

Appeal Decision

Site visit made on 15 May 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 15 June 2017

Appeal Ref: APP/Q1255/W/17/3167094

84 Rosemary Road, Poole BH12 3HB

- 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 J Grennall, Grennall Ltd against the decision of Poole Council.
 - The application Ref APP/16/01503/F, dated 28 September 2016, was refused by notice dated 22 December 2016.
 - The development proposed is to demolish existing garage/outbuildings and erect a detached bungalow.
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Decision

1. The appeal is allowed and planning permission is granted to demolish existing garage/outbuildings and erect a detached bungalow at 84 Rosemary Road, Poole BH12 3HB in accordance with the terms of the application, Ref APP/16/01503/F, dated 28 September 2016, subject to the conditions set out in the attached Schedule.

Preliminary Matter

2. The description of development above refers to the demolition of the existing garage/outbuildings. I noted on site that these have already been demolished.

Application for costs

3. An application for costs was made by Mr J Grennall, Grennall Ltd against Poole Council. This application is the subject of a separate Decision.

Main Issue

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

Reasons

5. The appeal site is situated along a section of Rosemary Road which is characterised by a mixture of dwelling types and sizes. The majority of dwellings front the highway and are set within reasonable sized plots with gardens that extend to the rear and which contain a variety of outbuildings and other structures. The wider area also contains a mixture of house types and styles with generally more modest plot sizes and higher densities of residential development. While backland development is not commonplace, it is nevertheless a recognisable feature both within this section of Rosemary Road and the wider area.
 6. Policy PCS5 of the Poole Core Strategy (2009) (CS) sets out the broad locations for residential development within the area. It requires proposals to contribute
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positively to the character of Poole in accordance with a number of defined criteria. This includes, where residential proposals involve plot severance, that they assemble sufficient land to accommodate a type, scale, density and layout which preserves or enhances the areas residential character. Furthermore, CS Policy PCS23 requires proposals to exhibit a high standard of design and permits development provided that, amongst other things, it respects the setting and character of the site and the surrounding area by virtue of its siting, scale, density and massing.

7. The appeal site itself comprises what is essentially the rear garden of No 84, a two storey detached dwelling fronting the highway with a large rear garden which extends to the rear. The proposal would involve the subdivision of the site and the erection of a single storey dwelling of contemporary design which would be located to the rear. Although it would not front the highway and its main elevation would face westward towards neighbouring No 82, it would generally be in line with No 84 and its visibility from the road would be considerably limited, as would its impact on the street scene.
8. The Council accepts that the introduction of a detached chalet bungalow and the proposed contemporary design would not be uncharacteristic of the form of development in the wider area. Nevertheless, it asserts that, in view of its overall mass and the reduced plot size, it would appear cramped and overdeveloped. However, it has been brought to my attention that a similar sized ancillary structure has already been permitted in this location under reference APP/16/01005/F ("the Previous Consent"). As such, I do not consider the overall mass of the building would result in any greater harm to the character and appearance of the area than would be the case under the Previous Consent.
9. Furthermore, while I acknowledge that the proposal would result in smaller plot sizes when compared to others along this section of Rosemary Road, they would nevertheless be appropriate for the size of both the proposed dwelling and for the existing property. Moreover, they would be compatible to many others within the wider vicinity.
10. While I note the Council's concerns regarding the siting of a new residential dwelling in the rear garden of No 84, as noted above, such backland development is already evident both within Rosemary Road and the wider area. While in some cases these consist of more properties, I do not agree that they establish separate characters which sit apart from that of the wider area. Overall, I consider the proposed dwelling would have only a limited impact on the surrounding area and I am satisfied that its character would not be materially affected.
11. The Council has also raised concerns regarding the orientation of the windows of the proposed dwelling and its impact on sustainable energy usage. However, I note that this did not form part of the Council's reasons for refusal and no robust evidence has been submitted which would lead me to conclude that this would be the case.
12. Consequently, I do not consider the proposal would materially impact on the character and appearance of the surrounding area and, as such, find no conflict with CS Policies PCS05 or PCS23 which, amongst other things, seek to prevent such harm.

Other Matters

13. The Council's second reason for refusal relates to the impact of the development on the Dorset Heathlands Special Protection Area and Ramsar Site and the Dorset Heaths Special Area of Conservation. Since the application was determined, the Council has adopted a new Supplementary Planning Document (Dorset Heathlands Planning Framework 2015 – 2020) ("the SPD"), which replaces the previous regime. It requires a financial contribution to be made for each new residential dwelling to fund a range of measures to mitigate the impact of development on these protected sites. In order to address this reason for refusal the appellant has submitted a Unilateral Undertaking (UU) in respect of the contributions sought. Based on the evidence before me, I am satisfied that the UU secures the necessary contributions and, as such, satisfies the requirements of the SPD.
14. The Council has also referred in its written evidence to Policy DM1 of the Site Specific Allocations and Development Management Policies DPD (2012). However, I note that this policy did not form part of the Council's reasons for refusal and the Council has not set out any specific concerns in this respect. While I note its contents, it does not affect my reasoning above.
15. I have had regard to the concerns expressed by local residents both at application stage and as part of this appeal. Those which relate to the impact on the character and appearance of the area have been taken into account in my reasoning above. Those which relate to drainage and noise were considered by the Council as part of its determination of the original application and were not considered to provide sufficient grounds to refuse the application. I have seen nothing as part of this appeal which would lead me to conclude otherwise.
16. Similarly, while I note the concerns raised by the owner of nearby No 12 Jacqueline Road in respect of outlook and privacy, in view of the limited height of the proposed dwelling and the separation distances between the properties, I do not consider the proposal would result in any material harm to the outlook or privacy currently enjoyed by the occupant of that dwelling. As such, I do not consider them to provide sufficient grounds to justify a refusal of planning permission for the development proposed.

Conditions

17. I have had regard to the various planning conditions that have been suggested by the Council. In addition to the standard time condition, a condition requiring the development to be carried out in accordance with the approved plans is necessary in order to provide certainty. Those which relate to access and turning are necessary in the interest of highway safety while a condition in respect of renewable energy is appropriate in the interests of sustainability (although I do not consider it necessary for this to be dealt with prior to the commencement of development and have amended the proposed wording accordingly).

Conclusion

18. For the reasons set out above, I conclude that the appeal should be allowed.

Rory Cridland

INSPECTOR

SCHEDULE

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: 01.A - Existing Location Plan and Proposed Site and Block Plans

Drawing No: 02 - Proposed Elevations and Floor Plans.

- 3) The development, hereby permitted, shall not be brought into use until the access, turning space and vehicle parking spaces shown on the approved Drawing No: 01.A, have been constructed, and these shall thereafter be retained and kept available for those purposes at all times.
- 4) Prior to any development above damp proof level, 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.