
Appeal Decision

Site visit made on 22 August 2017

by R J Jackson BA MPhil DMS MRTPI MCMI

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

Decision date: 08 September 2017

Appeal Ref: APP/Q1255/W/17/3176675

11 Sunnyhill Road, Poole BH12 2DH

- 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 A Browning against the decision of Poole Council.
 - The application Ref APP/16/01775/F, dated 1 December 2016, was refused by notice dated 10 February 2017.
 - The development proposed is demolish existing extension/remodel existing house and erect two semi-detached dwellings rear of existing property.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The appeal was accompanied by a Planning Obligation by way of Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended) dated 27 June 2017 providing for a contribution towards mitigating the effects of the proposed development on the Dorset Heathlands¹. The Council indicated that this overcame its concerns in respect of the second reason for refusal.

Main Issues

3. The main issues are the effect on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of 3 and 4 Glencoe Mews and the proposed occupants in terms of privacy and outlook, and of the occupiers of 9 and 13 Sunnyhill Road in terms of privacy, outlook and noise and disturbance.

Reasons

Character and appearance

4. Sunnyhill Road is an undulating road in a residential area. To the north the ground level drops away with the frontage development set down a short distance from the road. Further into the appeal site the ground level drops away quite steeply before levelling off. Beyond the northern boundary of the

¹ Dorset Heathlands Special Protection Area, Dorset Heathlands Ramsar Site, Dorset Heathlands Special Area of Conservation and Dorset Heathlands Special Area of Conservation (Purbeck and Wareham) and Studland Dunes.

site the ground level is further reduced with the properties in Glencoe Mews being set down from the ground level at the rear of the appeal site.

5. Development in the area is predominantly made up of frontage development, and mostly consists of two storey dwellings. There are also a number of larger buildings such as the medical centre in the vicinity and Sunny Hill Court to the south of the appeal site.
6. The proposal is to demolish the westerly end section of 11 Sunnyhill Road and construct an access through to provide a parking area for two new dwellings. The new dwellings would be a pair of semi-detached properties, appearing to be only single storey from the front, but two storeys from the rear as the design would utilise the site slope.
7. All the properties in this section of Sunnyhill Road have long rear gardens. The introduction of two dwellings would appear isolated and out of keeping with the existing character and pattern of frontage development in the area. While the properties would not appear particularly conspicuous from the north, due to the low height and set-down location, when viewed from the south in gaps between properties they would appear harmful. The isolated nature of the development, some distance from adjoining built development, would appear particularly harmful.
8. Consequently, the proposal would be harmfully out of keeping with the character and appearance of the area. As such it would be contrary to Policies PCS 5 and PCS 23 of the Poole Core Strategy (the PCS) in that it would not contribute positively to the overall character of the area, and would not represent a type and layout of development which preserves or enhances the area's residential character, and does not respect the setting and character of the site. It would also be contrary to paragraph 58 of the National Planning Policy Framework (the Framework) in that it would not respond to local character.

Living conditions

9. The gardens of 3 and 4 Glencoe Mews to the rear of the appeal site are, when compared to others in the vicinity, relatively short at around 7 m in length. The first floor windows of those properties look directly out over the appeal site with the change in levels giving a degree of 'foreshortening' meaning the properties would appear closer together than the 21 m on the ground. There would be direct intervisibility between the windows in the rear elevations of the proposed development and the first floor of these adjacent properties so that neither would have acceptable living conditions. In addition, the first floor windows in Nos 3 and 4 would overlook the rear gardens of the proposed properties to an unacceptable extent.
10. In relation to 9 and 13 Sunnyhill Road the proposal would bring traffic movements into the area to the rear and side of both dwelling, along with the inevitable harmful noise and disturbance from residents of the proposed dwellings and their visitors in this area from activities such as manoeuvring and shutting vehicle doors. Even though the existing ground level is lower around the proposed dwellings it would be built up to create the parking area a short distance from the existing property. That there is an outbuilding to the rear of No 13 would not sufficiently ameliorate this effect on the living conditions of the occupiers of the main house.

11. Furthermore, the proposal would involve windows in the side elevations of the properties which would result in unacceptable overlooking into the private rear gardens of the properties on either side due to the changes in topography. As such there would be an unacceptable effect on the living conditions of the occupiers of both Nos 9 and 13.
12. The appellant has suggested providing additional landscaping on the appeal site along the joint boundaries. This would not be appropriate to avoid overlooking as it would result in an overbearing effect and, in any event, is likely to take some time to establish with unacceptable overlooking in the meantime. I also consider that a condition requiring such landscaping to be maintained would fail the tests for conditions set out in the Framework and the national Planning Practice Guidance as it would be difficult to enforce, particularly if the landscaping were to fail through natural causes, and it would not be reasonable to require such landscaping within an individual private garden.
13. As such the proposal would result in harm to the living conditions of the occupiers of the cited properties. Therefore it would be contrary to Policy DM 1 of the Poole Site Specific Allocations and Development Management Policies DPD (the PSSA) in that it would not protect amenity as overlooking would result in the loss of privacy, and noise and disturbance would occur without mitigation. It would also be contrary to paragraph 17 of the Framework which indicates that development should always seek to secure a good standard of amenity for all existing and future occupiers of land and buildings.

Other matters

14. The site lies beyond 400 m but within 5 km of the Dorset Heathlands. Natural England, the Government's specialist advisor, indicates that in this location, in the absence of suitable mitigation, additional residential development will have, in combination, a significant adverse impact on the integrity of the sites. This is taken through in Policy PCS 28 of the PCS and Policy DM 9 of the PSSA. In addition the relevant Councils have published 'The Dorset Heathlands Planning Framework 2015 - 2020 Supplementary Planning Document' to provide a mechanism of providing mitigation through a range of measures which are identified in the document.
15. The Planning Obligation provides appropriate mitigation for the effects of the development on the Dorset Heathlands such that it resolves this issue.

Planning Balance

16. The development would deliver two additional dwellings providing economic and social benefits. The Council has indicated that it can demonstrate a five year supply of housing land and this has not been disputed by the appellant. The development would give rise to significant social and environmental harm through the effects on the living conditions of the proposed occupiers and neighbours and on the character and appearance of the area that would outweigh the benefits. As such the proposal would not represent sustainable development.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

RJ Jackson

INSPECTOR