The Planning Inspectorate

Appeal Decision

Site visit made on 18 June 2019

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2019

Appeal Ref: APP/Q1255/W/19/3225026
R/O 122 Bournemouth Road, Poole BH14 9HY

- 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 Messrs DS Land Ltd against the decision of Poole Council.
- The application Ref APP/18/01633/F, dated 18 December 2018, was refused by notice dated 1 March 2019.
- The development proposed is described as *'Demolish existing garage, sever land and erect a two-bedroom house with under croft parking'*.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:

   - the living conditions of neighbouring occupants and potential future occupants with reference to privacy, space, outlook and light;
   - the character and appearance of the area; and,
   - the integrity of the Dorset Heathlands SPA and Ramsar, Dorset Heaths SAC, Dorset Heaths (Purbeck & Wareham) & Studland Dunes SAC, and the Poole Harbour SPA and Ramsar.

Reasons

Living conditions

3. The appeal seeks to replace the building at the rear of 122 Bournemouth Road with a two-bedroom house with an integral garage fronting Florence Road.

4. Paragraph 127 of the National Planning Policy Framework (the Framework), requires proposals, amongst other things, to provide a layout that will function well, ensuring a high standard of amenity for existing and future users. The scheme would provide on-site car parking and refuse storage. The set back front door and first floor living accommodation would separate residents from the immediately adjacent road. These are positive elements of the proposal, which would function well for future occupants.

5. However, both bedrooms would be small, with limited circulation space or room for storage or other amenities, such as a desk, dressing table, television or toys. As its single window would be north facing, the ground-floor bedroom would be largely bereft of sunlight. Outlook would be dominated by the nearby 2m high rear boundary. The first-floor bedroom, which would be adjacent to

the living area, would be further restricted by its sloping ceiling. It would have no window, reliant instead on the limited benefits of a north facing roof light to enjoy any degree of outlook or access to outside light.

6. Although I acknowledge that the primary purpose of bedrooms is for sleeping, in practical reality they are not secondary spaces but are used for a variety of other important functions during the day and evenings, and all users therefore require adequate access to space, outlook and light. Given the circumstances, and regardless of any compliance with the Building Regulations, I find that the bedrooms would provide an unacceptably oppressive living environment for occupants in planning and real terms.

7. The house would be taller and larger than the existing outbuilding. Due to its location to the south of 120 Bournemouth Road, there would be a consequent loss of sunlight to this property. As the outlook and light experienced by its occupants is already constrained to an extent by 55 Florence Road, I find that further restrictions would be significant. The erection of the house and associated subdivision of the existing garden space would also restrict space, light and outlook to occupants of the flats within 122.

8. Turning to privacy, the rear elevations of 120 and 122 contain first floor windows, with 120 also served by dormers and a set of French doors which lead to an external balcony. Whilst I accept that in some instances the relationship would be oblique, the number of elevated vantage points leads to an overall sense of the appeal site being comprehensively overlooked. Given also the short distance between these spaces, I find that significant overlooking over and above the boundary would occur between the ground floor bedroom and garden of the proposed house and its neighbours. This would surpass that typically expected even within this relatively high-density residential area.

9. The proposal has similarities with the allowed appeal at 51 Florence Road, but there are also significant differences. Although the cantilever at 51 may restrict light to a degree, the ground floor bedrooms are served by full height French doors offering immediate access to sheltered outside space. The upstairs bedroom has two windows and rooflights. The decision also predates the latest version of the Framework and the adoption of the Poole Local Plan (PLP) in 2018. Whilst there remain no prescriptive standards in either, both emphasise the need to create satisfactory living spaces, with Paragraph 124 of the Framework stating that the creation of high-quality places is fundamental to what the planning process should achieve. This would not be the case here.

10. 55 was converted from an office pursuant to permitted development rights, and the standard of living accommodation would not have been a determinative issue in that process. As such, I do not consider that these schemes provide any significant benchmark or precedent for the appeal proposal in this regard. In any event, each case must be judged on its own individual merits.

11. I therefore find on this issue that the proposal would fail to provide adequate living conditions for neighbouring occupants and potential future occupants with reference to privacy, space, outlook and light. It would conflict with Policies PP27 and PP28 of the PLP and the Framework insofar as they seek residents to have an acceptable standard of amenity. The Council has also referred to the Technical housing standards – nationally described space standard (2015). However, as the development plan does not rely on this document, it has had limited weight in my assessment.

Character and appearance

12. Although the south side of Florence Road is fronted by an articulate row of terraced properties, the north side is occupied by the individual rear garden spaces and various outbuildings of the properties which front Bournemouth Road, set amongst a mixture of small-scale commercial buildings.

13. There are also the two-storey dwellings at 51 and 55, which have ground floor parking with living accommodation fronted by dormers at eaves level. The appearance of the proposal would closely relate to these two buildings. Therefore, considering the compatibility of the design with this nearby housing, and the otherwise varietal appearance of the street scene, the proposal would assimilate successfully into its environment without a harmful effect on the character and appearance of the area. As such, it would accord with the aesthetic design aims of Policies PP27 and PP28 of the PLP and the Framework.

Protected sites

14. The appeal site is within influence of the Dorset Heathlands SPA, Dorset Heathlands Ramsar, Dorset Heaths SAC, Dorset Heaths (Purbeck & Wareham) & Studland Dunes SAC, and the Poole Harbour SPA and Poole Harbour Ramsar (the protected sites).

15. It cannot be ruled out that residential development in this location, both individually and cumulatively with other schemes, would have significant effects on the features of interest of the protected sites due increased recreational use and other domestic activity. The parties do not dispute that this can be mitigated through contributions to infrastructure delivered through CIL and by Strategic Access Management and Monitoring (SAMM). The SAMM elements are required to be addressed outside of CIL and the appellant has submitted an agreement to seek to secure the contribution[1].

16. However, as the circumstances that could have led to the granting of planning permission are not present, it is not necessary for me to ascertain the appropriateness and delivery of the mitigation within an Appropriate Assessment. Consequently, as I am dismissing the appeal for other reasons, I have not taken this matter further.

Other Matters

17. Under Policy PP2 of the PLP, the Council has designated the area as a 'Sustainable Transport Corridor' in which higher density development is encouraged. This is consistent with the Framework, which seeks to promote an effective use of land to meet the need for homes and other uses. However, this policy should not be considered in isolation, and the acceptability of increasing housing density is predicated, amongst other things, on the safeguarding of living conditions. As I have found this would not be the case, the proposal would not make an effective or optimum use of the land.

Planning Balance

18. It is undisputed by the parties that the Council can demonstrate a five-year supply of deliverable housing sites and that the most relevant development

[1] Under S111 of the Local Government Act 1972

plan policies in relation to this case are up to date. As such, the 'tilted balance', as set out in Paragraph 11 d) of the Framework is not engaged.

19. The government is seeking to significantly boost the supply of housing and the proposal would improve housing mix by providing a small home, constructed to modern energy standards, in an accessible location. However, as a single unit, these benefits would be modest. There would also be very small economic benefits through the construction phase and the increased use of services. These benefits would be decisively outweighed by the harm to living conditions of existing and future occupants that I have identified. The absence of harm to the character and appearance of the area is a neutral factor in my assessment.

20. I therefore find that the proposal would conflict with the development plan when read as a whole. There are no other matters, including the Framework, that outweigh this conflict.

Conclusion

21. For the reasons outlined above, and taking into account all mattes raised, the appeal is dismissed.

Matthew Jones

INSPECTOR