The Planning Inspectorate

Appeal Decision

Site visit made on 11 March 2020

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2020

Appeal Ref: APP/V1260/W/19/3243623
1 Ashmore Crescent, Poole BH15 4DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr and Mrs Rainback against Bournemouth Christchurch and Poole Council.
- The application, Ref APP/19/00861/F, is dated 12 June 2019.
- The development proposed is demolition of existing two storey dwelling and erection of new three storey dwelling.

Decision

1. The appeal is allowed and planning permission is granted for demolition of two storey dwelling and erection of new three storey dwelling at 1 Ashmore Crescent, Poole BH15 4DG, in accordance with the terms of the application, Ref APP/19/00861/F, dated 12 June 2019, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The Council did not issue a decision notice determining the proposal. Following the submission of the appeal against non-determination, the Council has confirmed that, had it fallen to the Council to make a decision, the application would have been recommended for approval.

3. The Council has provided details of a previously refused application, Ref APP/18/01310/F for a replacement dwelling on the site. This was refused for the sole reason that, owing cumulatively to its form, height and materials, the proposed development would be incongruous in the streetscene contrary to Policy PP27 of the Poole Local Plan 2018, PQF3 of the Poole Quays Forum Neighbourhood Plan 2017 and the NPPF.

4. The Council has confirmed that, following an assessment of the changes to the refused scheme against context, character and the previous reason for refusal, it raises no objection to the appeal scheme. On the basis of the evidence before me, and my site inspection, I find no reason to disagree.

Other Matters

5. I acknowledge the matters that have been raised by third parties. Having regard to the privacy of the school and the occupiers of 2 Ashmore Crescent, I have imposed conditions 5 and 6. In respect of the concern about overbearing impact, the Council has raised no objection, and on the basis of the evidence

before me and my site inspection, neither do I, having regard to the replacement nature of the proposal and the height and mass of the new building and its position in relation to no.2.

6. Given the proximity of the appeal site to the school entrance and the cul-de-sac nature of the road, I have imposed condition 10 in the interests of the safety of the school users and neighbouring residents during the construction period.

Conditions

7. I have considered the Council's suggested conditions in accordance with Paragraph 55 of the Framework and the National Planning Practice Guidance (PPG). In addition to the standard implementation condition, it is necessary to define the plans for certainty (1, 2). In the interests of protecting the character and appearance of the area, a condition is necessary to ensure appropriate external facing materials in respect of the dwelling (3). In the interests of preventing risk from flooding a condition is necessary to ensure an appropriate minimum finished floor level for the new building (4). To ensure a satisfactory level of privacy for the occupiers of the neighbouring residential property and the adjacent school, conditions are necessary to ensure that some side windows of the new dwelling are obscurely glazed and that balcony screens are erected along the sides of the first floor terrace and second floor balcony of the new dwelling (5 and 6).

8. To ensure highway safety, and having regard to the proximity of the adjacent school entrance, a condition is necessary to require appropriate access visibility splays (7). In the interests of delivering a sustainable development, reducing carbon emissions and reducing reliance on centralised energy supply, a condition is necessary to ensure the provision of 10% of the predicted future energy use of the dwelling from on-site renewable sources (8). In the interests of biodiversity enhancement, a condition is necessary to require a gain in on-site biodiversity (9). In the interests of protecting neighbouring living conditions and highway safety, a condition is necessary to ensure that development takes place in accordance with an approved Construction Method Statement (10).

Conclusion

9. For the above reasons, I conclude that the appeal should be allowed.

S Leonard

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 02A; 03; 04J; 05J; 06C; 09A; 10; 11 and 20.

3) No development shall take place above slab level until samples of all external facing and roofing materials in respect of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample details.

4) The finished floor level of the building hereby approved shall be a minimum of 2.9 metres above ordnance datum.

5) The dwelling hereby permitted shall not be occupied until the windows indicated on the approved plans as 'obscure glazing' have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed, and once installed the obscured glazing shall be retained thereafter.

6) The dwelling hereby permitted shall not be occupied until balcony screens are erected along the sides of the first floor terrace and second floor balcony. Details of the balcony screens shall be submitted to and approved in writing by the local planning authority before the screens are erected, and once erected, the screens shall be retained thereafter.

7) Notwithstanding the approved plans, any frontage boundary feature, including walls, fences, posts or planting, shall be maintained at no higher than 0.6 metres in height for an area measuring 2 metres back into the site from the back edge of the footway.

8) The dwelling hereby permitted shall not be occupied until details of measures to provide 10% of the predicted future energy use of the dwelling from on-site renewable sources shall be submitted to and approved in writing by the local planning authority. The approved measures shall be implemented prior to first occupation of the dwelling and thereafter retained in operation.

9) The dwelling hereby permitted shall not be occupied until a scheme for on-site bio-diversity enhancement has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first occupation of the dwelling and the measures thereafter maintained.

10) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

    i. the parking of vehicles of site operatives and visitors;
    ii. loading and unloading of plant and materials;

iii. storage of plant and materials used in constructing the development;
iv. wheel washing facilities;
v. measures to control the emission of dust and dirt during construction;
vi. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
vii. delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

*****End of Conditions*****