The Planning Inspectorate

Appeal Decision

Site visit made on 24 July 2018

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

an Inspector appointed by the Secretary of State

Decision date: 6 September 2018

Appeal Ref: APP/Q1255/D/18/3197793
94 Lake Drive, Poole BH15 4LU.

- 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 Andrew Payne against the decision of Borough of Poole Council.
- The application Ref APP/17/01871/F, dated 7 December 2017, was refused by notice dated 7 February 2018.
- The development proposed is a front, rear and first floor extension.

Decision

1. The appeal is allowed and planning permission is granted for a front, rear and first floor extension at 94 Lake Drive, Poole BH15 4LU in accordance with the terms of the application, Ref APP/17/01871/F, dated 7 December 2017, subject to the following 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: 1619-00 Rev G, 1619-02 Rev G, 1619-03 Rev G.

    3) The screen on the north-west side of the front balcony and the first floor windows to the south-east and north-west elevations shall be obscure glazed. The windows shall either be fixed shut, or hung in such a way as to prevent the effect of obscure glazing being negated by reason of opening. The screen and windows shall thereafter be maintained as such.

Main Issues

2. The main issues in this appeal are the effects of the development on:

    - the character and appearance of the area; and,
    - the living conditions of neighbours, with particular regard to outlook and light.

Reasons

Character and Appearance

3. Lake Drive contains a mixture of dwellings. This includes bungalows of varied design, with large chalet types predominant along the lower lying section of the road, and two storey houses frequent along the upper section. No 94 is located

at a point where Lake Drive curves and rises, and where the mix of dwelling types begins to noticeably change.

4. The proposed development would maintain the established ridge height of the dwelling, but would introduce a new form overall. Nonetheless given the increased length, and more particularly given the increased eaves height and resulting shallow pitched roof, this would produce a considerably more bulky form than that of the existing dwelling. The style would also generally contrast with that of other dwellings in the street.

5. The Council notes that the proposed design would not as such relate to that of either of the neighbouring dwellings. I agree, however each of the neighbouring dwellings at present features a style or general design which differs in some way to that of No 94, and these designs are again different to those of neighbours beyond. Consistency and distinctiveness within the street scene is therefore lacking. Set against existing broader variation between dwellings in Lake Drive I consider that the introduction of further variation would not in itself be harmful or intrusive.

6. The increased roof length and the long ridgeline proposed would be similar to those of larger chalet bungalows I observed along Lake Drive. In many cases I noted that the ground floors of these bungalows are raised to take account of changing levels, and that as such their eaves line relative to the ground is also often higher than would otherwise be the case. As this isn't currently true of No 94, the visual impact of the increase in eaves height proposed would be lessened by comparison, and still more so by contrast to the greater eaves height of nearby two storey buildings. The pitch of the roof would nonetheless be shallower than that belonging to any other dwelling I saw along Lake Drive, and the eaves overhang more pronounced. However, I am satisfied that each is an integral aspect of the distinctive chalet design proposed, and in my view they would be clearly read in this way.

7. In terms of scale and bulk, the dwelling would retain a lesser mass than the two storey dwellings otherwise prominent within the street scene opposite and beyond the site. Changing ground levels would also act to limit visual prominence, and in this regard I note that No 94 would remain of lower height overall to 96 Lake Drive immediately to the north, and the stepping down to 92 Lake Drive would also appear generally consistent with the pattern as levels fall. Given the orientation and relative height of No 96, No 94 would not in my opinion appear prominent travelling downhill, and whilst it would be more noticeable travelling uphill, it would be viewed within the context of a street scene containing buildings of generally large size set at a higher level. Consequently, I conclude that whilst appearing clearly different, the proposed form could achieve an acceptable degree of visual integration and would appear neither unduly prominent nor dominant within the street scene.

8. The Council's officer report raises concern regarding materials, however the proposed render finish would match that of many other dwellings along Lake Drive, including No 96. Whilst the majority of dwellings appear to have clay or concrete tiled roofs, slate-type tiles are also visible within the immediate street scene, and the proposed palette would appear similar overall to that of 87 Lake Drive further up the hill. Whilst the Council have requested a condition requiring use of materials matching those in the existing dwelling, this would

be clearly at odds with materials specified. As such I have not imposed this condition. All other materials appear to be clearly stated on the plans.

