
Appeal Decision

Site visit made on 20 May 2019

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 August 2019

Appeal Ref: APP/Q1255/W/19/3223730
37 Whitecliff Road, Poole BH14 8DX

- 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 Saunders against the decision of Poole Council.
 - The application Ref APP/18/01489/F, dated 15 November 2018, was refused by notice dated 31 January 2019.
 - The development proposed is sever plot to form a new dwelling with associated access and parking and alterations to existing dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The decision to refuse planning permission was made by Poole Council, which ceased to exist on 1 April 2019, following a merger with Bournemouth Borough Council and Christchurch Borough Council to form the new Bournemouth, Christchurch and Poole Unitary Authority. Provisions within the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 allow for any "plan, scheme, statement, or strategy" prepared by one of the merging authorities to be treated as if "it had been prepared and, if so required, published by the single tier council for the whole or such part of its area as corresponds to the area to which the particular plan, scheme, statement or strategy relates". The status of the Poole Local Plan (2018) (the Local Plan) has not therefore changed as a result of the merger.

Main Issues

3. The Local Planning Authority's (LPA's) fourth and fifth reasons for refusal were based on the appellant's failure to demonstrate that the proposals would not cause harm to the Dorset Heathland Special Protection Area (SPA) and Ramsar site, the Dorset Heaths Special Area of Conservation, and the Poole Harbour SPA and Ramsar site. The decision notice indicates that the payment of a financial contribution towards mitigating measures would overcome the fourth and fifth reasons for refusal. During the appeal, the appellant submitted an executed planning obligation confirming payment of a financial contribution towards such measures, prior to commencement of development. The LPA has indicated that the planning obligation is acceptable. As I am dismissing the appeal, it has not been necessary to consider this matter further.

4. Therefore, the main issues are:

- a) The effect of the development on the character and appearance of the area;
- b) Whether the development would provide acceptable living conditions for future occupants, with particular regard to outdoor amenity space and privacy; and
- c) The effect of the development on the living conditions of the occupants of the host dwelling, with particular regard to outdoor amenity space and privacy.

Reasons

Character and appearance

- 5. The appeal site lies in a residential area overlooking the Harbourside Park and Parkstone Bay beyond. Viewed from the park, the appeal site and adjacent railway embankment form a green wedge of land that is set against the backdrop of traditional pitched roof houses to the east, and on the opposite side of the railway line to the north.
- 6. The presence of the railway line and the bend in Whitecliff Road means that the appeal property forms part of a small, visually discreet, group of houses. They are of varying designs, but all are detached and set back from the road on large plots. In the wider area there has been much recent development activity and a wide range of largely contemporary style residential buildings have been, or are being, constructed. Despite the broad variety of architectural styles, the immediate, and wider, area is still characterised by large detached buildings on spacious plots.
- 7. The proposed plot division would create a triangular site for the proposed dwelling, restricted by the railway line to the north, the road to the south and the existing house to the east. The individual design of the proposed dwelling is a response to these constraints. However, the desire to achieve a reasonable level of floorspace, combined with the restrictive size and shape of the plot, mean that the dwelling would be constructed right up to all 3 of its boundaries. This would be out of keeping with the generally spacious character of the established and recent development in the surrounding area.
- 8. The cramped nature of the development would be particularly evident along the frontage of the site, where the building would be right up against the back edge of the pavement, with no potential for any meaningful softening landscaping. This would be out of keeping with the pattern of development in the area where, regardless of the architectural style, there is always some distance between the public highway and the buildings, allowing for boundary treatments and planting.
- 9. The uncharacteristic closeness of the building to the road would be especially noticeable when looking westwards along Whitecliff Road towards the railway bridge. From this viewpoint the dwelling would intrude into the green corridor on either side of the road formed by the park, the railway embankment and the appeal site itself. The adverse effects of the appeal scheme would also be apparent when viewed from the path along the edge of Parkstone Bay. From here, the complete coverage of the garden area, and the lack of space between

the proposed and existing dwellings, would result in a very harsh transition between the open harbourside park and the residential development beyond.

