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/18/3208835
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/17/01788/F, dated 20 November 2017, was refused by notice dated 27 February 2018.
- The development proposed is demolition of the existing house and detached garage and the erection of a pair of semi-detached houses and a detached house with ancillary parking and vehicular accesses.

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.

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 5 has been resolved.

4. Following a written request from the neighbours, 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;

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

   c) whether the development would provide an acceptable living environment for future occupiers.

Reasons

Character and appearance

6. The appeal site is located at the junction of Kings Avenue with Spur Hill Avenue. It contains a detached two-storey dwelling with accommodation in the roof space and a detached garage near the boundary with Kings Crescent. The dwelling is set back from Kings Avenue and turns the corner to follow the prevailing building line on Spur Hill Avenue. The local area is predominantly characterised by individually designed detached houses within spacious verdant plots. There have been various flatted developments in the vicinity, including at 50 Kings Avenue opposite the site and along Spur Hill Avenue to the north-west, but these generally occupy larger plots.

7. The proposed semi-detached houses would respect the established building line on Spur Hill Avenue and would be comparable in depth to No 34 adjacent. However, the proposal would bring the built form much closer to Kings Avenue. The proximity of Unit 2 to the street and the raised eaves of this dwelling would make this element of the development unduly prominent in the street scene. The semi-detached units would have much smaller gardens compared with other properties in the locality, with a significant proportion of the site taken up with hard surfacing for the parking and turning of vehicles.

8. The proposed detached dwelling would also have an uncharacteristically small garden. This unit would be set back further from Kings Avenue, but the building would be relatively tight against the boundary with 34 Spur Hill Avenue. The relationship of this dwelling to the side and rear boundaries would be visible to casual observers and it would contribute to a cramped appearance which would be noticeably at odds with the more spacious arrangement of other properties in the area. Notwithstanding efforts to break up the massing, the scale of the dwelling would be disproportionate to the size of the plot. Although the Council has not raised an objection in principle to contemporary design, the buildings surrounding the site are generally more traditional in appearance and the proposed architecture would emphasise the incongruity of the development.

9. Concerns are raised regarding the effect of the development on a large mature Monterey pine tree within the front garden of 1 Kings Crescent. The appellant's arboricultural consultant states that the tree roots have been deflected by the foundations to the existing garage. It is contended that Unit 3 can be built using the same foundations. Notwithstanding this assertion, I have no accurate means of knowing the extent of the root system, and furthermore there is no substantive evidence before me to demonstrate that the garage foundations are suitable to support a more substantial building. Given the significant positive contribution of the Monterey pine to public amenity, it would not be appropriate to grant permission based on conjecture and limited evidence.

10. Overall, I consider that the appeal scheme would represent an over-intensive form of development which is wholly out of keeping with the prevailing pattern of dwellings on larger plots in Kings Avenue and Spur Hill Avenue. The proposal would cause material harm to the character and appearance of the area and it would conflict with PLP Policies PP27 and PP28. These seek to ensure that new development reflects or enhances local patterns of development and that there is 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

11. 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. These building elements would disappear as a result of the demolition of No 57. However, the benefits would be more than offset by the construction of Unit 3. The two-storey mass of this building would be 1 m from the fence, and it would run parallel to the boundary for approximately 10.5 m.

12. Unit 3 would be an overbearing structure, both when experienced from the garden of No 34 and within the house, where it would be in line of sight of windows serving habitable rooms. The adverse effect on outlook is sufficient for me to determine that the scheme is unacceptable. However, despite the shading effect of an existing Monterey Pine tree, it is also likely that there would be some loss of sunlight to the neighbours in the latter parts of the day. This adds to the harm arising from the increased sense of enclosure.

13. Accordingly, I conclude that the proposal would have a deleterious effect on the living conditions of the occupiers of 34 Spur Hill Avenue. This is contrary to the requirement of PLP Policy PP27 that development should not result in a harmful impact upon amenity for local residents considering, amongst other things, levels of sunlight and whether the development is overbearing or oppressive.

Future living environment

14. Unit 3 would be sited approximately 7.2 m from the rear wall of Unit 1, with the separation increased to roughly 8.5 m at first floor level. Occupants of Unit 1 would have an outlook onto a flank elevation. Although the plans show this wall to be broken up with different design elements and materials, the proximity of the two-storey building mass would be oppressive. Furthermore, the position of Unit 3, to the south-west of its neighbour, means that there would be overshadowing to the garden and rear facing windows. These deficiencies would compromise living conditions for the occupiers of Unit 1.

15. The design of Unit 3 avoids overlooking by minimising the number of openings on sensitive elevations. However, the window serving one of the ground floor bedrooms would have a poor outlook onto an internal passageway. There would be a deficit of natural light and occupiers of this room would be dependent upon artificial light sources. This does not constitute good design.

16. The Committee Report refers to the limited amount of amenity space but does not direct me to any minimum standards. The gardens would be small in comparison to those surrounding, and they would be out of character for this reason, but I have seen no evidence to convince me that they would be unable to meet the everyday needs of a family household.

17. The appellant argues that potential occupiers would visit the development beforehand to make an informed choice about whether the size of the plots and the layout of the homes would meet their individual and family needs. However, this does not justify the inadequacies in the future living environment.

18. I therefore conclude that the proposal would provide an unacceptably poor living environment for the occupiers of Units 1 and 3. There would be conflict with PLP Policy PP27 inasmuch that it seeks a good standard of amenity for future occupiers.

Conclusion

19. I have taken account of 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.

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

Robert Parker

INSPECTOR