



Appeal Decision

Site visit made on 2 June 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2020

Appeal Ref: APP/V1260/W/20/3245344
392B Ashley Road, Poole BH14 0AA

- 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 & Mrs Tony & Victoria Phillips against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/19/00872/F, dated 4 July 2019, was refused by notice dated 12 September 2019.
 - The development proposed is to alter and extend 2 x 1 bedroom flats to form 2 x 3 bedroom semi-detached houses.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appellant provided amended plans at appeal stage. Given the timing of the submission, the Council and interested parties have had the opportunity to comment upon them and so would suffer no injustice if I were to take them into account.

Main Issues

3. The main issues are the effect of the development on the living and working conditions of the occupiers of adjoining sites; the effect on the living conditions of future residents of the appeal site; and the effect on highway safety.

Reasons

Living and working conditions

4. The proposal would result in an existing two-storey building being extended forwards and upwards. The forward projection would result in a more bulky structure directly alongside an adjoining office building. That building has windows at ground and first floor that, whilst not facing the appeal site, would be alongside the proposed forward projecting side wall.
5. Given the proximity of these windows to the side boundary and the extent of extension, the proposal would have an oppressive overbearing effect on the internal spaces of the adjoining office building. I have no reason to disagree with the Council's suggestion that people are likely to spend a large proportion of their day within these office environments and consequently suffer significant harm to their working conditions.

6. The adjoining site to the other side of the appeal building has permission for redevelopment to form flats. Those buildings would be offset from the site boundary and only kitchen and bathroom windows would face towards the proposed extended building¹. A small area of external space would exist on the neighbouring site, but this would be separate to the larger central area of 'private amenity space' detailed on the plan. As such, I find that there would be no harm arising to the living conditions of future occupiers of that neighbouring site as a consequence of the increased bulk proposed.
7. The originally proposed plans show clear glass side windows facing towards the neighbouring proposed development. However, the plans for the neighbouring site² appear to indicate that those windows would face other obscure glazed bathroom windows. Therefore, there would be no need to secure obscure glazing to the side windows as shown on the appellants' amended plans in order to safeguard privacy.
8. Turning to the living conditions of future residents of the appeal site, a small area of garden would be provided to the front of each property. Given the narrow width of each dwelling, there would be significant mutual overlooking between the two dwellings and their garden spaces. However, such relationships are not unusual in high density urban environments. There are other windows in the rear of No.390/392 Ashley Road that also face the proposed gardens, but these are at some distance. For these reasons, given the site's context and location set away from the casual gaze of people passing along the street, I find that adequate external garden spaces would be provided to serve the dwellings.
9. Internally, the original plans for the proposal show that the second bedroom for the right hand unit would only be served by a high level roof window. Such is likely to limit the light infiltration to the room which would also have no outlook. The consequence would be a poor internal environment, harmful to the living conditions of future occupiers. The amended plans indicate that this room could be used as an office, but there is no clear mechanism before me to guarantee such use in perpetuity. In any case, I have no substantive evidence as to why a home office should not also be provided with good internal living conditions.
10. Concluding on this issue, I find that the proposal would harm the internal working environment of the adjoining office building. Whilst adequate external garden space would be provided, the proposal would fail to provide satisfactory internal living space for future occupants. It would, therefore, conflict with Policy PP27 of the Poole Local Plan 2018 (LP) which requires, in part, proposals to provide satisfactory internal and external amenity space for new and any existing occupiers.

Highway safety

11. The site is in a highly accessible location surrounded by commercial uses. It is defined in the LP as a sustainable transport corridor, being a location where LP Policies PP2 and PP34 seek to direct development. There is a frequent bus service and a mainline train station is only a short walk away. However, the

¹ Based upon plans submitted with the representation of Tom Whild (Ken Parke Planning Consultants) dated 27 August 2019

² *ibid.*

appellants' claim that such indicates that no parking is required is not supported by objective analysis.

12. Moreover, the Parking & Highway Layout in Development Supplementary Planning Document 2011 (SPD) sets out parking standards for new development that are already based upon location and accessibility. The SPD indicates that parking should be provided at the site and LP Policy PP35 requires development to be in accordance with the SPD.
13. In the absence of compelling evidence that the appeal site should be treated as an exception to others in the vicinity, there is no reason to further reduce the required parking from that set out in the SPD for this area. A lack of parking is likely to result in additional congestion in the area and obstructions to the highway as residents and their visitors search for spaces. Such would be harmful to highway safety. Whilst there may be some benefits arising from a reduction in the use of the existing access which has poor visibility from and of emerging vehicles, the evidence does not demonstrate how this would off-set the harm from inadequate parking.
14. Notwithstanding the above, the proposals would leave part of the site between the rear of No.390/392 and the proposed garden areas undeveloped. From my observations at the site visit, this space would appear to be large enough to accommodate vehicles and there is nothing to suggest that it would not be usable by future residents for parking.
15. However, the space is of limited size. There is no clear demonstration that this constraint would not hinder or prevent turning with the effect that vehicles would reverse out of the site. The location of the access, between two buildings that stand on the back edge of the footway would provide particularly poor visibility to a driver in reverse. Such would result in further harm to highway safety.
16. I note that, within its suggested conditions to be considered if the appeal were to be allowed, a condition could be used to ensure that the existing access were stopped up. It may be that this could overcome the safety concern with vehicles reversing onto the highway. However, it was not part of the proposal and has not been consulted upon, so I cannot be certain that such an approach would be reasonable or prejudice any third party interests.
17. In any case, with regard to the above, I conclude that, whether or not parking could occur, the proposal as shown would result in harm to highway safety. It would, therefore, conflict with those aspects of LP Policies PP34 and PP35 that require improvements to the safety and quality of the sustainable transport corridors, provision of a safe access to the highway and parking in accordance with the SPD.

Other matters

18. The appellants arguments surrounding a lack of harm to the character and appearance of the area are noted. However, such lack of harm is neutral in the overall planning balance.
19. The proposal would provide additional family housing. However, I have no substantive evidence relating to the comparable need for flats and family housing and as the proposal would not increase the overall numbers of dwellings within the area, I attribute this matter limited weight.

Conclusion

20. For the reasons given above, I conclude that the appeal should be dismissed.

M Bale

INSPECTOR