The Planning Inspectorate

Appeal Decision

Site visit made on 22 May 2018

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 2 July 2018

Appeal Ref: APP/Q1255/W/17/3190572
341 Wimborne Road, Poole BH15 3ED.

- 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 Ms Kerry Reed against the decision of Borough of Poole Council.
- The application Ref APP/17/01089/F, dated 20 July 2017, was refused by notice dated 26 September 2017.
- The development proposed is erection of detached block of 2 no. garages and relocation of bin store.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the description of development set out above, which is taken from the planning application form, it is clear from the plans and accompanying details that the development includes severance of the garden of 341 Wimborne Road and formation of parking spaces. The Council dealt with the proposal on this basis and so shall I.

Main Issues

3. The main issues in this appeal are:

   - The effect of the development on the character and appearance of the area.
   - The effect of the development on living conditions with particular regard to the provision of outdoor amenity space at 341 Wimborne Road, and odours and disturbance in relation to 8 Daisy Close.

Reasons

Character and Appearance

4. Though the parties disagree over whether the position of the current boundary fence of No 341 is correct, it remains the case that the development would principally involve land both previously and currently forming part of the back garden of the property. Part of the land in question is shown laid out as 4 parking spaces and landscaping within a 2014 planning permission, reference APP/14/00577/F (hereafter referred to as the 2014 permission). The scheme has been commenced, though not fully implemented, and is of relevance to this appeal insofar as it represents an approved layout which could be implemented.

5. A space immediately to the rear of this space is occupied by a visually prominent bin store, whilst the immediate context comprises a car park serving Aster Court and Livingstone Court, and the back gardens of adjoining properties. The absence of enclosure between the site and Daisy Close, combined and the relatively unbroken layout provide a predominantly hard landscaped appearance within which the bin store is an unattractive feature. Soft landscaping provides variable visual relief.

6. Both parties reference a 2016 appeal, APP/Q1255/W/16/3152900, within which the Inspector stated with regard to the car park, "there is some sense of place given the spaciousness of the layout, framed by the buildings that surround it". The parties disagree on the significance of this view in terms of the assessment of the currently proposed development. I consider that notwithstanding these attributes of 'place' the car park currently provides a poorly designed setting for the flats.

7. The proposed garage and 2 parking spaces on the site of the bin store would involve use of a layout and design similar to the garage and forecourt parking considered in a 2014 appeal, APP/Q1255/A/14/2213426 (hereafter referred to as the 2014 appeal). The Inspector in that appeal concluded that the "garage would be of a domestic size and design that would be appropriate to its location in this parking and turning area amongst residential properties", and, "would have little impact on the spaciousness of the area". Whilst modest change to the character of the setting has since resulted from addition of flats at roof level in Aster Court, the modest scale of the garage would remain appropriate viewed in context. I am therefore drawn to the same conclusion as the previous Inspector.

8. Formation of 2 parking spaces on the site of the bin store would require its relocation, loss of soft landscaping which currently provides ineffective screening, and removal of the wall to the rear. Though formation of these spaces would increase the area, and therefore the visual impact of hard landscaping within the principal part of the car park, I consider that any modest harm this would cause would be outweighed by the benefit of the more rational layout, and less visually cluttered appearance produced. The garage itself would play a role in breaking up continuity of hard landscaping, and separating the 2 spaces in question from 2 others whose location matches that of spaces shown in the 2014 permission.

9. Given that both the proposed development and the 2014 permission each feature 4 open parking spaces, the amount of hard landscaping would be similar in each case. Soft landscaped space would also be similar in total area given that the appellant has indicated that a large space could be dedicated to this purpose. This would form a strong relationship with existing landscaping outside Livingstone Court, improving its general setting.

10. The site of the relocated bin store site would lie adjacent to the boundary with No 8. A small number of shrubs currently occupy the site and provide thin screening. Cycle stores are located further along the same boundary. Relocation of the bin store would entail loss of the shrubs further reducing the landscaped fringe of the car park, however the harm would be minimal given the limited visual contribution they make. The bin store would be noticeable but less visually prominent than it is in its current position, and because it would be grouped with other structures, would also appear less as clutter.

