



Appeal Decision

Site visit made on 15 August 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 24th August 2017

Appeal Ref: APP/Q1255/W/17/3175758
26 Birchwood Road, Poole BH14 9NP

- 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 G Edwards against the decision of Poole Council.
 - The application Ref APP/16/01545/F, dated 11 October 2016, was refused by notice dated 7 December 2016.
 - The development proposed is for the demolition of the existing dwelling and erection of 7 apartments with associated access and parking.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and erection of 7 apartments with associated access and parking at 26 Birchwood Road, Poole BH14 9NP in accordance with the terms of the application, Ref APP/16/01545/F, dated 11 October 2016, subject to the following condition:
 - 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: 16-149_01 Revision A; 16-149_02; 16-149_03; 16-149_05 Revision A; 16-149_06 revision A; and 16-149_07 Revision A.
 - 3) No development shall commence until further details 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.
 - 4) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development as recommended in the Tree Survey and Arboricultural Impact Assessment and Method Statement dated 22 August 2016 and depicted on Tree Protection Plan - Drawing dated 1 September 2016.
 - 5) All tree protection measures shall be implemented prior to the commencement of development on site. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in

the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 6) Prior to the commencement of development details of a sustainable drainage scheme must be submitted to, and approved in writing by, the local planning authority. The drainage scheme must be implemented in accordance with the approved scheme prior to the occupation of either of the dwellings hereby approved, thereafter maintained and retained.
- 7) Before the development hereby permitted is brought into use and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactment thereof, the land designated as visibility splay(s) as indicated on the approved plan(s) shall be cleared of all obstructions over 0.6 metres above the level of the adjoining highway, including the reduction in level of the land if necessary, and nothing over that height shall be permitted to remain, be placed, built, planted or grown on the land so designated at any time.
- 8) A scheme to close the existing access (which is to be made redundant) shall be submitted to and approved in writing with the Local Planning Authority. All works shall be completed in accordance with the approved scheme prior to first occupation of the development.
- 9) The development hereby permitted shall not be brought into use until the access, turning space, vehicle parking and cycle parking shown on the approved plan have been constructed, and these shall thereafter be retained and kept available for those purposes at all times. None of the car parking bays shall be allocated to individual residents or residential units.
- 10) Prior to the commencement of development, details of 4 no. Sheffield stands to be located within the proposed cycle store shall be submitted to, and approved in writing by, the local planning authority, implemented in accordance with the agreed details and thereafter retained.
- 11) Prior to first occupation of the development, the bin store indicated on the approved plans shall be completed and available for use and thereafter retained for that purpose.
- 12) Prior to the commencement of the development hereby permitted, details of on-site renewable energy sources (to meet a minimum of 10% of predicted energy needs of the proposed development) must be submitted to and approved in writing by the local planning authority. The approved on-site renewable energy sources must then be: installed and operating within 1 month of building work on both proposed buildings being substantially completed, and retained/maintained thereafter.

Main Issues

2. The main issues in this appeal are the effects of the proposed development firstly, on the character and appearance on the area and secondly, on the living

conditions of the occupiers of the neighbouring dwelling No.4 Delhi Close in terms of privacy and outlook.

