms of the application, Ref APP/16/00174/F, dated 1 February 2016, subject to the conditions set out in the attached schedule.

Procedural Matters

2. Planning permission has already been granted[1] for a scheme with the same description of development as above. Permission was subsequently given[2] for the addition of a first floor balcony and a small window on the south elevation of Holly House (No 9).

3. Since the appeal was lodged a further permission has been granted[3] to vary the approved plans. According to the Council, this authorised a thicker side wall, and enclosure and reduction in height of the stack on the west elevation of the dwelling; a smaller dormer window at first floor level on the south elevation; and an increase in the height of the apartment block. My determination of the appeal takes account of these approved amendments.

4. I noted during my visit that building works were underway on site with the basic shell of the apartment block already well advanced.

[1] Ref APP/15/00227/F
[2] Ref APP/15/01161/F
[3] Ref APP/16/01079/F

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area and locally listed buildings.

Reasons

6. No 9 is a residential property dating from the Victorian period. Originally combined with No 7 Alington Road as a single dwelling, it is now a separate address. Both properties are locally listed. Neither has a street frontage and therefore access is via a private driveway leading from Alington Road and shared with several other properties.

7. The surrounding area contains a mix of large houses and blocks of flats set within spacious and well treed grounds. There is a pleasing blend of traditional and contemporary architecture, with more recent developments falling into the latter category. The area lost its Conservation Area status in 2014 but that does not diminish the fact that this is an attractive residential neighbourhood.

8. In granting previous permissions the Council has already accepted the principle of demolishing substantial two storey extensions and constructing an apartment block directly alongside No 9. The juxtaposition of architectural styles will be striking, emphasised by the close proximity of the buildings. However, neither building would appear out of character with the wider area given the context I have described above.

9. The proposed addition of a sunroom would increase the height of the new apartment block, making it taller than No 9. The Council is concerned that this would lead to a dominant and overbearing relationship with the existing dwelling. However, notwithstanding the impression given by the submitted Context Sections, there are few, if any, public vantage points from where the two buildings would be read together.

10. No 9 is set back a considerable distance from Alington Road and it is largely hidden from view by trees and buildings[4] on the street frontage. The proposed sunroom would be glimpsed at a distance but it would not appear out of keeping given the number of other contemporary buildings in the locality. The sunroom would be a modest addition seen against a backdrop of trees behind. Furthermore, the use of dark coloured cladding materials would mitigate the visual impact and assimilate the structure into its surroundings.

11. The development would be visible from the gardens of the dwellings under construction to the south. However, as the submitted 3D Perspectives demonstrate, the sunroom would not be unduly prominent in these short range views owing to the fact that the structure would be recessed behind the parapet and positioned at the side of the building furthest from No 9.

12. Concerns are raised regarding the proposal to extend the second floor balcony eastwards and the consequent requirement for a glazed privacy screen. The latter would be a lightweight, semi-translucent structure and in my opinion it would not be visually harmful. Neither would it add significantly to the mass of the building overall.

[4] These were under construction at the time of my site inspection.

13. As regards the alterations to No 9, I note that the original proposal was to rebuild a chimney off the base of the roof hip, whilst maintaining an external stack. An alternative scheme has since been granted whereby the stack would be enclosed and a reduced height chimney constructed.

14. The survey drawings indicate that the chimney was originally part of the now demolished extensions. Under the appeal proposal a replacement chimney would be provided, but it would be integral to a new twin gable on the host building. The design would facilitate the retention of an oriel window which is an attractive feature. This would constitute a benefit of granting planning permission.

15. Although no Heritage Assessment has been submitted with the application, it seems to me that the significance of No 9 as a non-designated heritage asset lies in its architectural interest and more particularly its group value with No 7. Previous permissions have demonstrated that there are various options in terms of design. The Council may prefer one of these, but taking the appeal scheme on its merits I do not consider that the roof alterations being proposed would detract significantly from the character or appearance of the building.