11. A reduction in the length of the garden of No 341 would however be required to provide the proposed layout, leaving the property with a smaller garden. A reduction in size would occur regardless of whether or not the current fence position is correct, and would entail a significant reduction relative to layout shown in the 2014 permission. A boundary in much the same position was considered in the 2014 appeal. The Inspector for that appeal found this would, "result in this house having a garden that would be markedly smaller than those of other nearby dwellings. This would be out of keeping with, the prevailing form of development in the area and would be harmful to its character". Though the length and proportion of back garden spaces left free from parking and outbuildings varies between adjoining dwellings fronting Wimborne Road, and may have been subject to change since 2014, it remains the case that the proposed garden size would be inconsistent with the prevailing pattern. This would not be mitigated by the presence of a deep front garden, with which an imbalance across the plot would exist. It would also not be justified by reference to the gardens of houses in Daisy Close, which mostly form part of a distinct and separate development. As the new garden would appear cramped both relative to the property and the gardens of neighbouring dwellings, I am drawn to the same conclusion as the previous Inspector. I consider that the harm this would cause to the character and appearance of the area would not be outweighed the modest benefits of improving the car park layout.

12. The development would therefore be at odds with Policy PCS 23 of the Poole Core Strategy 2009 (PCS), which requires, amongst other things, that development respects the setting and character of a site, including with regard to amenity space. Whilst the appellant has quoted parts of paragraphs 17, 58, 60 and 61 of the Framework, these do not provide a clear basis for justification of the reduction in the size of the garden, and otherwise support the objectives of Policy PCS 23.

Living Conditions

13. In view of the findings above, the proposed car park layout would not harm the residential setting of Aster Court and Livingstone Court, and would not therefore be harmful to the living conditions of residents.

14. The Inspector in the 2014 appeal however considered that a similarly reduced back garden space at No 341 would "significantly diminish the amenities of its occupants". The cramped character of the space would not be alleviated in a qualitative sense by the deep front garden, as this is less private than the back garden and otherwise provides parking space for the property. As such I am drawn to the same conclusion as the previous Inspector.

15. The bin store would be positioned in close proximity to the side access, side door, and what the Council identifies is a study/bedroom window belonging to No 8. The current bin store, which is described on plans as to be 'relocated', comprises a fenced and gated compound with open top. This design would provide little or no mitigation for noise likely to be generated by residents accessing the bins, or the potential odours generated. Given the close proximity of No 8 I consider that there would be significant potential for both noise and odours to affect its occupants, and that the degree of disturbance and discomfort likely to be caused would be unacceptable.

16. The adverse impact of the development on the living conditions of No 8 would not be in accordance with the requirements of Policy DM 1 of the Poole Site Specific Allocations and Development Management Policies DPD 2012, which seeks amongst other things, protection of amenity with regard to noise and odours. Though Policy DM 1 does not directly address amenity space, paragraph 17 of the Framework provides a basis for seeking a good standard of amenity for all existing and future occupants. This would not be achieved with regard to the cramped back garden space of No 341. I find that the adverse impact of the development on living conditions would further, and conclusively outweigh any benefits associated with the improved layout of the car park.

Other Matters

17. The proposed development would provide one additional car parking space relative the 2014 permission. Though the appellant states that this would meet the quoted aim of Policy PCS 26(i) of the PCS with regard to serving the varied needs of the local community, the Council contends that the 2014 permission meets its adopted parking standard set out in the Parking and Highway in Development Layout SPD 2011. In the absence of any evidence to demonstrate a particular need for or benefit delivered by the additional parking space I attach limited weight to its provision. This would not outweigh harm otherwise identified in relation to the proposed development.

Conclusion

18. For the reasons given above I dismiss the appeal.

Benjamin Webb

INSPECTOR