

Appeal Decision

Site visit made on 10 September 2019

by Mrs H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2019

Appeal Ref: APP/Q1255/W/19/3229369

2A Munster Road, Poole BH14 9PU

- 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 Michael Hilliard against the decision of Poole Council.
 - The application Ref APP/18/1520/F, dated 20 November 2018, was refused by notice dated 18 February 2019.
 - The development proposed is construction of new dwelling to the side of the existing dwelling fronting Munster Road. Alteration to the existing dwelling to remove side facing window and extend existing flat roof section.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of neighbouring occupiers at No 3 Milton Road, with particular regard to loss of outlook.

Preliminary Matters

3. The Council indicate that since the appeal application was determined, the appellant has addressed the third and fourth reasons for refusal. I shall proceed on this basis and address this matter further below.

Reasons

Character and appearance

4. The north side of Munster Road is elevated above the level of the highway and has a wide degree of variation in the scale and design of buildings and their siting relative to the road and one another. The south side of Munster Road, which accommodates the appeal site, has a more regular rhythm, with dwellings set back from the road along a generally consistent building line with dwellings of a broadly similar scale and form. Some dwellings along the road appear to have been recently constructed and a common feature that they share is large gable features within the principal elevation. Whilst acknowledging that both sides of the road and nearby dwellings on neighbouring streets combine to create the character of the wider area, the focus of the appeal proposal and its effects would be on the southern side.

5. No 2A Munster Road is set marginally forward of the common building line and occupies a corner plot with its large garden to the east. The appeal proposal would introduce a dwelling within the main garden area and largely fill the available space between No 2A and 2 Munster Road. The proposed dwelling would be marginally set forward of No 2A and would thus be an apparent degree closer to the road than its neighbouring counterparts. The close proximity of the proposed dwelling to neighbouring dwellings would emphasise the anomaly with the depths of its frontage relative thereto.
6. Whilst the proposed dwelling itself would be of a similar height to the dwellings on either side, its siting, massing and dominant gable features which exacerbate its width, would overwhelm the modest plot and would form an incongruous addition within the street scene. The proposal would also have a particularly limited frontage space, dominated by parking.
7. Whilst I note that in purely numerical terms, the density of the proposal would be comparable with that of the surrounding area, this does not provide adequate justification for the siting, massing and form of the proposal which I have found would be harmful to the character and appearance of the area. The retention of the protected trees and maintenance of the openness of the corner garden of No 2A would not adequately mitigate the visual harm.
8. In view of this main issue, the proposal would harm the character and appearance of the area and would therefore conflict with Policies PP27 and PP28 of the Poole Local Plan¹ (Local Plan), which, amongst other things, seek to ensure that proposals for plot subdivisions are designed to preserve or enhance the area's residential character and that new development reflects or enhances local patterns of development.

Living conditions of neighbouring occupiers

9. No 3 Milton Road is a detached dwelling sited adjacent to, and in close proximity to No 2A Munster Road. The garden serving No 3 Milton Road is to the rear of the dwelling and sits directly below the side garden of No 2A Munster Road. There is a marked difference in ground levels between the two gardens, with the appeal site being some approximate three metres higher than the main part of the rear garden serving No 3 Milton Road. The existing boundary separating the two gardens is formed from a close boarded fence and a high conifer hedge.
10. Notwithstanding that the eaves level of the proposed dwelling has been kept to a low level and that the conifer hedge would be removed, the proposed dwelling would appear far higher and bulkier than the hedge in views from the garden of No 3 Milton Road. The modest distance of approximately 2.5 metres between the proposed dwelling and fence would not offset the impact of the bulk of the roof form being visible above the fence line, dominating views out from the garden. The sense of visual intrusion would be heightened by the existence of rooflights set low in the rear roof slope, which even if obscure glazed and fixed shut would still result in the occupants of No 3 Milton Road experiencing a perception of being overlooked.
11. The proposed extension to the existing dwelling, No 2A Munster Road, would extend forward of the wall close to the boundary shared with No 3 Milton Road.

¹ Poole Local Plan – Adopted November 2018

The proposed extension would be particularly close to, and in an elevated position relative to a full height window within the main lounge area of No 3. I note that the appellant suggests that a similar outcome could be achieved utilising permitted development rights, and that if considered harmful to the living conditions of neighbouring occupiers, this aspect could be removed from the scheme. Whilst I would otherwise consider it prudent to remove this element from the scheme to avoid undue harm to the living conditions of neighbouring occupiers, I have not assessed the effect of accepting its withdrawal from the appeal proposal under the Wheatcroft² principles as the appeal is being dismissed for other reasons.

12. In view of this main issue, the proposal would be harmful to the living conditions of the occupiers of No 3 Milton Road, with particular regard to loss of outlook. The proposal would therefore conflict with Local Plan Policy PP27 which seeks to ensure new development does not result in a harmful impact upon amenity for both local residents and future occupiers considering levels of sunlight and daylight, privacy, noise and vibration, emissions, artificial light intrusion and whether the development is overbearing or oppressive.

Other Matters

13. The appellant has offered examples of developments and planning approvals in the vicinity of the site that denote an ongoing change in the character and appearance of the area. Whilst I have limited details about those proposals and notwithstanding that there are some exceptions, from the plans provided, those examples appear to maintain a greater rhythm between the buildings and within the street scene, whereas the appeal proposal would result in a large, individual building that would undermine the cohesion otherwise evident along the southern side of Munster Road.
14. I note the issues highlighted by the appellant that are not considered to be in dispute between the parties. The absence of harm is not, in itself, considered to be a benefit of the proposal. However, I acknowledge that the appeal site is a suitable location in principle for new housing and that the construction and future occupation of a new dwelling on the appeal site would result in social and economic benefits for the local area.
15. The appeal site is within the buffer zones of a number of designated sites, including the Poole Harbour Special Protection Area (Special Protection Area) and Special Area of Conservation, the Dorset Heathlands SPA and Ramsar site. The addition of a residential unit, considered in combination with other plans and projects within this area, would be likely to have significant effects on the internationally important interests and features of these sites. In accordance with Local Plan Policies PP32 and PP39, development will not be permitted within the buffer zones subject to the undertaking of an appropriate assessment unless mitigation measures have been secured. The Council has indicated that the relevant mitigation measures have been secured to offset the impact of the proposal on the designated sites. However, as I am dismissing the appeal for other reasons, the likely significant effect will not occur in any event and this matter does not therefore need to be considered further.

1. Wheatcroft Ltd V SSE [1982]

Conclusions

16. I find that the development would conflict with the policies of the development plan. The material considerations considered above do not indicate that a decision other than in accordance with the development plan should be made in this instance. For this reason, and taking all relevant matters in to account, I conclude that the appeal should be dismissed.

Hollie Nicholls

INSPECTOR