

Appeal Decisions

Site visit made on 21 March 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 28 April 2017

Appeal A: APP/Q1255/W/16/3165117

5 Cynthia Road, Poole BH12 3JE

- 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 C Hardy against the decision of Poole Council.
 - The application Ref APP/16/01051/F, dated 1 July 2016, was refused by notice dated 26 August 2017.
 - The development proposed is described as "sever land and erect 1 No. 2 bed bungalow".
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Appeal B: APP/Q1255/W/16/3165109

5 Cynthia Road, Poole BH12 3JE

- 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 C Hardy against the decision of Poole Council.
 - The application Ref APP/16/01496/F, dated 16 September 2016, was refused by notice dated 17 November 2016.
 - The development proposed is described as "sever land and erect 1 No. 2 bed bungalow and increase to existing garden for No 5 Cynthia Road".
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matter

3. As set out above there are two separate appeals which are linked in so far as they are made by the same appellant on the same site for almost identical schemes. Furthermore, in both appeals the refusal reasons given by the Council are the same. While I have considered each proposal on its own individual merits, I am satisfied that there is sufficient cross over to enable me to deal with them as a single decision.

Main Issue

4. The main issue is the effect of the proposals on the character and appearance of the surrounding area.

Reasons

5. The appeal site is located in a residential street characterised by properties which front directly onto the highway with reasonable sized gardens extending to the rear. With properties set back from the road, the area has an open and spacious feel. The site itself forms part of what was originally the rear garden of No 5
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Cynthia Road and is accessed via a driveway located to the side of that property. It occupies a corner plot on the junction with Cynthia Close, a cul-de-sac containing a mixture of property styles and sizes.

6. The proposal in Appeal A would involve the demolition of the existing garage, the sub division of the plot, and the erection of a 2 bedroom bungalow. Although its general design and use of materials would integrate well with the surrounding development, it would nevertheless be located in what is essentially the rear garden of No 5. With no frontage onto the highway, its siting would be at odds with the other properties along Cynthia Road and it would introduce a form of backland development into an area where this is not the norm. This would be detrimental to the character of the surroundings. In addition, although its orientation would be similar to that of the flats along the eastern side of Cynthia Close, its increased set back and lack of frontage onto the highway would also appear out of keeping with the prevailing pattern of development along this cul-de-sac, further eroding the character of the surrounding area.
7. Furthermore, the sub-division of the plot would result in plot sizes which were considerably smaller than those of neighbouring properties. In Appeal A, the result of this is a significantly reduced garden area being retained for the occupiers of No 5, giving a cramped appearance to this part of the site. Moreover, both the proposed dwelling and the single garage would be evident in views from Cynthia Close, as is No 5. Taken together, the appeal site would appear cramped and overdeveloped. This would be at odds with the more spacious character of the surroundings and provides a good indication that insufficient land is available to accommodate the development proposed.
8. However, in order to address these concerns, the proposal in Appeal B removes the proposed single garage and instead retains the area for use by the occupiers of No 5. While this would provide some mitigation, as well as providing additional outdoor space for the occupiers of that dwelling, it would nevertheless still result in a scheme where the siting and orientation was at odds with that of the surrounding development. It would still appear cramped in views from Cynthia Close, albeit less so, and would be harmful to the character of the surroundings.
9. Consequently, I have found above the siting and orientation of the proposals would be at odds with that of the surrounding development. Furthermore, I have found that they would appear cramped indicating that there is insufficient land available to accommodate the schemes. As such I find them to be contrary to Policies PCS05 & PCS23 of the Poole Core Strategy (2009) which permits residential proposals involving plot severance only where sufficient land can be assembled and where they exhibit a high standard of design which respects the character of the site and its surroundings, including in terms of its siting.

Other Matters

10. While I acknowledge that the site would contribute towards the area's identified need for housing, the Council has indicated that it is able to demonstrate a 5 year supply of housing land. I have seen nothing would indicate that this is not the case and, as such, do not consider paragraph 49 of the Framework to be engaged.
11. The Council's second reason for refusal relates to the impact of the proposal on the Dorset Heathlands Special Protection Area as well as the Dorset Heaths Special Area of Conservation. During the course of the appeal, the appellant has

provided an agreement which the Council is satisfied sufficiently addresses the Council's concerns. Had the circumstances leading to a grant of planning permission been present, it would have been necessary to give further consideration to the impact on these protected sites and whether the agreement provides suitable mitigation. However, as I am dismissing the appeals for other reasons, I am satisfied that it is not necessary to consider this matter in any further detail.

Conclusion

12. For the reasons set out above, I conclude that Appeal A and Appeal B should be dismissed.

Rory Cridland

INSPECTOR