9. For the reasons above, I conclude therefore that the development would not have an adverse effect on character and appearance of the area, and would therefore be in accordance with Policy PCS23 of the Poole Core Strategy adopted 2009, which amongst other things seeks to ensure that development respects the setting and character of the site.

Living Conditions

10. As noted above, No 96 stands at higher level than No 94 and is a more bulky chalet bungalow design which extends deep into its plot.

11. In the same way that the 180° outlook from the front bay window at No 96 currently partially includes No 94, it would remain only partly affected by the proposed development. The effect may also be offset by the proposed set back of the frontage of No 94, and limited by use of the room as a bedroom. The latter would also be true of the secondary window identified by the Council. As such I consider that the outlook from these windows would not be unacceptably harmed by the development.

12. Other windows identified by the neighbours currently face into the garden. The 2 nearest to the bedroom window noted above do not serve habitable rooms. Given the orientation of No 96, views toward the boundary with No 94 are increasingly oblique, and the space between the elevation and boundary is of increasing size. I also observed that a large part of the boundary with No 94 is lined by a tall Leylandii-type hedge. Therefore, whilst the increased length and eaves height proposed would mean that the development would be clearly appreciable from No 96, the potential for adverse effects would be limited, and this would be further reduced by the difference in levels. As such I consider that the development would not appear either overbearing or oppressive viewed from No 96.

13. No calculation or clear illustration demonstrating impact on daylight to windows at No 96 has been provided. Third party evidence is based on oblique photographic views rather than sections or measurements taken perpendicular to the centre of the windows in question. In my opinion it does not appear likely that a skyline obstruction of light to the bay window would arise as a result of the development. Though the secondary side window might be more directly affected, the presence of the bay window and use of the room would suggest that high levels of light are not critical. Given the distance between the two dwellings, their relative orientations, and differing levels, any skyline obstruction of light to other windows, would, in my opinion, also be unlikely. I conclude therefore that the development would not therefore cause any unacceptable adverse effects on daylight to No 96.

14. Loss of sunlight to No 96 has also been claimed by third parties, however no shading diagrams or calculations have been produced to substantiate concerns. I observed that during my morning visit the windows within the south-west elevation of No 96 were all shaded by the eaves of the dwelling itself. Whilst representing a snap shot in time, it is apparent that a combination of building design and the south-west orientation of the elevation already gives rise to some intrinsic morning shading. During the afternoon the development would be unlikely to cast shade that would affect windows within this elevation. Whilst

the secondary side window could be more substantially affected, the presence of the bay window and use again suggests that direct sunlight is not critical. In my opinion, given the distance between and relative orientations of the two dwellings no other windows are likely to be affected. I conclude therefore that an unacceptable degree of harm by virtue of loss of sunlight to the dwelling would not arise.

15. Concern has been expressed by neighbours with regard to loss of privacy. I am satisfied however that the design and position of windows above ground floor level is such that they would not permit overlooking. Furthermore, the proposed obscured glazed screen to the north-west side of the front balcony would remove any potential for overlooking of No 96, and the Juliet balcony, to the rear, would itself provide limited scope for overlooking given its orientation. By virtue of distance and vegetation I agree with the Council's conclusion that no harmful overlooking of 35 Napier Crescent to the rear would arise. I also agree with the Council's view that design requirements relating to obscure glazing and window opening design can be appropriately secured by condition.

16. For the reasons above, I conclude therefore that the development would not give rise to any unacceptable adverse effect on the living conditions of neighbours, and would therefore be in accordance with Policy DM1 of the Poole Site Specific Allocations and Development Management Policies Development Plan Document - Adopted April 2012, which amongst other things seeks to ensure that development has no adverse impact on neighbouring properties.

Other Matters

17. I note concerns raised with regard to views, drains and drainage, however these concerns are not clearly substantiated. It did not appear to me that any public views would be affected by the development, and there is no evidence to suggest that matters relating to drains and drainage cannot be addressed within the context of ordinary compliance with the building regulations.

Conditions

18. I have imposed a condition setting the time limit for implementation and listing the approved plans for sake of certainty. I have also imposed a condition requiring the installation and maintenance of obscure glazing as otherwise specified on the plans, but have used a modified wording to that suggested by the Council.

Conclusion

19. For the reasons set out above the appeal is allowed.

Benjamin Webb

INSPECTOR