The Planning Inspectorate

# Appeal Decision

Site visit made on 4 July 2017

**by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI**

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

**Decision date: 1st August 2017**

**Appeal Ref: APP/Q1255/W/16/3165986**
**73 Lake Road, Poole BH15 4LF**

- 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 Hamworthy Labour Club against the decision of Poole Council.
- The application Ref APP/16/01105/F, dated 6 July 2016, was refused by notice dated 25 August 2016.
- The development proposed is to create external decking area for clubs members.

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposal on the living conditions of residents of neighbouring dwellings, having regard to noise and disturbance, and privacy.

## Reasons

3. The appeal site comprises a community building within a large car park area which is surrounded by residential properties apart from a vehicular/pedestrian access leading from Lake Road. The decking area would be attached to a corner of the building which flanks a hard surfaced area within the site, and the rear gardens of dwellings in Hamilton Crescent.

4. The decking area would be raised above the ground level. There is an access door shown from a function room within the building as well as some steps up to the deck area on the frontage. The deck area would be used for external use by members and visitors of the club. Access to the decking area would be from community building only which would be closed off by 9pm at the latest on non-entertainment nights and 8pm on entertainment nights with a band/disco.

5. However even with these hours the noise and disturbance from people using the deck could be intrusive to the occupiers of neighbouring properties. At weekends, neighbouring residents would wish to enjoy their properties, including their gardens in peace and quiet sufficient to be able to relax, despite being in an urban area. The distance from the deck to the nearest gardens and dwellings along Hamilton Crescent would be small by reason of the modest extent of the hard surfacing separating them. Therefore, in the absence of any detailed evidence to the contrary, it has not been demonstrated that the neighbour's living conditions would be safeguarded. On this basis, the

proposal would give rise to significant noise and disturbance to both existing and future residents in neighbouring properties. Additionally, no substantive mitigation measures have been put forward.

6. There have been limited neighbour objections to the proposal but the lack of objection cannot be relied upon to deem a development acceptable. Planning is concerned with the living conditions of both current and future residents, and works of this nature are of a permanent long term nature. Furthermore, residents could have concerns once a decking area is in use. Therefore this consideration would not outweigh the significant concerns that I have raised.

7. There would be potential for overlooking into the properties on Hamilton Crescent by reason of the raised nature of the deck. However a suitably designed screen would overcome this adverse effect and the detail of any such screen could be conditioned to be approved by the local planning authority and implemented. On this basis, there would be no significant loss of privacy.

8. In conclusion, the development would harm the living conditions of the occupiers of neighbouring properties, having regard to noise and disturbance. Accordingly, the proposal would conflict with policy PCS23 of the Poole Core Strategy (CS) 2009 and policy DM1 of the Poole Site Specific Allocations and Development Management Policies 2012, which collectively and amongst other matters, requires a high standard of design and assessment of the noise impact on neighbouring properties ensuring appropriate noise mitigation is provided.

*Other considerations*

9. The building has facilities provided to members but the club also encourages local community groups to use its facilities. These range from OAP Clubs, Tea Dances, Health and Fitness Facilities and other social activities. The CS identifies Hamworthy as having a limited range of facilities and therefore there is considerable importance to maintaining the club building for the community. However there is no detailed evidence on how the proposed decking area would contribute to the viability of the facility and what other options have or could be explored. For these reasons, the importance of the community would not override the significant concerns on living conditions.

**Conclusion**

10. For the reasons given above, and having regard to all other matters raised, including support, I conclude that the appeal should be dismissed.

*Jonathon Parsons*

INSPECTOR