10. I have had regard to the appellant's contention that the existing plot is one of the largest in the area, and that the proposed plot would be comparable with other recent developments nearby. However, whilst the area of the site may be similar to others, its shape has dictated a proposal that is not characteristic of the surrounding pattern of development. I saw no other dwellings in the area that were built right up against all their site boundaries, or that had the same cramped appearance as would result from the appeal proposals. Consequently, no meaningful comparisons can be drawn with these other schemes.
11. I conclude that the proposed development would harm the character and appearance of the area. It would therefore be contrary to Policies PP27 and PP28 of the Local Plan which, amongst other things, seek to ensure that new buildings reflect local patterns of development, and that plot severances preserve or enhance the area's residential character. Furthermore, it would not accord with the aim of the National Planning Policy Framework (the Framework) to achieve well-designed places, as it would not be sympathetic to the surrounding built environment and landscape setting.

Living conditions for future occupants

12. Although the proposed dwelling would cover most of the site, outdoor amenity space would be provided for the occupants in the form of an external terrace and roof garden at first floor level, an external terrace at ground floor level, and a sunken courtyard garden. The quantum of space provided would be sufficient for the outdoor amenity needs of the occupants. The proposed sectional drawing demonstrates that none of these areas would be overlooked from the host dwelling.
13. The roof garden would, however, be open to quite close observation from the public park on the opposite side of the road, which may dissuade occupants from using it. However, even if this were the case, the sunken courtyard would provide a private outdoor space and the first-floor terrace would provide a less private, but sunnier space. I therefore find the size and nature of the proposed outdoor amenity spaces to be acceptable.
14. The internal accommodation would have generously proportioned rooms and the first floor living accommodation would receive daylight through expansive glazing. The ground floor, which would receive less natural light, would contain bedrooms and bathrooms, but the circulation space would be lit from a circular rooflight above. Privacy in the ground floor bedrooms would be maintained using high-level glazing on the road frontage. I therefore find that the proposed dwelling would provide an acceptable standard of internal accommodation.
15. For the reasons given above, I conclude that the development would provide acceptable living conditions for future occupants. The proposal would therefore accord with Policies PP27 and PP28 of the Local Plan, which also seek to ensure that new development provides satisfactory external and internal amenity space for new occupiers, and that plot severances accommodate usable amenity space. On this issue I see no conflict with the Framework's aim to achieve well-designed places, as there would be a high standard of amenity for future users.

Living conditions for occupants of the host dwelling

16. The proposed severance of the plot would result in the loss of virtually the entire garden area from the host dwelling. To compensate for this, the proposals involve the extension of the existing west side terrace and the provision of a new upper terrace to the rear and east side of the house. These terraces, together with the existing one at the front of the house, would all be easily accessible from the main living accommodation, and would provide level usable outdoor amenity space. The existing garden area is sloping, not easily accessible from the existing house, and very open to overlooking from the park opposite. I therefore find that the extended and additional terraces would be a suitable replacement for the garden area that would be lost.
17. The eastern terrace would be overlooked to some extent from the house to the east, but the front, rear and west side terraces would provide an adequate level of privacy. The rear terrace, being to the north of the house, would be in shade for much of the time. However, the front terrace is south facing and would receive significant levels of sunlight. Indeed, as the terraces would surround the entire house, there would always be part of the outdoor amenity space that would not be shaded.
18. I therefore conclude that the proposals would provide sufficient outdoor amenity space for the host dwelling, such that the living conditions for the occupants would be unharmed. The proposal would therefore accord with Policies PP27 and PP28 of the Local Plan, which seek to ensure that new development provides satisfactory external and internal amenity space for existing occupiers, and that plot severances accommodate usable amenity space. On this issue I again see no conflict with the Framework's aim to achieve well-designed places, as there would be a high standard of amenity for existing users.

Conclusion

19. Whilst the proposal would provide acceptable living conditions, it would result in harm to the area's character and appearance. I therefore conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR