
Appeal Decision

Site visit made on 20 January 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 13 February 2017

Appeal Ref: APP/Q1255/W/16/3157415
11 Newton Road, Poole BH13 7EX

- 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 & Mrs Gomez against the decision of Borough of Poole.
 - The application Ref APP/16/00756/F, dated 11 May 2016, was refused by notice dated 7 July 2016.
 - The development proposed is demolition of the existing building and the erection of a replacement dwelling with associated access and parking.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing building and the erection of a replacement dwelling with associated access and parking at 11 Newton Road, Poole BH13 7EX in accordance with the terms of the application, Ref APP/16/00756/F, dated 11 May 2016, subject to the conditions in the attached Annex.

Procedural Matters

2. The Council draws attention to a discrepancy between the updated topographical survey Dwg No 11, submitted with the appeal and the original site plan Dwg No 03 that was submitted with the planning application. Concern is raised that this introduces uncertainty as to which of those two drawings accurately reflects the true relationship between Nos 11 and 13. The updated topographic survey shows the dwelling at No 13 plotted differently to that shown on Dwg No 03, but I have no reason to consider it not to be accurate. The siting of the proposed dwelling would remain unaltered.
 3. Furthermore, if anything, the space between the two dwellings would be greater than originally shown on Dwg No 03, particularly at first floor level. That relationship is clarified by the appellants in their final comments dated 26 January 2017. I am therefore satisfied that the submitted evidence provides sufficient basis upon which to assess the relationship that would exist between the buildings. Furthermore, as that relationship would not be closer than was originally indicated, and that the siting of the proposed dwelling would remain unaltered, I am satisfied that neither the Council nor any neighbours or other third parties would be prejudiced by my determination of the appeal on that basis.
 4. The Council, in its third reason for refusal, raised concern that the proposed development would not provide mitigation for any potential adverse effect on nearby European heathland sites. However it has since confirmed that, as the
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proposal would not result in a net increase in dwellings, such mitigation in the form of a financial contribution would not be required and that the third reason for refusal had been added in error. I have no basis to consider otherwise and so have given no weight to that third reason for refusal.

Main Issue

5. The main issue is whether or not the proposed development would preserve or enhance the character or appearance of the Canford Cliffs Village Conservation Area (the CA).

Reasons

6. The CA is characterised by varying sizes and designs of buildings which in the area surrounding the site generally comprise single detached dwellings set within spacious plots and set back from the road with varying but clear gaps between them. There is therefore a distinct and pleasant sense of spaciousness which is enhanced by the presence of trees and other vegetation in the front gardens and adjacent to the roadside boundaries to varying degrees.
7. Due to the site's location within the CA, special attention has to be paid to the desirability of preserving or enhancing the character or appearance of the CA.
8. The proposed dwelling would replace an existing chalet bungalow which comprises a substantial pitched roof accommodating the first floor within it. That proposed would be a three storey dwelling but with the top floor within the roofspace. The roof, due to the significant proposed depth to the dwelling would have a partially flat roof. However that would be atop and surrounded by the visible pitched roof elements. As such, like that of No 17, another large and deep building, it would maintain the appearance of a traditional hip roofed dwelling, common in the area.
9. Although it would be materially larger than the existing building, it would not in itself appear out of place in the context of other large dwellings in the street and surrounding area generally. It would have a substantial depth but that would not be a dominating feature with the building set well back from the road and given the presence of substantial side boundary vegetation on both sides.
10. I have had regard to the distinctive gaps between dwellings in the street, but note that there is no clear pattern in that respect, with varying distances between them. Notwithstanding the concerns raised by the Council about the discrepancies on the submitted drawings, and despite the two storey element of the building encroaching closer to the boundary with No 13 than the main side elevation of the existing dwelling, it would only be by the width of the existing side entrance porch.
11. I saw that there would remain a significant gap between the side of that proposed and the main two storey side elevation of No 13, and a greater gap on the other side to No 9. The nearest part of that elevation of No 13 is also set towards the rear of that house such that the more prominent front part would be still further away from the proposed dwelling. The element of the proposed dwelling nearest to No 13 would also be set back behind the front elevation of that neighbouring house, further lessening any combined massing effect.

12. Therefore, despite its substantial size, it would still sit comfortably in its large plot without appearing cramped or detracting from the openness and spaciousness of the streetscene.
13. The proposed garage on the other hand would be located in a prominent position close to the front boundary of the site. Although it would be likely to be partially screened by front boundary hedgerow, its roof at least would likely still be clearly visible. Furthermore, that boundary vegetation could not be guaranteed to be retained or maintained at a sufficient density and height to continue any screening function in the longer term.
14. Importantly, within the context of Newton Road, where there are no other such structures close to the road, the proposed garage would stand out as a jarring feature and one that would detract from the otherwise generally verdant and spacious vistas along that road. I acknowledge and saw that there are other properties in the area with garages in the front gardens. However, these are in the context of other streets where the circumstances relating to their design, siting and specific streetscenes are different to that of the appeal site in the context of Newton Road. As such, the proposed garage would fail to preserve the character and appearance of the CA.
15. The appellants have submitted an amended plan to show the garage removed, Dwg No 03A, which they have requested be taken into consideration in the event that the proposed garage is considered unacceptable. On the basis that such an amendment would ensure that the front area would remain free of buildings as existing, such an amendment would not prejudice any parties. I am therefore satisfied that the amended site layout plan can be taken into consideration and, as a result, the unacceptable harm that would be caused by the garage is avoided.
16. I have had regard to the submissions relating to the Council's concern over the potential risk to the tree adjacent to the proposed garage protected by Tree Preservation Order. However, even if the Council is correct in its conclusions regarding such risk, Dwg No 03A, showing the removal of that garage, which I have taken into consideration, would overcome such risk.
17. I have had regard to whether the additional extent of hard surfacing in the front garden area would be excessive in terms of its visual appearance. Whilst there would be a significant amount, like some other properties in the street, such as No 17, I do not consider this would materially undermine the pleasant open and verdant nature of the streetscene. This is particularly as it would not encroach upon the front boundary vegetation. Such vegetation would also largely screen or soften that hard surfacing from the street. Furthermore, without the garage in place, Dwg No 03A shows a significant soft landscaped area retained in its place.
18. For the above reasons, the proposed development, taking account of the amended site layout plan Dwg No 03A showing the removal of the proposed garage, would preserve the character and appearance of the CA. As such it would accord with policies PCS5 and PCS23 of the Poole Core Strategy and policies DM1 and DM2 of the Poole Site Specific Allocations and Development Management Policies Development Plan Document which together require development to preserve or enhance the character of CAs.

19. The Council has suggested thirteen conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of advice in the Government's Planning Practice Guidance and amended some of the wording and omitted three.
20. The standard time condition is required in this case and for the avoidance of doubt and in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans would also be required.
21. In the interests of preserving the character and appearance of the CA, conditions would be necessary to secure: details and samples of external facing and roofing materials; and the submission of an arboricultural method statement concerning construction works in relation to trees on and adjacent to the site, so as to protect those trees from being harmed. In respect of the latter, I consider that the Council's suggested conditions 11 and 12 would be adequately dealt with under requirement (g) of suggested condition 10. I have therefore omitted the suggested conditions 11 and 12.
22. So as to protect the privacy of neighbouring residents, a condition to secure appropriately obscure glazed windows in respect of those annotated as 'OG' on the side elevation drawings together with the eastern side elevation staircase windows would be necessary. In the interests of clarity as to whether the proposed windows would achieve the required levels of privacy, I consider it reasonable and necessary to secure the submission of details for the Council's approval. Also to protect neighbours' privacy, a condition to prevent the proposed flat roof area being used as a balcony, roof garden or similar amenity area would also be necessary.
23. In order to deliver a sustainable scheme and reduce reliance on centralised energy supply, a condition to secure details of the use of on-site renewable energy sources to meet a minimum of 10% of the predicted energy use would be reasonable and necessary.
24. In the interests of highway safety, conditions to ensure the provision of the proposed access, off-street parking and turning space and the preservation of the proposed pedestrian visibility splays at the access point would be necessary. Furthermore, so as to prevent unacceptable levels of surface water run-off and potential localised flooding, a condition to ensure that any proposed ground hard surfaces are made of porous materials or that any run-off from those hard surfaces would be to a permeable or porous area or surface within the site would be necessary.
25. The Council has suggested a condition to restrict permitted development rights for any extensions or garage to the proposed dwelling. The reason given for this is to preserve the spacious layout of the plot and the character and appearance of the street and the CA. However, the proposed dwelling would not be a cramped form of development on what is a large plot and I have received no clear evidence that the development that is suggested for exclusion would have a serious adverse effect on the streetscene or CA generally. There is therefore no clear justification for removing those permitted development rights. As such, that condition would not be reasonable or necessary and so I have omitted it.

Conclusion

26. For the reasons given above, I conclude that the appeal should be allowed.

Andrew Dawe

INSPECTOR

ANNEX – 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: 01, 03A, 04, 05, 11 and Tree Survey and Tree Protection Plan (Drawing No. 3341-3-16).
3. No development shall take place until details and samples of all external facing and roofing materials to be used have been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
4. The dwelling hereby permitted shall not be occupied until the windows annotated as 'OG' on the approved plans, together with the ground and first floor windows to the staircase on the eastern (side) elevation, have been glazed with obscure glass in a form sufficient to prevent external views, and either a fixed light or hung in such a way as to prevent the effect of obscure glazing being negated by reason of opening, in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The windows shall be retained as such thereafter.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the area of flat roof to the roof form of the dwelling hereby permitted shall not be used as a balcony, roof garden or similar amenity area.
6. 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.
7. The dwelling hereby permitted shall not be first occupied until the access, turning space and 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.
8. Prior to the first occupation of the dwelling hereby permitted and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the land designated as pedestrian visibility splays, as indicated on the approved plans, shall be cleared of all obstructions over 0.6 metres 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.
9. Any 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.

10. An arboricultural method statement, prepared by an arboricultural consultant holding a nationally recognised arboricultural qualification, providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any ground clearance, tree works, demolition or development. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:-
- a) a specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing;
 - b) a specification for scaffolding and ground protection within tree protection zones in accordance with BS5837;
 - c) a schedule of tree works conforming to BS3998;
 - d) details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
 - e) plans and particulars showing the siting of the service and piping infrastructure;
 - f) a full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
 - g) details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
 - h) details of all other activities which have implications for trees on or adjacent to the site.