



Appeal Decisions

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 A

Appeal Ref: APP/V1260/W/19/3239884

1 Flambard Road, Poole BH14 8SU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by AJ Developments against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/19/00477/P, dated 16 April 2019, was refused by notice dated 11 July 2019.
 - The development proposed is demolish existing dwelling and erect a block of 6 no. 2 bedroom flats with basement parking, bin and cycle storage.
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APPEAL B

Appeal Ref: APP/V1260/W/19/3239885

1 Flambard Road, Poole BH14 8SU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by AJ Developments against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/19/00988/P, dated 31 July 2019, was refused by notice dated 3 October 2019.
 - The development proposed is demolish existing dwelling and erect 3 townhouses with parking.
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Decisions

1. The appeals are dismissed.

Procedural matters

2. The appeals relate to applications for outline planning permission. In both cases, approval is sought for access, layout and scale, with landscaping and appearance reserved for subsequent consideration.
3. Plans have been provided showing the layout of the site, location of external areas and parking provision, and the proposals' access to the highway. As approval is sought for access and layout, I have treated these as firm parts of the proposals.
4. Further plans have been provided suggesting internal layouts and external appearances. As approval is sought for scale, I have treated those aspects depicting the external dimensions as firm parts of the proposals. However, as

the definition of layout in the Town and Country Planning (General Development Management Procedure) (England) Order 2015 does not extend to internal layout, I have treated all other details on those plans as illustrative.

Main Issues

5. The main issues are the effect of the proposals on the living conditions of the occupiers of No.3 Flambard Road with particular regard to privacy, the living conditions of future occupiers of the site with particular regard to the developments' relationship with trees, and the effect on the character and appearance of the area.

Reasons

Living conditions

6. The illustrative plans show rear windows in both schemes facing towards the boundary with neighbouring No.3 Flambard Road. In appeal B, the Council is particularly concerned with those windows in unit 3, which it may be possible to provide alternatively in the side elevation by means of an oriel window, angled away from No.3. Such would avoid the alleged harm to living conditions in this regard and there is nothing substantive to support the Council's claim that it would lead to substandard living conditions within the proposed dwelling, or other effects on neighbours' living conditions.
7. The appellant contends that the same solution could be applied to the bedroom 1 windows suggested in flats 4 and 6 of the appeal A scheme. Whilst the Council's reason for refusal refers to all bedroom windows in the rear these flats, the other windows would be similarly located to those in the appeal B scheme to which the Council has not identified harm. Whilst the solution would require some rearrangement of the internal layout, there is nothing to suggest that adequate options could not be devised that would avoid overlooking. I, therefore, find that harm would not arise to the living conditions of No.3 Flambard Road.
8. The living conditions of future occupiers of the site would be affected by replacement trees in the front boundary and a protected tree in a neighbouring garden to the rear. This is likely to result in some shading to the private garden areas and windows.
9. In the appeal A scheme, further garden space would be provided to the side and the illustrative plans suggest that rear windows are likely to be bedrooms. Expansive glazing could be used to the front elevations to maximise light and so I find that appropriate living conditions could be provided.
10. In the appeal B scheme, large windows and an open plan layout could also allow adequate light penetration into the internal spaces, however, the private garden spaces would be affected. Unit 3 would have some space to the side, but garden spaces for unit 2 and to a lesser degree unit 1 would be small and under the canopy of the neighbouring tree. The short gardens would also be flanked by the wall of the house and rising land to the neighbours' gardens.
11. Whilst the future gardens may be tiered, elevating them closer to direct sunlight and the relative position of the gardens to the sun's path may afford some morning sun, the gardens are likely to be gloomy and shaded for much of the day. Although my attention has not been drawn to any specific policy

requirements for external garden spaces, I find that the above would result in poor external spaces and consequential harm to living conditions for future occupiers of the site.

12. Concluding on this main issue, I find that, subject to their detailed design, neither scheme would result in harm to the living conditions of No.3 Flambard Road. The appeal A scheme would afford adequate living conditions for future occupiers of the site and so would not result in conflict with those parts of Policy PP27 of the Poole Local Plan 2018 (LP) that seek to ensure that there would be no harmful impact upon amenity for both local residents and future occupiers. However, the appeal B scheme would fail to provide satisfactory external amenity space for future residents and would result in a conflict with those parts of the same policy that seek to ensure such provision.

