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# Appeal Decision

Site visit made on 2 June 2020

**by Nick Davies BSc(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 June 2020**

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**Appeal Ref: APP/V1260/D/19/3243511**  
**79 Alder Road, Poole BH12 2AB**

- 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 A Zinou against the decision of Bournemouth, Christchurch and Poole Council.
  - The application Ref APP/19/01012/F, dated 29 July 2019, was refused by notice dated 1 October 2019.
  - The development proposed is construction of an ancillary residential outbuilding.
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## Decision

1. The appeal is allowed and planning permission is granted for construction of an ancillary residential outbuilding at 79 Alder Road, Poole BH12 2AB in accordance with the terms of the application, Ref APP/19/01012/F, dated 29 July 2019, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 01.1 - Site Plan & Location Plan; 01.3 - Proposed Ground Floor Plan; 01.5 - Proposed Elevations.
  - 2) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 79 Alder Road, Poole.

## Procedural Matter

2. The building has already been substantially constructed, so I am largely considering this appeal retrospectively. However, it has not been fully completed, and the building does not entirely accord with the plans submitted with the application. In particular, I saw that a larger window had been installed in the bedroom. My decision is based on the proposed development as shown on the plans, rather than what has been built.

## Main Issues

3. The main issues are:
  - a) Whether the loss of on-site parking would result in harm to highway safety and traffic conditions in the area; and,
  - b) Whether the accommodation would provide satisfactory living conditions for future occupants.

## Reasons

### *Loss of on-site parking*

4. The appeal site comprises a bungalow, in a row of detached residential properties that front Alder Road. In common with most of the other dwellings in the row, there is no vehicular access to the frontage. Bountys Lane, which runs parallel to Alder Road, provides rear access to the dwellings, and most of them have garages or parking areas served by this road. In February 2019, planning permission<sup>1</sup> was granted for a double garage to the rear of the site, to replace the existing single garage. Work commenced, but it did not proceed in accordance with the approved plans. The building that has been constructed is of a similar scale and location to the approved garage, but it does not include a vehicular access. As a result, the dwelling now has no off-street car-parking.
5. Table 3 of the Council's Parking & Highway Layout in Development Supplementary Planning Document (2011) (the SPD) sets out residential parking guidelines by number of rooms. Based on the number of rooms in the existing bungalow and the proposed ancillary accommodation, the Table indicates a requirement for two spaces. The proposal would, therefore, result in a shortfall of two off-street car-parking spaces to serve the development. The SPD advises that proposals with parking provision below the optimal parking levels should demonstrate that the development can function without harm to highway safety or causing inconvenience for highway users.
6. The appellant commissioned a Parking Survey to support the application. This demonstrates that there are 18 unrestricted on-street car-parking spaces within 106 metres of the appeal site. Three parking counts were taken, two on weekday evenings and one on a Sunday afternoon. There were no more than 6 parked cars on any occasion, so about 12 spaces were available at the time of each survey. The surveys took place after work had commenced on the building, so at a time when there was no off-street parking on the appeal site. There is no evidence before me to cast doubt on the survey findings and, at the time of my site visit, I saw that there was plenty of on-street parking available. I therefore conclude that the proposal would not lead to competition with residents or park users for on-street parking spaces in Recreation Road or Gloucester Road.
7. In view of the ready availability of on-street parking, drivers would not have to trawl streets to find a space. Some on-street manoeuvring would be necessary to park, but Recreation Road and Gloucester Road carry low levels of slow-moving traffic. There is nothing before me to suggest that these everyday manoeuvres would be particularly hazardous. The occasional on-street parking of a car associated with the appeal site would not, therefore, lead to conditions of highway danger or inconvenience to other highway users.
8. Alder Road is a straight, wide road that slopes down to the north. It has double yellow lines on both sides and there is a recessed bus stop in front of the appeal site. It is a County Distributor Road and carries high levels of traffic. Its very nature dictates that drivers are highly unlikely to park on the road in front of the appeal site. At the time of my visit there were no cars parked on either side of the road. Given the easy availability of safe and unrestricted on-street parking close to the site, in Recreation Road and Gloucester Road, the lack of

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<sup>1</sup>Local Planning Authority Reference: 18/01541/F

off-street parking at the rear of the property is unlikely to result in an increase in parking at the front.

