
Appeal Decision

Site visit made on 24 July 2019

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2019

Appeal Ref: APP/Q1255/W/19/3226563
14a Jackson Road, Poole BH12 3AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr P Bloomfield (Ashdrew Ltd) against the decision of Poole Council.
 - The application Ref APP/18/01568/P, dated 3 December 2018, was refused by notice dated 22 February 2019.
 - The development proposed is to demolish bungalow and garaging and replace with a new development of 5no chalet bungalows with associated parking.
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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.
3. The proposal has been made in outline, with matters of landscaping and scale reserved for future consideration. Plans have been submitted showing the site layout and the elevations and floorplans of the proposed dwellings. I have determined the appeal based on the details shown on these drawings as far as access, appearance and layout are concerned. However, with regard to scale and landscaping, I have considered the information to have been submitted for illustrative purposes only.

Main Issues

4. The Council'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 relevant 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 Council has indicated that the planning obligation is acceptable. As I am dismissing the appeal, it is not necessary for me to consider the proposal any further in respect of the Conservation of Habitats and Species Regulations 2017.

5. Therefore, the main issues are:

- a) Whether access to the development would be safe and suitable for all users;
- b) The impact of the development on the living conditions of occupants of adjacent dwellings, with particular regard to privacy and noise;
- c) The impact of the development on the character and appearance of the area;
- d) Whether the development would provide suitable living conditions for future occupants, with regard to outlook; and,
- e) The impact of the development on protected species.

Reasons

Access to the development

6. Jackson Road is a gently sloping, straight cul de sac with wide pavements and a turning head. It serves a residential area of bungalows, virtually all of which have off-street parking in their front gardens, largely without on-site turning facilities. Consequently, the reversing of vehicles onto or off the road is a normal occurrence. There is unrestricted on-road parking and at the time of my visit there was ample space available. The little traffic that I observed during my visit was slow-moving. I saw that this is a relatively quiet and safe environment for all highway users. This is borne out by the appellant's uncontested evidence that there are no recorded injury accidents in Jackson Road.
7. Access to the proposed houses would be achieved via an existing private drive, which runs between 14 and 16 Jackson Road, and serves the existing bungalow that would be demolished. The drive is straight and hard-surfaced, and for most of its length is bounded by walls or fences. It is common ground between the parties that the drive is between 2.8 and 3 metres in width. The replacement of the existing single bungalow with 5 dwellings would result in an increase in the amount of traffic using the drive. Using the TRICS database the appellant calculates that the 5 dwellings would result in 35 daily movements. The Council has not contested the use of TRICS to assess the likely level of use, or the appellant's calculations.
8. The access drive is too narrow for 2 cars to pass, so if a vehicle entering the site met an exiting vehicle, there would be a conflict. As the access is straight, drivers entering the drive from either direction would be able to see to the other end. It is therefore unlikely that vehicles would come face to face within the drive itself. Either the vehicle within the appeal site would wait for the driver entering the site from Jackson Road, or *vice versa*. It is possible that a

driver turning off Jackson Road into the drive would be part way through the manoeuvre before seeing an exiting vehicle, which was already part way down the drive. In such a situation, the driver entering the site is likely to reverse back onto Jackson Road, to give way to the vehicle that has already advanced down the drive. Such a manoeuvre would be similar to a car reversing onto Jackson Road from any of the many driveways along the cul de sac. The straightness of the road and the low traffic speeds mean that such a manoeuvre would not result in highway danger.

9. I therefore find that the narrowness of the drive would not be problematic for drivers. However, this is a relatively sustainable location, with schools, recreation facilities and other services within easy walking/cycling distance. It is therefore likely that a significant number of the movements generated by the development would be on foot or by bicycle. The Council's Parking & Highway Layout in Development Supplementary Planning Document states that carriageway widths should be a minimum of 3.25m wide, to allow the safe passage of both cars and cyclists. This accords with the advice at paragraph 7.2.3 of Manual for Streets (MfS)¹, which advises that in lightly-trafficked streets, carriageway widths between 2.75m and 3.25m should be avoided in most cases, since they could result in drivers trying to squeeze past cyclists.
10. MfS also indicates that a typical width for a car is 2m, an adult and child walking together require 1.2m and a wheelchair is 0.9m. The drive does not therefore provide sufficient width for a car to safely pass a bicycle, pedestrians or a wheelchair. The appellant does not contest this point but asserts that the low level of movements along the drive would mean that such conflicts would be rare, and drivers would wait for pedestrians/cyclists before entering the drive, thus avoiding any danger.
11. Using the TRICS database, the appellant calculates that, in the morning peak, 4.2 outward trips (vehicle or pedestrian) and 2.1 inward trips would be generated by the development. The same figures would apply in reverse for the afternoon peak. As a result, the likelihood of vehicles and pedestrians/cyclists meeting in the drive is quite low on any particular day. However, over a longer period it is likely that the situation will arise from time to time. Whilst drivers entering the access would have to wait for another car, they may consider there is space to squeeze past a bicycle or pedestrian.
12. It is possible that drivers would wait for pedestrians/cyclists, but this could only be the case if they were visible before the driver entered the access. During the hours of darkness, a driver may advance into the drive before encountering a pedestrian/cyclist. In such circumstances the narrowness of the drive, and its enclosure by walls and fences, would discourage the driver from reversing back to allow the passage of the pedestrian/cyclist. As a result, the driver may instead attempt to squeeze past. For significant parts of the year either, or both, of the peak hours would fall within the hours of darkness, so this situation could arise with some regularity.
13. As the drive would remain private, there would be no requirement for it to be lit, but lighting could help to reduce the likelihood of conflicts between cars and pedestrians/cyclists. The already narrow width of the drive would be further restricted by traditional overhead lighting using lampposts. The appellant