16. Furthermore, I do not share the Council's view that the proposal would contribute to a cramped form of development. There would be an increase in roof mass and the new gables would bring the adjoining buildings closer together at roof level, but given their existing proximity I am not convinced that this would justify dismissing the appeal.

17. The application also seeks the retention of a section of stub wall which projects approximately 800 millimetres forward of the principal façade. The precise purpose of this quirky addition is unclear, but regardless of this I am not persuaded that it has been detrimental to the visual interest of the building as a whole.

18. Paragraph 135 of the National Planning Policy Framework (the Framework) confirms that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. It states that in weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

19. In this case I have not identified any significant loss or harm arising from the proposal. There would clearly be alteration to historic fabric and some change to the setting of No 9, but this does not automatically make the scheme unacceptable. In my judgement, the architectural interest and setting of the building and its attached neighbour (No 7) would be preserved.

20. Policy PCS23 of the adopted Poole Core Strategy (2009) (PCS) seeks to ensure that development exhibits a high standard of design that will complement or enhance Poole's character, local identity and cultural vitality. Policy PCS5 (iii) states that residential proposals for plot severance will only be permitted where sufficient land can be assembled to accommodate a type, scale, density and layout of development which preserves or enhances the area's residential character.

21. Policy DM2 of the Poole Site Specific Allocations and Development Management Policies Development Plan Document (2012) seeks to ensure that heritage assets and their settings are enhanced, better revealed and/or restored, with any damage being justified only where there is overriding public benefits.

22. I consider that the proposal would comply with these development plan policies. Accordingly, I conclude that it would not cause material harm to the character or appearance of the area or locally listed buildings.

Other Matters

23. I note the concerns expressed by the residents of Harbour Watch regarding overlooking. The principle of west facing bedroom windows has already been established under the extant permission. Having regard to this, the separation distance between the buildings and the screening effect of trees along the boundary, I am content that there would be no material reduction in privacy for neighbouring occupiers.

24. I have had sight of an Undertaking pursuant to Section 111 of the Local Government Act 1972 in relation to the payment of a financial contribution for Strategic Access Management and Monitoring (SAMM) for the Dorset Heathlands Special Protection Area and Dorset Heaths Special Area of Conservation. The Council has advised that the monies have been paid and that they would be ring fenced for the purposes of SAMM. I have relied upon this assurance to confirm that the intended use of the contribution to provide mitigation is secure. This would address the second refusal reason in respect of the need to avoid or mitigate any adverse effect on the European protected sites.

Conditions

25. The Council has provided a list of suggested conditions which I have considered against the six tests set out in paragraph 206 of the Framework. Where necessary I have adjusted the wording to improve precision and enforceability. Although the proposal is effectively to modify the approved scheme, this will be standalone permission and therefore it will be necessary to reimpose some of the conditions attached to the earlier decision, adjusted to take account of where those conditions have already been discharged.

26. In addition to the standard commencement condition, it is necessary to attach a condition to define the plans with which the scheme shall accord. This will provide certainty regarding the scope of the permission.

27. Conditions are required in relation to materials and the implementation of a landscaping scheme, including tree planting, to preserve the character and appearance of the area. Compliance with the approved arboricultural method statement also needs to be secured, in order to protect existing trees on the site.

28. In the interests of highway safety a condition is necessary to ensure that the access, turning areas and garages/parking spaces are constructed prior to first occupation of the development. Further conditions are required to secure cycle parking in accordance with the relevant standards and bollard lighting to provide a safe and attractive route for pedestrians within the site.

29. To protect the privacy of adjoining residential occupiers conditions are required to ensure the installation of obscured glass screens for the sides of the terraces for Flats 2 and 3 and the roof terrace of 9 Alington Road. For the same reason conditions are necessary to prevent use of the remaining parts of flat roof as a balcony, roof garden or amenity area.

30. The Council has requested a condition to remove permitted development rights for new windows and doors in the development. The reason given is to

avoid loss of privacy to adjoining properties. However, the condition was not attached to earlier permissions and in my view it cannot be justified.

31. The suggested condition in relation to on-site renewable energy would be supported by development plan policy. However, I can find no explanation as to why it was not a requirement of the previous permissions. Given the stage development has reached, and the fact that there would be no increase in the number of dwelling units on the site, I consider that its imposition would be unreasonable.

Conclusion

32. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Robert Parker

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans:

- Location and Block Plan Drawing No. 1345 71
- Site Plan Drawing No. 1345 72
- Ground Floor Plan Flats Drawing No. 1345 73
- First Floor Plan Flats Drawing No. 1345 74
- Second Floor Plan Flats Drawing No. 1345 75
- Third Floor Plan Flats Drawing No. 1345 76
- Front Elevation Flats Drawing No. 1345 77
- Side Elevation Flats Drawing No. 1345 78
- Rear Elevation Drawing No. 1345 79
- Side Elevation Drawing No. 1345 80
- Floor Plans 9 Alington House Drawing No. 1345 81
- Elevations 9 Alington House Drawing No. 1345 82
- Context Sections Drawing No. 1345 83

3) No works shall commence on constructing the sunroom until details of the external facing and roofing materials for that part of the development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. All other materials shall accord with the details/samples approved by the Council by letter dated 18/12/2015 under APP/15/00227/F unless otherwise agreed in writing with the local planning authority.

4) Five trees, of a size and species and in a location to be agreed in writing with the local planning authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428 within 6 months following occupation of the buildings or the completion of the development whichever is the sooner. The trees shall be thereafter maintained for a period of five years including the replacement of any trees, or any trees planted in replacement for them, which die, are removed or become damaged or diseased within this period with trees of a similar size and of the same species, unless the local planning authority gives written consent to any variation. The local planning authority shall be notified in writing when the trees have been planted so that compliance with the condition can be confirmed.

5) The landscaping scheme approved by the Council by letter dated 18/12/2015 under APP/15/00227/F shall be fully implemented with new planting carried out in the planting season October to March inclusive following occupation of the buildings or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the local planning authority. All planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting. The scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the local planning authority gives written consent to any variation; and the whole scheme shall be subsequently retained.

6) The development hereby permitted shall not be occupied until the access, turning space, garaging/vehicle parking shown on the approved plans have been constructed, and these shall thereafter be retained and kept available for those purposes at all times.

7) Prior to first occupation of the apartments hereby permitted, at least 6 Sheffield type cycle stands shall be provided in accordance with the details approved by the Council by letter dated 18/12/2015 under APP/15/00227/F and these shall be thereafter retained.

8) Prior to first occupation of the apartments hereby permitted the bollard lighting approved by the Council by letter dated 18/12/2015 under APP/15/00227/F shall be installed and shall thereafter be retained in working order at all times.

9) Prior to use of the terraces to Flats 2 and 3 hereby permitted, obscure glazed screens of a form sufficient to prevent external views and at least 1.8 metres in height shall be erected along their south-east sides (not including areas of flat roof identified on the plans where access is for maintenance only) and these shall be retained as such thereafter.

10) Prior to use of the terrace serving the master bedroom of 9 Alington Road, obscure glazed screens of a form sufficient to prevent external views and at least 1.8 metres in height shall be erected along the east and west sides of the terrace, as indicated on the approved plans, and shall be retained as such thereafter.

11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 and the Town and Country Planning Act 1990 or any subsequent re-enactments thereof, the flat roofed area of the apartment building hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further planning permission from the local planning authority.

12) All works relating to the ground clearance, tree works, demolition and development with implications for trees shall be carried out as specified in the arboricultural method statement approved by the Council by letter dated 18/12/2015 under APP/15/00227/F.