Character and appearance

13. The site is at the junction of Alton Road and Flambard Road, fronting and accessed from Alton Road. The locality contains a wide variety of modern and more traditional architectural styles giving the character of an area that has developed and subsequently evolved on a piecemeal basis. Extensive tree cover within garden land, through roadside vegetation and street trees, gives the area a verdant appearance where buildings are often partially obscured from public views or well assimilated into their landscape settings. The site is not within a conservation area, and these factors combine to give the area capacity to absorb some change.
14. Heading away from the appeal site along Alton Road, beyond its junction with Corfe View Road, numerous flats and apartments are mixed with single dwellings. However, whilst other flats can be seen on the roads leading away from Alton Road, two large and highly prominent buildings at 15 Alton Road and 2 Corfe View Road on this junction, mark a clear visual transition to this character from the area of Alton Road containing the appeal site, that is dominated by individual dwellings.
15. Around the site, there numerous examples of redevelopment and infill. However, even where densities have been and are proposed to be increased to provide closely spaced townhouses, a character of single dwellings prevails. Whilst corner plots can sometimes offer scope for an increase in the scale of buildings, the insertion of the flats proposed in the appeal A scheme into this area would appear as an alien development that would harm its character and appearance.
16. I note that appearance is a reserved matter. However, whether or not flats that had the appearance of a single dwelling would be appropriate here, the suggested layout with a single point of access and communal undercroft parking is unlikely to have such an appearance. The terraced approach of the 3 dwellings in appeal B, would also lead to a building that would appear at odds with the surrounding arrangement of individual dwellings.
17. Whilst landscaping is a reserved matter, it may well be that in time, boundary landscaping would obscure some views to the front of the proposals. In appeal B, planting would also largely obscure the communal parking area from view and go some way to assimilating the numerous retaining structures, along with any bin storage that may be required, into the site. However, there is no compelling evidence that an appropriate landscaping scheme could be devised

that would completely or permanently obscure either development from view, or otherwise allow the incompatible buildings to appear appropriate to their immediate context.

18. I have found that the living conditions of future residents would be affected by the proximity of the tree in neighbouring garden land. However, as the buildings themselves would be further from the tree than the existing dwelling, and I have found that adequate internal living conditions would be provided, there is no substantive evidence that there would be irresistible pressure to fell or prune that tree in a way that would harm the character and appearance of the area.
19. However, the appeal A proposals would see the access move closer to a mature tree in the street frontage that makes a significant contribution to the verdant character of the area. Whilst the alignment of the access may be angled away from the tree such that it may be possible to avoid short- or long-term damage to it, there is no substantive evidence showing the proposed relationship or mitigation within the appellant's arboricultural impact assessment to support this.
20. LP Policy PP27, amongst other things, requires that development should reflect or enhance local patterns of development, including in terms of layout, siting and visual impact. It should also respond to natural features, which, given the uncertainties over the relationship with the street tree, the appeal A proposal does not achieve.
21. I note that LP Policy PP28 (2) does not specify that plot severances and subdivisions should match the pattern of development in their locality, but it does require them to be accommodated in a manner which would preserve or enhance the area's residential character. Policy PP28 (1) requires flatted development to be in keeping with the established pattern of development in the part of the street where the site is located. For the above reasons, both appeal proposals would conflict with these aims of Policies PP27 and PP28.

Other matters and planning balance

22. The site is within the urban area. I note from LP Paragraph 4.17 that Poole is tightly constrained and it is important to make the best and most efficient use of urban land. Such also accords with guidance in the National Planning Policy Framework (the Framework). In this context, the delivery of development on windfall sites such as this may well be important to meet the housing targets set out in LP Objective 2 and Policy PP7.
23. However, as set out earlier in my Decision Letter, the LP also requires new development to respect its context, and harm to the character and appearance of the area would arise in that regard. There would be further harm to the living conditions of future occupiers in respect of appeal B. The lack of harm to living conditions that I have identified in all other respects is neutral in the planning balance. I, therefore, find conflict with the development plan considered as a whole.
24. The appellant has indicated that the Council's Housing Delivery Test results show that only 68% of the housing required over the previous 3 years was delivered. However, under the transitional arrangements set out at Framework Paragraph 215, such does not trigger the operation of the balance set out at

Framework Paragraph 11(d). Therefore, this, nor any other material considerations indicate a decision otherwise than in accordance with the development plan.

25. The Council's decision notices include other reasons for refusal relating to potential effects on European Sites designated for their nature conservation importance. However, in light of my conclusion on the appeal overall, such effects would not arise.

Conclusion

26. For the reasons given above, I conclude that the appeals should be dismissed.

M Bale

INSPECTOR