

Appeal Decision

Site visit made on 12 December 2016

by Robert Parker BSc (Hons) Dip TP MRTPI

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

Decision date: 1 March 2017

Appeal Ref: APP/Q1255/W/16/3156737
18 Glen Road, Poole BH14 0HF

- 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 Worth against the decision of Poole Council.
 - The application Ref APP/16/00668/F, dated 27 April 2016, was refused by notice dated 29 June 2016.
 - The development proposed is erection of a single dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a single dwelling at 18 Glen Road, Poole BH14 0HF in accordance with the terms of the application, Ref APP/16/00668/F, dated 27 April 2016, subject to the conditions set out in the attached schedule.

Procedural Matters

2. I have been provided with a copy of an appeal decision relating to an earlier proposal for the site. Whilst this is a relevant material consideration the schemes are significantly different and I have determined the appeal on its own merits.
3. Amended plans were submitted during the course of the application in response to comments from the Highway Authority. The Council made its decision against those plans and my determination of this appeal is made on the same basis.

Main Issues

4. 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 18 Glen Road, with particular reference to outlook; and
 - c) whether the development would provide acceptable living conditions for its occupiers, with regard to privacy and sunlight within the garden.

Reasons

Character and appearance

5. Glen Road is a residential cul-de-sac containing a mix of detached dwellings. The layout of properties is heavily influenced by the hillside location, with those on the north side elevated above the street behind retaining walls and garages.
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The road then makes a sharp turn, after which the buildings return to nearer pavement level.

6. No 18 lies on the inner radius of the bend and is the first in a long row of houses which terminates at the vehicle turning head. To the rear of the property but also facing onto Glen Road are three garages which due to the local topography are at a higher level than the dwelling. In front of the garages is a parking area.
7. The proposal is to replace the garages with a detached split-level dwelling. The dwelling would be slightly taller than the garages and it would extend further west. However, in general terms its scale, form and massing would mimic the existing building with a similar set back from the street.
8. The Council contends that the development would read as a dwellinghouse instead of an ancillary garage block, and that as a result the site would appear cramped and overdeveloped. Whilst the character of the plot would alter as a result of the development, I do not consider that this would be materially harmful to the street scene.
9. The limited plot depth would not be apparent in public views and adequate separation between the new dwelling and No 18 would be maintained. Furthermore, parking would be retained in front of the building in a similar manner to existing, with additional room for landscaping to provide an attractive setting for the development.
10. During my visit I saw a blend of architectural styles in Glen Road, including a strikingly modern apartment building further along the street. It seems to me that this variety is part of the local character and in this context the appeal scheme would not be out of keeping. The dwelling would not be part of a built-up frontage and consequently its appearance would not jar with neighbouring properties. In my opinion, the contemporary design would add visual interest to this particular section of road.
11. Accordingly, I conclude that there would be no material harm to the character or appearance of the area. The proposal would contribute positively to Glen Road and enhance the area's residential character, in compliance with Policies PCS5 and PCS23 of the Poole Core Strategy (2009) (PCS).

Living conditions (occupiers of No 18)

12. The proposed dwelling would back directly onto the garden of No 18. The occupiers of this property currently have a view onto the rear wall of the garages. Due to ground level differences the existing building appears as two-storey. The appeal scheme would be much the same but it would introduce a further element of two-storey development. The Council is concerned that this would be intrusive and overbearing.
13. During my visit I was able to assess the proposal from the rear garden of No 18. I saw that this area is enclosed to the north by the garages and to the west by a bank of trees. Notwithstanding this, the garden has a spacious quality and there is an open aspect to the south.
14. The appeal scheme would increase the mass of building on the boundary. Whilst this would be appreciable from the adjoining garden, the additional two-storey section would be positioned furthest from the dwelling alongside a summerhouse. Having regard to this siting and the level of enclosure already

provided by buildings on this particular boundary, I do not consider that there would be a significant detrimental effect on the neighbours' outlook. Any residual effects would be capable of mitigation using planting and ground reprofiling, as illustrated by the submitted computer-generated visualisation.

15. I therefore find that there would be no material harm to the living conditions of the occupiers of No 18. As such, there would be no conflict with Policy PCS5 of the PCS or Policy DM1 of the Poole Site Specific Allocations and Development Management Policies Development Plan Document (2012) (DMP) insofar as they seek to ensure that the amenities of local residents are not harmed by overbearing or oppressive development.

