



Appeal Decision

Site visit made on 15 September 2020

by C J Ford BA (Hons) BTP MRTPI

a person appointed by the Secretary of State

Decision date: 14 October 2020

Appeal Ref: APP/V1260/D/20/3251098

45 Greenhayes, Poole BH18 8LZ

- 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 Miss Eloise Mason against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/19/01309/F, dated 12 September 2019, was refused by notice dated 27 January 2020.
 - The development is the erection of a children's half pipe skate ramp in rear garden.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The skate ramp was already in situ at the time of the site visit. The appeal has therefore been considered on this retrospective basis.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupants of 33a and 47 Greenhayes with particular reference to privacy and the potential for noise and disturbance.

Reasons

4. The appeal property has a moderate sized rear garden with the erected skate ramp sited alongside the back eastern boundary. The rear garden areas of 33a and 47 Greenhayes are located beyond the respective north and south boundary fences. The fences ordinarily maintain a strong degree of privacy between the rear garden areas of the properties.
5. Notwithstanding its set back from the side boundaries, the height of the platforms at either end of the skate ramp enables anyone stood on them to obtain views over the fences and into the rear garden areas of the two neighbouring dwellings. It therefore results in a significant loss of privacy for the neighbouring occupants.
6. It is noted the rear garden areas in this part of Greenhayes experience a degree of noise due to the traffic on the A349 Gravel Hill which is located beyond the eastern boundaries and a wide verge. However, it is a fairly constant background noise that the neighbouring residents will have become accustomed to. In contrast, noise from the skate ramp when it is in use is

closer and the sound more noticeable due to its irregularity. It therefore causes significant noise and disturbance to the neighbouring residents, above that derived from the A349.

7. Although the ramp may be used infrequently, this does not justify the significant identified harm when it is in use. Furthermore, while the appellant's suggestions of limiting the time the ramp is in use and soundproofing the underneath are acknowledged, the harmful impacts of the development could not be made acceptable through the use of conditions. While there may be some limited similarities with the effects of a trampoline which is also found on the appeal site, the ramp represents development and must be duly assessed against planning policy.
8. Accordingly, it is concluded the development has an unacceptably harmful effect on the living conditions of the occupants of 33a and 47 Greenhayes with particular reference to privacy, noise and disturbance. It conflicts with Policy PP27 of the 2018 Poole Local Plan which seeks to ensure development is compatible with surrounding uses and does not result in a harmful impact upon amenity for local residents in terms of privacy and noise.

Conclusion

9. For the reasons set out above and having regard to all other matters raised, the appeal is dismissed.

C J Ford

PLANNING DECISION OFFICER