9. Bountys Lane is a long straight road, about 4.5 metres wide, with no separate footways. The various garages and parking areas along its length are largely gated, and, in most cases, means of enclosure directly abut the road. The restricted nature of the road means that manoeuvring into some of the smaller garages is difficult, and drivers must park temporarily while garage doors, or gates, are opened. As the road only serves as a rear access for dwellings in Alder Road and Gloucester Road, it carries little traffic, so this is unlikely to lead to danger, or significant inconvenience, to other users of the highway. There are no parking restrictions and at the time of my visit there were two cars parked in the road. I saw that this still left room for other cars to pass. In view of the low level of traffic and slow speed of vehicles, parking in Bountys Road does not lead to hazardous highway conditions.
10. It is contended that the lack of off-street car-parking on the appeal site would increase the likelihood of cars parking to the rear of the property in Bountys Lane. In these circumstances, the ability of drivers to manoeuvre into the garages and driveway immediately opposite would be hindered. Bearing in mind the availability and ease of on-street parking in Recreation Road and Gloucester Road, however, this is unlikely to be a regular occurrence.
11. Moreover, whilst the approved garage would have provided space for two vehicles to park, the SPD does recognise that garages are not always used for car-parking. The space for manoeuvring into and out of the approved garage would have fallen some way short of the 7.3 metres advised by the SPD, so it would not have been easy to access. Although the planning permission included a condition requiring the garage to be used only for car-parking, that would not have precluded short-term, or visitor parking, taking place in front of it, in Bountys Lane. Similarly, prior to the development taking place, it is likely that, from time to time, vehicles would have parked in front of the original single garage which, according to representations, was not large enough to easily accommodate a car. In view of these considerations, and the ancillary use of the building, I conclude that the proposal would not be likely to result in a material increase in parking in Bountys Lane.
12. To summarise on this issue, the loss of on-site parking on the appeal site would not result in consequent harm to highway safety and traffic conditions in the area. The proposal would therefore accord with Policies PP34 and PP35 of the Poole Local Plan (2018) (the Local Plan), which seek to deliver a safe, connected and accessible transport network, where development proposals accord with the SPD.

#### *Living conditions for future occupants*

13. The proposal is for an ancillary residential outbuilding to provide a home office and guest accommodation. The proposed drawings show a shower room, an office/guest room, a bedroom and another room that is not labelled. The appellant's agent confirmed during the application stage that this room would be used for storage. The drawings do not include a lounge, dining room or kitchen, so these primary residential functions would be provided within the main dwelling. No subdivision of the plot is proposed, so the garden between the buildings would be a common resource. I am therefore satisfied that the building could function as ancillary accommodation to the main dwelling.

14. The office and bedroom would both be lit by high level windows, and additional light would reach the building through the glazed entrance door and two rooflights. At the time of my site visit, light levels in the office and bedroom were reasonable. The remainder of the accommodation was less well lit, but the openings for the rooflights were covered in film, which blocked virtually all the light that would otherwise infiltrate these areas. The windows and door are all obscure glazed, so when they are closed there is no outlook from the building.
15. As the occupants of the building would have access to the garden and the primary accommodation in the bungalow, they would not be wholly reliant on the ancillary building for their residential amenity. The home office would be a place of work, and the level of light I saw at my visit was perfectly adequate for this purpose. By its very nature, the guest accommodation would only be occupied sporadically, and guests would be unlikely to spend significant periods of time in the building other than when sleeping. Under these circumstances the level of available light and outlook would be less important than for a building that is occupied as primary accommodation. The users would not be confined within the building for long periods of time, other than when working and sleeping, and would have access to the bungalow and garden for relaxation in a suitable environment.
16. Consequently, although the level of light and outlook within the building would not be optimal for primary living accommodation, I find that it would be acceptable for the limited purposes proposed. I therefore conclude, in these particular circumstances, that the proposal would provide satisfactory living conditions for future occupants. It would therefore accord with Policy PP27 of the Local Plan, which, amongst other things, seeks to ensure that development does not result in a harmful impact upon amenity for future occupiers.

### **Other Matters**

17. Representations have been received about the potential future use of the building for purposes unrelated to the main dwelling. The proposal is for an ancillary building, and I have considered the appeal on that basis. A change of use to a purpose that was not ancillary to the main dwelling would require a further application for planning permission. As I consider that the building would not be suitable for independent occupation, I have attached a condition to the permission to prevent its separate occupation.
18. Concerns have also been raised about the potential for overlooking from the windows in the rear of the building. I saw that the obscure glazing of the windows, and their means of opening, meant that the rear windows of adjacent dwellings were not readily visible from within the building. In any event, an ancillary use, as proposed, would not introduce a greater intensity of overlooking than is currently possible from the existing use of the garden by the occupants of the main dwelling.

### **Conditions**

19. As the development has already been substantially constructed, there is no need to impose conditions limiting the time for implementation, or specifying the external materials to be used. However, as the building is not complete, I have imposed a condition requiring the development to be carried out in accordance with the approved plans. As previously explained, I have also

imposed a condition limiting the use of the building to purposes ancillary to the main dwelling on the site.

**Conclusion**

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

*Nick Davies*

INSPECTOR