Reasons

Character and appearance

3. The appeal site comprises an existing large detached dwellinghouse set in an extensive garden area at the end of a spur off the main Birchwood Road. The appeal property together with its immediate neighbouring properties either side sit on higher ground than Birchwood Road houses to the north and those on Munster Road to the south. The appeal property however is fairly secluded with considerable vegetation, including tall mature trees on both flanks. Property styles in the area are varied and include a mix of houses and residential blocks of flats of different designs, styles and sizes. The appeal plot size is substantial; the Council does not oppose the demolition and redevelopment of the site, in principle.
4. Policy PCS5 of the Poole Core Strategy establishes the principle of flats in this location and, along with policy PCS23, sets out the criteria for residential development. These policies include inter alia, that developments should contribute positively to the overall character of the area and the particular attributes which distinguish it. In this regard my attention has been drawn to an appeal decision¹ in 2012 for the demolition of the appeal dwellinghouse and its replacement by 6 flats. Although the details are not before me, that scheme was also for a substantial building set from the side boundaries and reflective of the spacing that exists between properties in the area and the respective roof height between existing and proposed. Clearly, the proposed development in 2012 sought permission for a substantial development and that, in principle a flatted scheme (for six) was deemed acceptable by the Inspector.
5. The Council's concerns appear to relate to the flat roofed design that would give undue prominence to the overall height and massing when compared to a more conventional pitched roof design solution. Despite the design of the roof form, the proposed design would not appear incongruous in this location where the design of the flats that exist are varied but lean towards the modern idiom. The proposed design in terms of overall height and massing would sit comfortably astride the adjoining dwellings and from longer distances would appear as a very well designed modern structure incorporating varied elevational patterns including the recessed fourth storey.
6. Accordingly, I am satisfied that the proposal would have a positive effect on the character and appearance of the area and that a modern well designed development of the kind proposed would not conflict with the provisions of the development plan. It would also comply with the guidance set out in the National Planning Policy Framework in seeking to secure high quality design solutions.

Living conditions

7. The Council's main concern under the second main issue relates to the potential overbearing nature of the flat roofed design and possible overlooking from windows set closer to the common boundary with No.4 Delhi Close than

¹ APP/Q1255/A/11/2164503

the previously consented scheme. This boundary consists of evergreen trees and other vegetation of considerable height and density. The west facing elevation to No.4 does not contain any existing windows.

8. The appeal proposal incorporates a slight set back in the design of the fourth storey while this part of the development does not extend across the entire side flank. It is therefore considerably foreshortened by comparison with the floors below. Moreover, from the drawings, it is clear that both the front and rear building lines would not project beyond what has previously been approved. With the incorporation of the light coloured materials proposed, I am satisfied that the proposed development would not cause significant harm to existing occupiers of No.4 in terms of outlook.
9. The design of the appeal proposal has reduced the potential for direct overlooking towards No.4 through the use of high level windows or slightly turning the elevation so that secondary windows do not directly overlook the rear garden area of No.4. Given the presence of substantial vegetation along the common boundary to No.4 and the general separation distances between existing and proposed properties, I do not consider that the development would lead to any significant harmful reduction of privacy levels.
10. Consequently, I do not find that the proposed development would undermine or materially conflict with Policies PCS5 and PCS23 of the Poole Core Strategy, which seeks to ensure new developments do not harm the amenities of local residents and respects the setting of the site.

Conditions

11. The Council has suggested a number of conditions which have been considered against the advice contained within the Planning Practice Guidance; I have amalgamated some and simplified others to comply with such guidance. In addition to the standard time limit for commencement, a condition is attached that specifies approved drawings to provide certainty. In addition, conditions are attached requiring prior approval and subsequent implementation of external materials and landscaping, which shall include appropriate requirements for tree protection to obviate the need for those suggested by the Council in the interests of visual amenity; accordingly, the landscaping condition is simplified. A condition is attached requiring the submission and implementation of sustainable drainage details in order to protect water quality. Conditions are also attached to ensure that a suitable access together with parking/turning facilities is provided in the interests of highway safety, including the removal of the existing access. In order to encourage sustainable modes of transport, a condition is included requiring the provision of cycle parking facilities. A condition requiring provision of bin storage is considered necessary in the interests of the convenience of highway users. Given that the Council has a policy within its Core Strategy concerning energy efficiency, I have included this condition so as to meet policy objectives.
12. It is unnecessary to attach a condition or informative regarding the kerb lowering and footway works as that is within another form of control. Similarly a condition explaining that the trees the subject of tree preservation orders should not be pruned without prior consent is also unnecessary as it is controlled by separate procedures.

Conclusion

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

Gareth W Thomas

INSPECTOR