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/341513/pdf_manforstreets.pdf

suggests that flush-mounted solar lights could be provided within the drive, but the Council considers that these would only be effective in lighting objects directly above the light source. I therefore do not have sufficient evidence before me to demonstrate that the access could be adequately lit to avoid the conflicts that I have identified above.

14. The appellant draws attention to other developments in the locality, where it is suggested that similar private drives serve backland developments, without evidence that any highway danger has materialised. In particular, he refers to Jackson Gardens, which lies almost opposite the appeal site. I saw, however, that the drive serving Jackson Gardens is considerably wider and has a grass verge, which could provide a pedestrian refuge at times of necessity. The other examples quoted either had wider access drives or served fewer dwellings, so are not directly comparable. In any event, I must determine the appeal on its own merits.
15. The traffic movements generated by 5 dwellings would significantly increase the level of use of the narrow drive, leading to the likelihood of cars meeting pedestrians or cyclists. This would result in potentially dangerous situations and may discourage the use of the drive by pedestrians and cyclists. I therefore find that the access to the development would not be safe and suitable for all users. The proposals would therefore be contrary to Policy PP35 of the Local Plan, which seeks to ensure that proposals for new development maximise the use of sustainable forms of travel and provide safe access to the highway.

Living conditions of occupants of adjacent dwellings

16. The access drive serving the proposed development runs between two bungalows at 14 and 16 Jackson Road. The side elevation of No 14, which directly abuts the drive, contains a clear glazed window. The side wall of No 16 is about 2 metres away from the drive. It has 2 glazed doors and 2 windows facing the drive, which are only partially screened by a boundary fence and wall. Traffic using the drive would pass very close to the openings in both bungalows, resulting in noise and disturbance to the occupants. The appellant suggests that, as the driveway already exists, there will be no new source of noise. However, the proposals would result in the drive being used by 5 households rather than one, so the frequency of the noise and disturbance would be considerably greater than is currently the case.
17. The driveway runs along the entire side boundary of both bungalows, and the proposals involve the provision of parking and manoeuvring facilities adjacent to their rear boundaries as well. In the case of No 14, which has a relatively long rear garden, these would be at a significant distance from the bungalow. However, No 16 has a much shorter back garden, so the noise and disturbance caused by the 4 car-parking spaces, directly beyond the rear boundary, would have a greater impact on the living conditions of the occupants.
18. Currently, the occupants of the rear garden of No 16 are protected from disturbance from vehicles associated with the existing dwelling on the appeal site, by the presence of a garage adjacent to the rear boundary. This would be replaced by 4 open car-parking spaces in tandem formation. Combined with the use of the drive by 4 additional houses and the existing road to the front, the bungalow would be surrounded by traffic noise on 3 sides. This would be harmful to the peaceful enjoyment of the occupants of the bungalow,

particularly in the rear garden where relative tranquillity can normally be expected.

19. The 5 dwellings would be arranged face-to-face in 2 rows, perpendicular to the bungalows in Jackson Road and Churchill Road. There would be no windows in the gable walls that face towards the rear gardens of the surrounding dwellings. The only first floor windows would be in the elevations that face the internal parking courtyard. These would be of an oriel design, with one of the panes glazed with obscure glass to avoid overlooking of the surrounding gardens, whilst still maintaining a reasonable outlook for future occupants through the other pane. Such glazing could be secured by a planning condition and would provide sufficient protection for the privacy of adjoining occupants.
20. So, whilst the Council has raised concerns about the impact of perceived overlooking, I find that the proposals would not result in a significant loss of privacy for the occupants of surrounding properties. Nevertheless, the impact of the increased use of the access drive, and the proximity of the car-parking spaces to the rear garden of 16 Jackson Road, would be harmful to the living conditions of the occupants of that property. The development would therefore be contrary to Policy PP27 of the Local Plan, which seeks to ensure that development is compatible with surrounding uses and does not result in a harmful impact upon the amenity of residents through impacts including noise.

