The Planning Inspectorate

# Appeal Decision

Site visit made on 14 May 2019

**by Robert Parker BSc (Hons) Dip TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 June 2019**

**Appeal Ref: APP/Q1255/W/18/3208836**
**57 Kings Avenue, Poole BH14 9QH**

- 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 Addis of Addis Homes Limited against the decision of Poole Council.
- The application Ref APP/18/00543/F, dated 18 April 2018, was refused by notice dated 25 June 2018.
- The development proposed is demolition of existing property and outbuilding and construction of 4x 3 storey units with associated amenity space.

## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The Poole Local Plan (PLP) was adopted in November 2018 and the policies contained therein supersede those cited on the decision notice. The parties have been able to comment on the implications of the change in policy. They have also been given the opportunity to make representations following recent revisions to the National Planning Policy Framework (the Framework).

3. The appellant has provided a signed undertaking pursuant to s111 of the Local Government Act 1972. This relates to the making of a financial contribution to avoid or mitigate the adverse impacts on the Dorset Heathlands and Poole Harbour European sites. The Council states that the monies have been paid and confirms that refusal reason 3 has been resolved.

4. Following a written request from the neighbours to view from their property, I was able to assess the proposal from 34 Spur Hill Avenue.

## Main Issues

5. The main issues in this case are:

   a) the effect of the proposal on the character and appearance of the area; and

   b) the effect on the living conditions of the occupiers of 34 Spur Hill Avenue, with particular reference to outlook and sunlight.

## Reasons

*Character and appearance*

6. The appeal site is located at the junction of Kings Avenue with Spur Hill Avenue. It contains a two-storey dwelling with accommodation in the roof space and a detached garage. The local area is predominantly characterised by individually designed detached houses within generously sized verdant plots.

7. The proposed development would comprise four 3-storey dwellings arranged back-to-back on a rectangular footprint. The resultant building would be significantly larger than the existing house, and it would read as a block of apartments. There are other purpose-built flatted developments in the locality, notably at 50 Kings Avenue opposite and along Spur Hill Avenue to the north-west. However, these generally benefit from more spacious plots. They also display a traditional style of architecture which gives the buildings a domestic scale and an appearance which blends with the mature residential surroundings.

8. The proposed design is unashamedly modern. The building mass would be partially broken up using contrasting materials and a recessed second storey. However, this would not disguise the excessive scale. The building would be considerably bulkier than the existing house, notwithstanding its lower overall height, and its footprint would extend closer to Kings Avenue. The development would be unduly prominent in the street scene; its flat-roofed contemporary design would be unduly stark and out of character with neighbouring buildings.

9. Much of the remainder of the appeal site would be taken up by hard surfacing for access and car parking, with only modest areas devoted to garden for each of the new dwellings. The plans show some trees along the road frontages, which would help to maintain the sylvan character of the area. However, the overall impression would be of an intensive development which is at odds with the well-established pattern of detached dwellings on larger plots.

10. The appellant contends that the proposal would represent innovative design of the type supported by the Framework. However, government policy expects development to fit in with the overall form and layout of its surroundings. I am not persuaded by the argument that the differing architecture of the proposal would be useful as a wayfinder or landmark in the street scene. The design of the scheme is such that it would stand out as being completely incongruous.

11. Accordingly, I conclude that the proposal would cause material harm to the character and appearance of the area. It would conflict with PLP Policies PP27 and PP28 which seek to ensure that new development reflects or enhances local patterns of development and secures sufficient land to enable a type, scale and layout of development (including parking and usable amenity space) to be accommodated in a manner which would preserve or enhance the area's residential character.

*Living conditions*

12. The existing dwelling projects beyond the rear wall of 34 Spur Hill Avenue, at two-storeys initially but then dropping down to a single-storey conservatory. The proposed development would extend beyond the end of the conservatory at 3-storeys. The building would be positioned further from the boundary than is presently the case, and the upper floor would be set back. Nevertheless, the additional mass of building would be visible from the garden and rear windows

belonging to No 34. The development would be overbearing, and it would lead to an increased sense of enclosure. There would also be some loss of sunlight, but this would be limited by the position of the buildings in relation to the path of the sun.

13. My attention is drawn to an appeal decision[1] for the creation of 3 houses on the site. Full details of that case are not before me but, based upon the plan extracts provided within the appellant's statement, I consider that there are material differences between that scheme and the current appeal in terms of the design, scale and massing of the building, and its relationship to No 34. I have dealt with the appeal scheme on its merits.

14. In conclusion, the proposal would have an unacceptable adverse effect on the living conditions of the occupiers of 34 Spur Hill Avenue. There would be conflict with PLP Policy PP27 insofar as it seeks to prevent harmful impacts upon amenity for local residents.

**Conclusion**

15. I have taken into consideration the social and economic benefits arising from housing delivery and the stated energy efficiency credentials of the scheme. However, these material considerations are not sufficient to outweigh the conflict with the development plan.

16. For the reasons given above, and having regard to all other matters raised, including the impetus to make efficient use of land, I conclude that the appeal should be dismissed.

*Robert Parker*

INSPECTOR

[1] APP/Q/1255/A/13/2198509