
Appeal Decision

by **M Bale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 May 2020

Appeal Ref: APP/V1260/W/20/3245530

Flat B, 160 Wimborne Road, Poole, BH15 2EJ

- 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 Tony Phillips against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/19/01133/F, dated 3 September 2019, was refused by notice dated 22 November 2019.
 - The development proposed is a first floor single storey 1 bed flat.
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Decision

1. The appeal is dismissed.

Procedural matter

2. In response to travel restrictions put in place due to the COVID-19 pandemic I concluded that it was not necessary for me to physically visit the appeal site. This is because I have been able to reach a decision based on the information already available, supplemented by additional evidence supplied by the parties. Both the appellant and the Council have agreed to the appeal proceeding on this basis.

Main Issue

3. The main issue is the effect on the living conditions of existing and future occupiers of the appeal site.

Reasons

4. The appeal site has already been subdivided into flats. There is an external area around a rear, single storey part of the existing building alongside Sandbourne Road. The plans indicate that much of this area would be given over to parking. As such, it would be inadequate to provide for any meaningful sitting out area for the two flats that would derive access from this part of the site.
5. I am told that a comparable proposal has previously been permitted following an appeal¹. That appeal decision was mainly concerned with the effect on the character and appearance of the area, and the Inspector found no harm would arise in that regard. The appellant indicates that policies have not changed sufficiently from the previous decision to lead to a different conclusion in respect of character and appearance and I have no reason to disagree.

¹ APP/Q1255/A/13/2211200.

6. However, the Council's suggestion that the current development plan places a greater emphasis on living conditions is not disputed. Therefore, I am not bound to follow the previous decision in terms of the main issue and must determine the appeal in the context of the current development plan. In particular, Policy PP27 of the Poole Local Plan 2018 (LP) requires, amongst other things, that satisfactory external amenity space is provided for both new and any existing occupiers.
7. There may well be a number of services and facilities nearby to provide for residents' needs, outside the appeal site. Whilst these may include some areas of publicly accessible open space, there is no compelling evidence that allotments or space associated with schools and churches would provide realistically comparable facilities to an on-site sitting out area. Sterte Open Space near the football ground has been referred to along with some open space at Oakdale community centre. However, whilst the distance of these spaces from the appeal site may not be great, the need to make a journey to them would prevent them providing the same function as an on-site garden.
8. The provision of additional housing would contribute to the Government's aims to boost housing supply as set out in the National Planning Policy Framework. However, although the site is in an accessible location where an intensification in residential development may be appropriate and there are existing units of accommodation at the site, these matters do not justify additional units without satisfactory external amenity space. As such, I find that the proposal would fail to provide acceptable living conditions for existing and future occupiers at the site and it is contrary to LP Policy PP27.

Other matters

9. The Council's decision notice included other reasons for refusal relating to the effect on European Nature Conservation Sites (European Sites). Concern has also been raised in the representations about the effect on the living conditions of adjoining residents. However, as I am dismissing the appeal for another reason, adverse effects in relation to these interests would not occur.

Conclusion

10. The proposal conflicts with the development plan and there are no material considerations indicating that a decision should be taken otherwise than in accordance with it. I, therefore, conclude that the appeal should be dismissed.

M Bale

INSPECTOR