The Planning Inspectorate

Appeal Decision

Site visit made on 28 February 2017

by R J Marshall LLB DipTP MRTPI

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

Decision date: 5 April 2017

Appeal Ref: APP/Q1255/W/16/3161510
21 Whitecliff Road, Poole, BH14 8DU

- 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 Eddie Fitzsimmons against the decision of Poole Council.
- The application Ref APP/16/00009/F, dated 5 January 2016, was refused by notice dated 29 April 2016.
- The development proposed is demolition of existing building and construction of two new dwellings with integral garages.

Decision

1. The appeal is dismissed.

Background

2. The reasons for refusal are, in part, that the proposed development would harm the integrity of the Dorset Heathlands Special Protection Area (SPA) in the absence of a financial contribution to secure acceptable mitigation. However, the appellant has subsequently entered into a legal agreement and made the contribution sought and the Council regards this reason for refusal as having now been overcome. I therefore need take this matter no further in my 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**, its effect on the living conditions of adjoining occupiers with particular reference to visual impact, privacy and light.

Reasons

Character and appearance

4. The appeal site is in an established residential area. It is located in a line of houses fronting Whitecliff Road and which look over open space towards Poole Harbour. This area has undergone considerable change of late so that many new houses of a contemporary design are now interspersed amidst more traditionally designed buildings.

5. The proposed replacement dwellings in this case, which would replace a single dwelling on the site, are of an attractive modern design. In the context outlined above I see no harm per-se in dwellings of such a contemporary design on the

appeal site. Nor, on character and appearance grounds, do I see any harm in the depth of the proposed dwellings given the depth of other properties in the vicinity.

6. However, a combination of the height of the proposed dwellings, their relatively limited widths and the narrow gap between them and to adjoining plots would make them appear out of keeping with the scale of development in the vicinity. I appreciate that in this area there are dwellings that replicate some of these features. However, it is a combination, on this site, of these features in the proposed development that would be harmful. Moreover, whilst I note that the proposed dwellings would be no higher than the ridge height of the 2 adjoining pitched roof properties they would extend above their eaves height. This would add to the extent to which they would appear unduly tall and thin when seen in conjunction with the adjoining houses which do not have the same vertical emphasis.

7. The Council has recently permitted a single block containing 2 semi-detached houses on the appeal site. However, this development is slightly lower than the proposal before me, has a notably more horizontal appearance and would be inset further from the side boundaries. As such it would fit in entirely acceptably on this plot in a way that the dwellings in the scheme before me would not. This would be so even with the creation of 2 separate drives and a subdividing garden fence.

8. It is concluded that the proposed development would detract from the character and appearance of the surrounding area. It would be contrary to Polices PCS5 and PCS23 of the Poole Core Strategy (2009) (CS) in so far that they seek to ensure that new development contributes positively to the attributes of a street and respects the setting and character of sites.

Living conditions

9. A kitchen window would look out towards the amenity space of the adjoining property at No. 22 Whitecliff Cliff Road. However, had I been minded to allow the appeal it would have been possible to require this window to be obscure glazed to prevent any unacceptable loss of privacy. Side windows in the adjoining house to the other side of the site, No. 20, would face onto the lengthy side elevation of the easternmost of the proposed houses. However, without more evidence on the rooms served by these windows I am not convinced that the proposed development would look unduly obtrusive seen from this neighbouring property or cause undue loss of light.

10. However, I am concerned about the extent to which the proposed house on the westernmost plot would extend beyond the rear wall of the adjoining house at No. 22. The degree of this extension, combined with the height of the proposed dwelling relative to an amenity area at the rear of No. 22, would make the proposed development appear over dominant and intrusive when seen from this area. This would be to the detriment of the living conditions of those in that property.

11. It is concluded that the proposed development would detract from the living conditions of those at No. 22 Whitecliff Road with special reference to visual impact. It would conflict with CS Policy 5 and Policy DM1 of the Poole Site Specific Allocations and Development Management Polices (2012) (DMP) in so far that they seek to protect residential amenity.

Other matters

12. The proposed development would provide some additional housing in an area which, according to the appellant, is failing to meet an annualised target for new housing. However, the degree of additional housing provided would be small and there is no expressly stated evidence that the Council has not got a 5 year housing land supply.

13. Whilst I note concerns on precedent all applications stand to be considered, as with this case, on their individual merits. The proposed development would not look unduly obtrusive seen from bungalows at the rear of the site given that they are on notably higher ground. Nor with this variation in height would there be any unacceptable mutual overlooking. A dwelling at No. 63 Sherwood Avenue is too far removed from the appeal site to be unduly overlooked.

Overall balancing

14. There are some, albeit modest, advantages in the proposed development as outlined above and not all the concerns expressed about it are justified. However, I have found substantial harm in relation to the 2 main issues and it is this that I find decisive.

15. The National Planning Policy Framework (the Framework) says that the purpose of the planning system is to contribute towards the achievement of sustainable development. It identifies 3 dimensions to sustainable development, economic, social and environmental. There are potential advantages in the proposed development to the local economy and social advantages in the provision of new housing in an area accessible to local services. However, given the scale of the proposed development these benefits are relatively modest. Set against them is the substantial harm that would arise in relation to the 2 main issues and in this regard there would be conflict with the environmental dimension of the Framework to a degree which would mean that, seen in the round, this would not be sustainable development in the terms of the Framework.

16. Indeed, even were there to be an absence of a 5 year housing land supply, that could possibly implied in the appellant's evidence, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the Policies in the Framework taken as a whole.

Conclusion

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

R J Marshall

INSPECTOR