



Appeal Decisions

Site visit made on 8 October 2019

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2019

Appeal A: Appeal Ref: APP/Q1255/W/19/3230648 15 Mansfield Road, Poole, BH14 0DD

- 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 C Mirauer against the decision of Poole Council.
 - The application Ref APP/18/01569/F, dated 3 December 2018, was refused by notice dated 28 January 2019.
 - The development proposed is internal and external alterations and convert the vacant space to 2no. 1 bedroom flats.
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Appeal B: Appeal Ref: APP/Q1255/W/19/3230649 First Floor Accommodation, 15 Mansfield Road, Poole, BN14 0DD

- 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 C Mirauer of Newstead Property against the decision of Poole Council.
 - The application Ref APP/19/00190/F, dated 15 February 2019, was refused by notice dated 2 May 2019.
 - The development proposed is internal and external alterations and convert the vacant first floor space to a 1 bedroom flat.
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Decision

1. Appeal A and Appeal B are both dismissed.

Procedural Matters

2. Following the Council's decision on the application that led to Appeal A there have been revisions to the National Planning Policy Framework (the Framework) contained in the new version published in February 2019. No changes have been made to the content directly relevant to the main issues of this appeal. Consequently, I consider that no prejudice would occur to any parties as a result of me taking the revised Framework into account in my assessment of the appeal's merits.
3. On 1 April 2019 the Local Planning Authority in this area became Bournemouth, Christchurch and Poole Council. I understand that the Poole Local Plan 13 November 2018 (the Local Plan) remains the relevant development plan for this appeal.

Main Issues

4. The main issues are:

- Whether the proposed developments would provide acceptable living conditions for future occupiers with particular reference to: light and whether there is adequate provision for bin and bike storage (Appeal A only) and outlook (Appeals A and B).
- The effect of the proposed development on the living conditions of the neighbouring occupier at 17 Mansfield Road with particular regard to privacy. (Appeal A only)
- The effect of the proposed development on the Dorset Heathlands Special Protection Area and Ramsar site, the Dorset Heaths Special Area of Conservation and the Site of Special Scientific Interest and the Poole Harbour Special Protection Area, Site of Special Scientific Interest and Ramsar site. (Appeals A and B)

Reasons

Living Conditions – future occupiers

Appeal A

5. I am not provided with substantive evidence to demonstrate the levels of light that would be available to future occupiers. Nevertheless, for the ground floor unit, the bedroom window faces onto a partly enclosed courtyard and is in close proximity to the two storey side and rear elevation at 17 Mansfield Road. The unit is also relatively long and narrow in its layout. These matters are likely to limit the amount of light received in the unit and particularly in the proposed kitchen/dining room. Consequently, based on the evidence before me, I am not satisfied that the proposed ground floor unit would achieve acceptable levels of light for future occupiers.
6. The appeal site does not include the adjacent 'service road' and I am not presented with any mechanism to secure bin or bike storage in this area. Nor am I provided with evidence which satisfies me that adequate space is provided for internal bike storage.
7. The outlook from the first floor bedroom window would be across a side return towards the two storey side elevation of no. 17 which is said to be 2m from the window. At ground floor the separation between the main window to the bedroom and the side elevation is similar to that described above, however the outlook would be further compromised as it would be into the enclosed ground floor courtyard at no. 17. The ground floor bedroom would also receive outlook from a second window. However, this is limited in width and faces towards a relatively long and narrow side return with two storey development on either side.
8. Policy PP27 of the Local Plan seeks to ensure that there is not a harmful impact upon amenity for future occupiers and the Framework refers to a high standard of amenity for ... future users at paragraph 127(f). Whilst these policies do not specifically refer to outlook from bedrooms it is nevertheless an important aspect of providing good quality living conditions for future occupiers. As such

the poor outlook described above would provide unacceptable living conditions and would be contrary to these policies for this reason.

9. My attention has been drawn to an approved scheme close to the appeal site¹ where it is put to me that some bedrooms had no outlook. However, I am provided with limited information about this case and therefore I attach limited weight to the specific circumstances.
10. Consequently, the development proposed would not result in acceptable outlook for future occupiers.

Appeal B

11. Appeal B relates to a proposed first floor flat only. It includes obscure glazing to the main bedroom window with a second smaller window and skylight which would both be clear glazed. The skylight would be in the roof and the submitted plans indicate that it would be above eye level. Therefore any outlook provided would be very limited. The second window is a very similar arrangement to that discussed in paragraph 7 albeit at first floor level. Consequently, for the same reasons this would not result in an acceptable level of outlook for future occupiers of this property.

Appeals A and B

12. For the reasons set out above, the proposed developments would not provide acceptable living conditions for future occupiers. As such, in this respect, they would be contrary to policy PP27 of the Local Plan and to paragraph 127(f) of the Framework, the aims of which are set out above.

Living conditions – existing occupiers (Appeal A)

13. The windows on the south elevation are in very close proximity to existing windows at no. 17. Part of the proposed ground floor bedroom window directly adjoins an enclosed courtyard area at no. 17. The proposed residential use at this part of no. 15 would result in views towards rooms at no. 17 in close proximity. This would result in an unacceptable level of privacy for the existing occupiers of no. 17.
14. Whilst the openings at no.15 already exist, they do not serve a residential use and I saw that the existing window treatment does not currently allow views towards no. 17. Therefore, the proposed development would be more harmful than the existing arrangement.
15. It is put to me that the main bedroom windows could be obscure glazed. Whilst this may overcome the concerns with privacy, this would result in even more limited and therefore unacceptable outlook for the proposed units than identified elsewhere in this report. As such this would not be reasonable.
16. Consequently, the proposed development would have a harmful effect on the living conditions of the neighbouring occupiers at 17 Mansfield Road. As such, in this respect it would be contrary to policy PP27 of the local plan which in part requires that development should not result in a harmful impact upon amenity for local residents.

¹ APP/17/01637

Effect on the identified features of nature conservation interest (Appeals A and B)

17. I have been provided with evidence that following the decision on this application a financial contribution to mitigate the effect of the development on the identified features of nature conservation interest has been paid. I have not been provided with the full details of this contribution or details of how it would be enforced to ensure that the necessary mitigation would be effective. However, given my overall conclusion on these appeals it is not necessary for me to pursue this further in this case.

Other Matters

18. The proposed developments are said to provide a use for this part of the building which lacks any viable use. However, I do not have evidence which suggests that there is no alternative, less harmful, use for this part of the site. As such I am not persuaded that this consideration would indicate that permission should be approved.
19. It is put to me that the appeal site has good accessibility to shops, public transport and that the proposed developments would meet energy efficient demands. The developments would provide up to 2 new units of residential accommodation which would assist in meeting housing need and provide a choice of homes, and the site is said to be brownfield land. I am not presented with any mechanism to secure that this would be affordable housing, although I have no reason to dispute that the proposed flats would be low cost. I also accept that occupiers may contribute to the economic growth of the area due to investment and revenue generated.
20. However, these benefits are generally not unique to these proposals and due to the size of the development (a maximum of 2 units) these issues would not be sufficient to overcome the harm to existing and future living conditions, contrary to the development plan, outlined above.
21. For the reasons already given above, the proposal would be contrary to the development plan read as a whole and cannot therefore represent sustainable development as envisaged by the Framework.

Conclusion

22. For the reasons set out above, this appeal is dismissed.

H Miles

INSPECTOR