Character and appearance

21. Jackson Road is a cul de sac of bungalows, which are set back from the pavement on a fairly rigid building line, behind front gardens that are generally given over to car-parking. However, some planted front gardens remain and, combined with the wide pavements and low roof heights, this gives the road an open, spacious character. The bungalows in Jackson Road run parallel with the dwellings that front Churchill Road. These buildings are at a slightly higher level and display more variety in form; some are 2-storey and others are single-storey to the road frontage, with a lower ground floor to the rear. The existing bungalow on the appeal site sits between these 2 rows of properties and, as a result, there is no sense of spaciousness behind the frontage bungalows. The same is true on the opposite side of the road, where the bungalows in Jackson Gardens occupy the area to the rear of the bungalows.
22. The proposed dwellings would be encircled on all sides by existing residential buildings. As a result, they would only be seen through gaps in the surrounding frontages. The most visible elements would be the roofs which, if covered in suitable tiles, would merge with the surrounding roofscape. The asymmetry in the proposed roof forms would not be readily evident from most viewpoints. As the dwellings would sit between the bungalows in Jackson Road and the more substantial buildings in Churchill Road, their slightly elevated eaves height would not appear out of keeping, as they would serve as a visual transition between the two. Although oriel windows are not a characteristic feature of the area, they do have a design purpose here, in minimising overlooking of existing dwellings. In any event, they would only be readily visible from within the site. The appearance of the dwellings would not, therefore be harmful to the character of the area.
23. The layout of the site allows for each dwelling to have an adequately sized private rear garden, with space at the front for landscaping to soften the appearance of the buildings and hard-surfaces, and to provide a visually

attractive development. Each dwelling would have 2 off-street car-parking spaces. Although the Council's reason for refusal refers to the impracticality of the parking layout, I note that the Transport Development Management Officer concluded that the scheme would provide sufficient parking numbers to meet guidelines, and that vehicles would be able to turn within the site to exit in a forward gear. I see no inherent problems with the proposed parking arrangements. The development would not therefore affect the character of Jackson Road through an increase in on-street parking.

24. The provision of 5 dwellings in the manner proposed would make efficient use of the site, as encouraged by Policy PP2 of the Local Plan and paragraph 122 of the National Planning Policy Framework (the Framework). For the reasons given above, I find that the development could be accommodated on the site without harm to the character and appearance of the area. In this respect, the proposals would accord with Policies PP2, PP27 and PP28 of the Local Plan. These policies seek housing densities that optimise the potential of a site, whilst ensuring a good standard of design that preserves or enhances the area's residential character. The proposals would also accord with the Framework's twin aims of making effective use of land and achieving well-designed places.

Living conditions for future occupants

25. The proposed dwellings would all have 3 bedrooms, 2 of which would be lit by rooflights rather than traditional windows. The rooflights would allow light and ventilation, but outlook from these rooms would be limited. The use of rooflights to provide light and ventilation for bedrooms is not unusual. It is likely that the rooms will be primarily used for sleeping. All the living rooms and kitchens in the dwellings would look out onto their private rear gardens, or the central courtyard. Occupants of the bedrooms would have access to these rooms and the outdoor amenity space. Consequently, the dwellings would, overall, provide an acceptable standard of accommodation for future residents.
26. The Council has referred to 2 appeal decisions in support of their view that the bedrooms, lit only by rooflights, would provide unsatisfactory living conditions. However, one of these involved a proposed dwelling which would have no external amenity space. The other considered whether a condition requiring the obscure-glazing of a bedroom window would be reasonable. I therefore find that neither is directly comparable. In any event, I must consider the appeal on its own merits and I find that the proposed dwellings, overall, would provide suitable living conditions for future occupants. In this respect the development would comply with Policy PP27 of the Local Plan, which seeks to ensure satisfactory external and internal amenity space is provided for new occupiers.

Protected species

27. The Council did not initially request a Phase 1 Habitat Survey when validating the application. Anecdotal evidence was received from local residents regarding the presence of bats and other wildlife, and the Council's Biodiversity Officer has confirmed that bats have been recorded within 300 metres of the site. Based on photographs of the site, he concluded that the use of the bungalow and garage by bats could not be discounted. In considering his other concerns, I saw that the grass within the garden was short and therefore unlikely to support reptiles. I also saw that the boundary hedgerows could be retained.

The biodiversity enhancements he suggested could have been secured through a planning condition, if I had been minded to allow the appeal.

28. Taking account of the evidence before me, it is unlikely that the development would result in harm to protected species, and it appears that suitable mitigation could be provided to achieve net gains. However, in the absence of evidence to demonstrate the absence of protected species, I cannot safely conclude that this is the case. In these circumstances I would have had to consider whether it was possible to impose a condition requiring the prior approval of an ecological survey, together with a requirement for a mitigation plan if any protected species were found to be present. This would have necessitated consultation with the parties. As I am dismissing the appeal for other reasons, I do not need to pursue this issue further.

Planning Balance

29. I am mindful that the development would contribute to the government's objective of boosting the supply of homes, as expressed in paragraph 59 of the Framework. The appellant has also drawn my attention to the fact that 3-bedroomed market housing is identified at Figure 21 of the Local Plan as one of the most needed types of accommodation in the area.
30. The benefits of 5 dwellings are, however, limited and the Local Plan and the Framework both need to be considered as a whole. Whilst both support the provision of housing in sustainable locations, they also both seek to ensure that development is compatible with surrounding dwellings, and that there is safe and suitable access for all users. The limited benefits that would ensue from the development do not outweigh the harm that I have found regarding these matters.

Conclusion

31. For the above reasons I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR