
Appeal Decisions

Site visit made on 15 December 2020

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2021

Appeal A - Appeal Ref: APP/V1260/W/20/3259427

2 Glenair Avenue, Poole BH14 8AD

- 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 Pathway GA Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/19/01495/F, dated 28 November 2019, was refused by notice dated 18 March 2020.
 - The development proposed is demolition of the existing building and construction of two pairs of semi detached houses (four houses in total) with associated parking, access and landscaping.
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Appeal B - Appeal Ref: APP/V1260/W/20/3259430

2 Glenair Avenue, Poole BH14 8AD

- 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 Pathway GA Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/20/00400/F, dated 14 April 2020, was refused by notice dated 10 August 2020.
 - The development proposed is demolition of the existing building and construction of three detached houses with parking, access and landscaping.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Main Issues

3. The Council's third and fourth reasons for refusal, on each application, related to harm to the Dorset Heathlands and Poole Harbour Special Protection Areas. The decision notices indicated that these reasons could be overcome, by completion of an agreement securing the payment of financial contributions towards mitigating measures. During the appeal, financial contributions have been paid to the Council by the appellant, pursuant to Agreements under Section 111 of the Local Government Act 1972. As I am dismissing the appeals, it is not necessary for me to consider the proposals any further in respect of the Conservation of Habitats and Species Regulations 2017.
4. Therefore, the main issue in both appeals is the effect of the development on the character and appearance of the area.

5. With regard to Appeal A, there is an additional main issue of the effect of the development on highway safety.
6. With regard to Appeal B, there is an additional main issue of the effect of the development on the living conditions of the occupants of 4 Glenair Avenue with regard to outlook.

Reasons

Character and appearance

7. The appeal site lies on the western side of Glenair Avenue, approximately 50 metres south of its junction with Commercial Road. Commercial Road is a busy street lined by substantial two and three storey buildings which accommodate a mixture of uses. Away from the junction, however, Glenair Avenue, has a different character, largely made up of traditional two-storey detached houses set back from the road behind enclosed front gardens. Although driveway parking is prevalent, this is usually combined with planted front gardens, which provide a level of greenery that gives the area a suburban feel. Most of the houses have hipped roofs, or gables with ridges running perpendicular to the road. As a result, there are large gaps between the buildings above first floor level, that allow views out of the street, and provide a sense of spaciousness.
8. Although 2 Glenair Avenue is situated near to the three storey flats and school that are located at the junction with Commercial Road, it relates much more closely to the residential area to the south. It is a bungalow with a hipped roof occupying a large plot, and it is set back from the road behind an enclosed and planted front garden. It therefore makes a positive contribution to the spacious suburban character of the residential area.
9. The four houses proposed under Appeal A would occupy almost the entire width of the site, much of it over three storeys. Whilst they have been designed as two pairs of semi-detached houses, the small gap between the two blocks would only be evident from directly in front of the buildings. From most other viewpoints the houses would appear as a dominant and solid block of development, that would be discordant with the scale and spacious character of the residential area that the site relates to.
10. Although Appeal B comprises fewer houses, the extent of development across the width of the site would be only marginally less than under Appeal A. The detached nature of the houses does mean that there would be an additional gap between the buildings. However, the gaps are, again, very narrow, so that in oblique views they would not be readily apparent. Furthermore, the three-storey element of the three houses would extend across a greater proportion of the site. Even taking into account that the second-floor elements would be set back from the frontage, the proposals would result in a similarly dominant form of development, that would have the same harmful impacts on the character and appearance of the area.
11. It is argued that, in both schemes, the footprint of the buildings would be smaller than that of the two houses that have been approved. However, the submitted drawings indicate that the approved scheme would retain the characteristic gaps between buildings above first floor level, thus maintaining the spaciousness of the area. Neither of the appeal schemes would achieve this.

12. In order to provide two car-parking spaces for each of the four houses under Appeal A, virtually the entire frontage of the plot would be opened up and hard-surfaced. It is suggested that this area could be suitably landscaped. However, the submitted plans show that the only areas available for planting would be two narrow strips at the southern end of each block of four parking spaces, and small areas directly in front of the buildings. The planting in the latter areas would have to be maintained below ground floor window height. The large parking area would, therefore, be largely unsoftened by any meaningful planting. The resultant open expanse of hard surfacing and parked cars would be out of keeping with the enclosed and planted front gardens that characterise this residential area, and would be harmful to its appearance.
13. Only six parking spaces are required under Appeal B, and they would be arranged parallel with the road, served by a central manoeuvring area. As a result, a frontage wall would be retained either side of the access point. However, the central area of hard surfacing would still be more expansive than is characteristic of the area. The drawings indicate that the front boundary wall would be low, so would allow clear views of the parked cars, and would do little to retain the sense of enclosure that is typical of other front gardens. Furthermore, the pedestrian access paths would dissect the areas that are not covered in car-parking, reducing the available planting areas to a series of narrow strips, which would only accommodate small plants. Consequently, the balance of greenery to hard surfacing would not be in keeping with the character of the residential area, and the proposal would have similarly harmful impacts to Appeal A in this regard.
14. There are other hard-surfaced parking areas in the front gardens of houses in Glenair Avenue, but these are largely balanced by significant levels of planting. Even where there is less greenery, the parking areas are still within enclosed gardens. There is an area of open parking that lies immediately to the north of the site, which serves the school. This area relates to the mixed development around the junction with Commercial Road. It does not, therefore, alter my conclusion that the extensive open parking areas proposed under both appeals would be harmful to the character of the residential area of which the site forms a part.
15. In both cases, the size of the proposed plots would be smaller than those in the remainder of the residential area. I have had regard to the plot sizes of the recent development at the rear of 3 and 5 Glenair Avenue, and note that they are not dissimilar to those proposed, particularly under Appeal B. However, the two sites are not comparable, as the site to the rear of 3 and 5 Glenair Avenue is not readily apparent in the street scene, whereas the appeal schemes would both result in very prominent additions. In any event, it is the discordant scale and mass of the buildings, and the uncharacteristic expanse of open parking that would be harmful to the character and appearance of the area, rather than the size of the plots.
16. This harm means that the development proposed under both appeals would be contrary to Policies PP27 and PP28 of the Poole Local Plan (2018) (the Local Plan), which seek to ensure that proposals reflect local patterns of development, and preserve or enhance the area's residential character. Furthermore, as the proposals would not be sympathetic to the surrounding built environment, they would fail to meet the aims of the National Planning Policy Framework (the Framework) to achieve well-designed places.

Highway safety (Appeal A)

17. Glenair Avenue is a fairly quiet residential road, with pavements on either side, and on-street parking restricted to residents. Traffic is slow-moving and sporadic. I saw that the on-street parking and pavements were well-used by parents and children attending the nursery school immediately to the north of the site.
18. The eight parking spaces proposed to serve the houses would be perpendicular to the road and accessed directly from Glenair Avenue, across the pavement. All of the spaces would be at least two metres back from the rear edge of the pavement, some considerably more. This does result in the possibility of drivers seeking to park behind existing cars that occupy the spaces, which would inevitably result in overhanging of the pavement. However, it is unlikely that this would be a frequent occurrence, as each house would have two parking spaces, and on-street resident's parking would also be readily available.
19. The entire frontage of the site would be opened up, so drivers leaving the six central parking spaces would have good visibility of pedestrians using the pavement. However, visibility for drivers emerging from the spaces at the northern and southern ends of the site would be restricted by the side boundary treatments of the adjoining properties. The existing bungalow already has a driveway emerging at the northern extremity of the site, so the use of the most northerly parking space would have a similar impact on pedestrian safety. In fact, there would be a marginal improvement, as there would be some increase in visibility over the proposed pedestrian access path.
20. At the southern end of the site there is a 1.8 metre side boundary fence, right up to the back edge of the footpath. The southernmost parking space would be very close to this boundary. As a result, a driver emerging from the space would have very limited visibility of pedestrians approaching along the pavement from the south. The appellant has suggested that a visibility splay of 2 metres deep by 0.76 metres in width could be achieved. It is not clear whether this would be measured to the carriageway or to the back edge of the pavement. In any event, the bonnet of a car would have to protrude well over the pavement before the driver had any significant warning of approaching pedestrians. Visibility would be even more restricted for a driver reversing out of the space, which would be a likely occurrence.
21. The pavement is well-used by parents and young children associated with the adjacent nursery school. Therefore, the danger arising from the poor visibility for drivers would be heightened by the lack of awareness of young children to the possibility of emerging vehicles. Consequently, the use of the southernmost parking space would lead to danger to users of the pavement. The development would, therefore, be contrary to Policies PP27 and PP35 of the Local Plan, which seek to ensure, amongst other things, that proposals create an accessible, safe environment and provide safe access to the highway.

Living conditions (Appeal B)

22. 4 Glenair Avenue lies to the south, and at a slightly lower level. The side elevation of the dwelling that faces the appeal site is about six metres from the boundary, and contains a ground floor patio window serving a kitchen, and two dormer windows in the roof. There would be a significant distance between the

existing dwelling and the proposed houses, and there are other windows in the rear elevation that also serve the kitchen. Furthermore, the dormer windows are obscure glazed. Consequently, the outlook for occupants from within the dwelling would not be significantly harmed.

23. However, the patio window gives access to a level area of the garden, that is set behind the garage, and provides a secluded seating area. Its privacy and ease of access from the kitchen means that it is likely to be well-used, and valuable to the living conditions of the occupants as an outdoor amenity space. The southernmost of the three houses would be approximately two metres from the boundary. Although the second-floor element would be set back from the rear and side elevations, it would still be within about 3 metres of the boundary. Combined with the higher level of the appeal site, the resultant height and mass of the building would have a dominant presence in such close proximity. The development would therefore have an overbearing impact that would be harmful to the occupants' enjoyment of the outdoor amenity area.
24. The resultant harm to the living conditions of the occupants of 4 Glenair Avenue means that the development would be contrary to Policy PP27 of the Local Plan. This Policy seeks to ensure that development is compatible with surrounding uses, and does not have a harmful impact upon amenity for local residents by, amongst other things, being overbearing or oppressive.

Planning Balance

25. The harm that I have identified must be balanced against the benefits of the proposals. The net increase in dwellings, resulting from either of the appeals, would help support the Framework's aim of significantly boosting the supply of homes. Both developments would make more effective use of land within a settlement, in line with the aims of Section 11 of the Framework. However, paragraph 122 does clarify that this should take into account the desirability of maintaining an area's prevailing character. Both developments would provide houses, which the Local Plan identifies as the type of accommodation most needed in the area.
26. However, the scale of the proposals means that these benefits would be limited. Furthermore, permission already exists for two dwellings, which would deliver similar benefits, albeit to a lesser extent. I therefore conclude that the benefits of the proposals are outweighed by the harm to the character and appearance of the area, to highway safety (in respect of Appeal A) and neighbouring living conditions (in respect of Appeal B), and the resultant conflict with development plan policies.

Conclusion

27. For the reasons given above, I conclude that Appeals A and B should be dismissed.

Nick Davies

INSPECTOR