
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: 20 August 2019

Appeal Ref: APP/Q1255/W/19/3222325

Land at rear of 98 York Road, Poole BH18 8EU

- 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 Bowood Properties Limited against the decision of Poole Council.
 - The application Ref APP/18/01366/F, dated 14 October 2018, was refused by notice dated 27 December 2018.
 - The development proposed is demolition of outbuildings; sever plot; erection of 1no. dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

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. During the appeal, a financial contribution has been paid to the Council by the appellant, in accordance with the terms of a completed Undertaking under Section 111 of the Local Government Act 1972. The contribution would fund measures to mitigate the cumulative impact of increased visitor numbers from the proposed development, and other developments, on the integrity of the Dorset Heaths Special Protection Area and the Poole Harbour Special Protection Area. The Council has confirmed that, subject to my acceptance of the Section 111 Undertaking and financial contribution as a means of mitigating the impact, the third reason for refusal has been overcome. 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.
4. Therefore, the main issues in this appeal are:

- a) the effect of the development on the character and appearance of the area; and,
- b) whether the development would provide suitable living conditions for future occupants with regard to outdoor amenity space.

Reasons

Character and appearance

5. 98 York Road is a detached 2-storey red-brick house occupying a corner plot at the junction of York Road and Mission Road. In common with the other houses fronting York Road, it has a fairly long rear garden. Being a corner plot, the rear garden has a boundary with Mission Road, from which there is a vehicular access to a hardstanding and a range of outbuildings within the curtilage of the dwelling. The proposal involves the truncation of the rear garden of the property, removal of the outbuildings and construction of a new dwelling fronting Mission Road.
6. Mission Road contains a mixture of houses and bungalows, with no particularly distinctive building characteristics. Although the bungalow opposite the appeal site is quite close to the road, the general character is of dwellings set back from the road behind front gardens. This is particularly the case on the side of the road that contains the appeal site, where there is a fairly rigid building line set quite well back from the road. The only exceptions to this front building line are the 2 new houses immediately to the west of the appeal site, which are set even further back. As a result of the set back of the buildings behind planted front gardens, and the generally large plot sizes, the road has a spacious suburban character.
7. The proposed plot would be very much smaller than is characteristic of the surrounding development. The limited size of the plot means that, in order to provide a rear garden, the proposed dwelling would be located close to the road frontage. The dwelling would be so far forward of the building line that its rear elevation would be further forward than the front elevations of the new houses immediately adjoining the site to the west. This would be entirely out of keeping with the established building line on this side of the road.
8. Although the bungalow opposite is also close to the street frontage, it sits at a lower level than the road. It is also on a building line with other dwellings that gradually diverges from the road. The appeal dwelling would, by contrast, be set at a higher level than the road, which would increase the visual impact of its uncharacteristic proximity to the frontage. Although it would be on a similar building line to the side elevation of 98 York Road, it would front Mission Road. Consequently, it would have a closer visual relationship with the dwellings in Mission Road, and its position so far forward of all the other dwellings in the road would be out of keeping with the local pattern of development.
9. The appellant points out that there would be no loss of green garden space, as the proposed dwelling would replace the existing outbuildings and hardstanding. It is also highlighted that the proposed dwelling would cover less than 50% of the site. However, the siting of the proposed dwelling so close to the frontage and at a higher level than the road, would give it a much greater presence in the streetscene than the current outbuildings. Consequently, it

would be a visually discordant and prominent feature, having a cramped appearance that would harm the area's spacious character.

10. The development would therefore be harmful to the character and appearance of the area. Consequently, it would be contrary to Policies PP27 and PP28 of the Local Plan, which seek to ensure that the layout, building line and visual impact of development reflect the local context, and that plot subdivisions preserve the area's residential character.

Living conditions

11. The restricted size of the plot means that the only useable outdoor amenity space for future occupants would lie to the rear of the building. The area would be small, but it would provide sufficient space for the day to day needs of residents, such as drying clothes and storing bins. However, this garden area would lie to the north of the proposed house and would be surrounded by a 2-metre close boarded fence on the other 3 sides. As a result, it would feel very confined and would receive limited sunlight. Despite the high boundary treatments, the garden would still be overlooked at close quarters from the first-floor windows in 96 and 98 York Road, and from the new house to the west. It would therefore not provide a high standard of outdoor amenity for future occupants.
12. The appellant suggests that a degree of overlooking of neighbouring rear gardens is a feature of most urban areas and is an inevitable consequence of high-density development. It is also pointed out that the overlooking would be from bedroom windows and at an oblique angle. However, I saw that the window in the front elevation of the new house to the west would be very close to the north-west corner of the proposed plot, which would allow very close views into the garden. This intensity of overlooking is beyond what would normally be expected in a residential environment. Combined with the overlooking from the east, from the first-floor windows of 96 and 98 York Road, future occupants of the proposed dwelling would not enjoy a reasonable level of privacy in the rear garden.
13. For these reasons I conclude that the outdoor amenity space would not provide suitable living conditions for future occupants of the proposed dwelling. The development would therefore be contrary to Policies PP27 and PP28 of the Local Plan, which seek to ensure that new development provides satisfactory usable external amenity space. The failure to provide a high standard of amenity for future users would also conflict with the advice at paragraph 127(f) of the National Planning Policy Framework (the Framework).

Planning Balance

14. I am mindful that the appeal site lies within a sustainable transport corridor where Policy PP2 of the Local Plan supports relatively high housing densities. The development would also make a small contribution to the government's objective of boosting the supply of homes, as expressed in paragraph 59 of the Framework. A small bungalow, such as that proposed may also be attractive to an elderly person looking to downsize, thereby releasing a larger family-sized home to the market.
15. These benefits, however are modest, 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 development and provides a high standard of amenity for future occupants. The modest benefits that would ensue from the development do not outweigh the harm that I have found to the character and appearance of the area and the living conditions for future occupants.

Conclusion

16. I therefore conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR