



Appeal Decision

Site visit made on 8 May 2019

by Roy Curnow MA BSC(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2019

Appeal Ref: APP/Q1255/W/19/3223224

1 North Road, Poole BH14 0LT

- 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 W Yeoman (Reef Properties Ltd) against the decision of Poole Council.
 - The application Ref APP/18/01297/F, dated 28 September 2018, was refused by notice dated 18 January 2019.
 - The development proposed is demolish existing property and erect 5 x 1 bedroom apartments.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The decision to refuse planning permission was made by the Borough of 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 ('PLP') has not therefore changed as a result of the merger.
3. The description of the proposal on the planning application form differs from that on the decision notice. During the determination of the application a revised description was agreed by the Council and the appellant and the application was determined on that basis. For the avoidance of doubt, I have determined the appeal based on the revised description which is set out in the header above.
4. During the appeal process the appellant submitted additional information relating to the effects of the development on protected habitats in the vicinity of the site. As a result, the Council considers that this information overcomes refusal reason No 4 on the decision notice. I shall return to this matter later in my decision.

Main Issues

5. The main issues are the effect of the development on: (i) the character and appearance of the area; and (ii) the living conditions of the occupants of 3 North Road, having particular regard to outlook.

Reasons

Character and Appearance

6. The appeal site, which is bounded by roads on three sides, lies at the end of a line of detached and semi-detached dwellings along the north side of North Road. To its north and northwest lies the campus of the Bournemouth and Poole College ('the college'). This is situated on higher land and includes a number of very large, multi-storeyed buildings.
7. There is variation in the designs of the dwellings along this side of North Road, a number of which have been extended or altered. Notwithstanding this, their two-storey forms and shared use of pitched roofs, gables facing the road and bay windows gives them a strongly unified appearance.
8. The plot and dwelling at 1 North Road are larger than others in the road, and the dwelling lacks some of their shared architectural features. However, rather than appearing anomalous in the street scene, the site reads very much as part of the built form along North Road.
9. Despite having a corner position close to the college, the appeal site does not appear as being a transitional site between the college and the development along North Road because each has a well-defined character that differs markedly from the other. The college buildings, which are set back from the access/service road and on higher ground, have a strikingly different scale than those on North Road and are set within a landscaped campus. This is quite a different setting from the domestic scale of the development on North Road. Although the site is seen in conjunction with the dominant college buildings in certain views, given their differing contexts, this does not justify the erection of a building of the mass and scale that is proposed here.
10. In addition to those at the college, there are several other large, multi-storeyed buildings in the area, identified in Diagram 1 of the appellant's statement. The degree of separation between the site and the existing buildings that are identified is such that they can have no real relevance as to how the site might be developed.
11. That appellant refers to a previous appeal decision¹ that allows for the redevelopment of part of the land to the south of the site, on the opposite side of North Road. This decision allows for the erection of a building of up to 6 storeys. Although closer to the site than many of the existing large buildings I refer to, above, that site is quite different in character. It is part of a larger 'island' site that is surrounded by busy roads, which separate it from other development. This is reflected in the appeal decision, where the Inspector states that as that site has "ample space around it, the heights proposed are appropriate". This is not the case with the present appeal proposal.

¹ APP/Q1255/W/17/3180900

12. Although the site is larger and more irregular in shape than others on this side of North Road, it is, nonetheless, domestic in scale. Although there would be some articulation in the proposed building's elevations through the provision of set-backs and balconies, and a mixture of finishes would be used, these would not sufficiently break up its massing. This would be far in excess of the other dwellings in North Road, with which it most readily reads, and it would appear incongruous in the street scene.
13. The Poole Park Conservation Area ('CA') lies close to the appeal site, to its southwest. There are views to the site from within the CA across busy roads, including from the locally-listed Memorial Clock. However, the attention is drawn to the large College buildings in views from the CA, and also taking account of the development allowed in the previous appeal, that would lie within these views. Indeed, part of that scheme lies within the CA. Therefore, although the proposed building would be readily seen from within the CA, it would not have an adverse effect on its significance.
14. Although it would be of a contemporary style with flat roof, the scale, bulk and mass of the proposed building would cause harm to the character and appearance of the area. It would, therefore, be contrary to the terms of Policies PP27 and PP28 of the PLP which amongst other things, requires a good standard of design in all new developments. It would also be contrary to the aims of the National Planning Policy Framework and the Planning Practice Guidance regarding good design

Living Conditions

15. The main, two-storey element of 3 North Road, which adjoins the site, lies towards the front of its plot. This gives it a fairly large rear garden, into which the house has been extended. One of the extensions is a long single storey conservatory style extension that runs along the boundary with No 1.
16. The proposed building would cover a significant part of the plot at No1, running rearwards to a point commensurate with the end of the conservatory extension at No 3. Moreover, it would be in close proximity to the mutual boundary. As such, its three-storey form would be seen from the majority of the rear garden of No 3. Given the close proximity together with its scale, depth and height the proposal would be prominent from No 3 and would dominate the outlook from its rear garden. As such, the proposal would make it a markedly less attractive one to enjoy.
17. The omission of the angled portion of the upper floors to the proposed building would allow light to enter the nearest first floor window on the rear elevation to No 3, and preserve the outlook from it. As the conservatory only has high level, obscure glazed windows looking towards the site, the proposed extension would have little effect on the outlook enjoyed by people using it.
18. I consider that the proposed building would have a significantly harmful effect on the living conditions of the occupants of No 3 having regard to outlook. In reaching this view, I am aware that the occupants of No 3 did not object to the proposal but this does not lead me to a different conclusion. Therefore, the proposal would be contrary to the terms of Policy PP27 of the PLP that seek, amongst other things, to protect the amenities of local residents in this regard.

Other Matters

19. I agree that the site lies in a location that is close to a wide range of services, where there would be reduced reliance on car travel. I note that the proposal would provide appropriate external and internal space for future occupants of the flats and that there would be sufficient car parking provision, given its location. Also, that the scheme has been reduced through the omission of a floor of accommodation. However, none of these is sufficient to outweigh the identified harm.
20. The site lies within 5kms of the Dorset Heathlands Special Protection Area and Dorset Heaths Special Area of Conservation. These are European Sites of Nature Importance and are subject to protection under the Conservation of Habitats and Species Regulations 2010. Having regard to my duty under Regulation 61(5), I am required to consider whether the proposal may have a significant effect on such areas, either alone or in combination with other plans and projects.
21. In this case, both parties agree that such an effect is likely, and from the evidence I see no reason to find otherwise. In response, following the terms of the Council's adopted Supplementary Planning Document, The Dorset Heathlands Planning Framework 2015-2020, the appellant has entered into an undertaking under S111 of the Local Government Act 1972. This is designed to ensure that a financial contribution would be made to mitigate this effect in accordance with these documents, should permission be granted.
22. Whilst I have taken this and the other evidence in this regard into account, as I am dismissing the appeal, I do not need to reach a decision on the efficacy of the undertaking.
23. Lastly, submissions regarding comments were made by Council staff at the pre-application stage are not a matter for this appeal which I have determined on its own merits.

Conclusion

24. In the light of the above reasons, and having regard to all other matters, the appeal is dismissed.

Roy Curnow

INSPECTOR