Living conditions (future occupiers of development)

16. The Council is concerned that the garden to the proposed dwelling would be overlooked by windows in No 18. At ground floor views into the site would be restricted by boundary walling. Of the upper storey windows in the side elevation of No 18, only one serves a habitable room. The proposal is to block up this opening and insert a new roof light in the elevation facing onto the back garden. The remainder of the windows serve secondary spaces such as bathrooms and are already obscurely glazed.
17. Concerns are also raised regarding overshadowing of the garden to the new property. It seems likely that the external amenity space would be in shade for long periods during the day. However, it would receive sunlight in the late afternoon and evening. Although this situation would be suboptimal, taken in the round it would not justify dismissal of the appeal on its own.
18. I therefore conclude that the future occupiers of the proposed dwelling would enjoy adequate levels of privacy and sunlight in their garden and external spaces. There would be no conflict with Policy PCS5 of the PCS, Policy DM1 of the DMP or the objective of the National Planning Policy Framework (the Framework) to secure a good standard of amenity for all future occupants of land and buildings.

Other Matters

19. 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 towards Strategic Access Management and Monitoring (SAMM) for the Dorset Heathlands Special Protection Area and Dorset Heaths Special Area of Conservation. The Council has confirmed 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 addresses the second refusal reason in respect of the need to avoid or mitigate any adverse effect on the European protected sites.
20. Neighbouring residents have raised the concern that the proposal would infringe on their privacy. However, there would be no windows or other openings on the elevations facing these properties and as such there would be no opportunities for overlooking. A planning condition would ensure that the Council retains control over the creation of new openings in the future.
21. I have noted the concerns regarding the effects on road safety. However, the number of additional vehicle movements generated by an additional dwelling is unlikely to be significant. Furthermore, I am satisfied that adequate visibility is

achievable at the new driveway entrance to No 18. Therefore a dismissal of the appeal on highway grounds would not be justified.

Conditions

22. 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.
23. 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. A condition is also required to secure details and samples of materials in the interests of the character and appearance of the area. For the same reason I have attached a condition in relation to the submission a landscaping scheme.
24. In the interests of highway safety conditions are needed to ensure construction of the parking area for the new dwelling and visibility splays for the new driveway entrance serving No 18. The scheme will also need to provide on-site renewable energy sources to minimise carbon emissions in accordance with development plan policy. Details of these measures can be secured by condition.
25. To prevent flooding I have attached a condition requiring all hard surfaces to be made of porous materials, or designed to direct run-off water to a permeable or porous area or surface within the site. In order to restrict the amount of development on this smaller plot and to safeguard the living conditions of adjoining occupiers a condition to remove permitted development rights for extensions, porches, outbuildings and window openings is justified.
26. In addition to those conditions suggested by the Council I consider that a further condition is necessary to ensure that the fenestration on the north elevation of No 18 is altered prior to occupation of the new dwelling. This will prevent overlooking of the garden to the new property in the interests of providing adequate levels of privacy for future occupiers.

Conclusion

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

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: Drawing no 15_111/02A, 15_111/03, 15_111/04A, 15_111/05A, 15_111/06A and site survey (GLEN 1)
- 3) No development shall commence until details and samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) No development shall commence until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, to include details of all new landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels. Upon approval:
 - a) the approved scheme shall be fully implemented with new planting carried out in the planting season (October to March inclusive) following occupation of the dwelling 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;
 - b) all planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;
 - c) 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
 - d) the whole scheme shall be subsequently retained.
- 5) No development shall commence until details of on-site renewable energy sources to meet a minimum of 10% of predicted energy use of the residential development have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the approved renewable energy sources have been installed. They shall be retained in working order thereafter.
- 6) No development shall commence until details of a scheme for the installation of a visibility splay to the northwest side of the new vehicular access to serve No 18 Glen Road as shown on the approved plans has been submitted to and agreed in writing by the local planning authority. The dwelling hereby permitted shall not be occupied until the approved visibility splay has been provided and cleared of all obstructions over 0.6 metres above the level of the adjoining highway. Nothing over that height shall be permitted to remain, be placed, built, planted or grown on the land so designated at any time.

- 7) No development shall commence on site until a scheme for the alteration of the first floor fenestration on the north elevation of No 18 Glen Road to prevent overlooking of the external amenity space for the new dwelling has been submitted to and approved in writing by the local planning authority. The scheme shall make provision for the blocking up of one window and obscured glass in the remainder, in accordance with the details shown on the approved plans, with the latter windows being non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The approved scheme shall be implemented prior to occupation of the dwelling hereby permitted and retained as such thereafter.
- 8) The dwelling hereby permitted shall not be occupied until the access and vehicle parking area serving it (as shown on the approved plans) have been constructed, and these shall thereafter be retained and kept available for the purposes of parking in connection with the development.
- 9) All 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) 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), no extensions, porches or outbuildings shall be constructed within the site, nor any window openings created in the dwelling (including those within the roof) other than those expressly authorised by this permission.