



Appeal Decision

Site Visit made on 19 May 2021

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd June 2021

Appeal Ref: APP/V1260/D/21/3272078

330 Sandbanks Road, Poole BH14 8HY

- 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 Heffer against the decision of Bournemouth Christchurch and Poole Council.
- The application Ref APP/20/01311/F, dated 9 November 2020, was refused by notice dated 2 March 2021.
- The development proposed is to form a rooftop terrace and terrace lounge within existing pitched roof.

Decision

1. The appeal is allowed and planning permission is granted to form a rooftop terrace and terrace lounge within existing pitched roof at 330 Sandbanks Road, Poole BH14 8HY in accordance with the terms of the application, Ref APP/20/01311/F, dated 9 November 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1563-SYM-00-XX-DR-A: 0200 P01, 0201 P01, 0202 P01, 0203 P01, 0204 P01, 0205 P01 and 0206 P01.
 - 3) The materials to be used for the external wall and roof shall be as detailed on the drawing number: 1563-SYM-00-XX-DR-A-0203 P01.
 - 4) Obscure glazed screens comprising glass which conforms to or exceeds Pilkington Texture Glass Privacy Level 3 and of at least 1.8m in height, shall be erected along the north west and south east elevations of the approved balcony and roof terrace. The screens shall be erected prior to the commencement of use of the balcony and roof terrace hereby permitted and shall thereafter be permanently retained as such.

Preliminary Matters

2. I am satisfied that together with the submitted plans, the description of the proposed development on the application form does sufficiently describe the development proposed and therefore I have not found it necessary to alter it.

Main Issues

3. The main issues are:
 - i) The effect of the proposal on the character and appearance of the host dwelling and the area; and

- ii) The effect of the proposal on the living conditions of neighbouring occupiers with respect to any overlooking.

Reasons

Character and Appearance

- 4. The appeal property is a 3-storey detached house backing onto Poole Harbour, situated between two buildings of apartments, all of which are set down from Sandbanks Road which provides access into the properties. The boundary with the highway is lined with mature tree planting so views of the property from the street are intermittent as a result. The ridgeline of the host dwelling sits visibly below the ridge line of the 2 adjacent properties, numbers 328 and 336 (The Landing) Sandbanks Road.
- 5. The appeal proposal involves the construction of a flat roof addition to the existing roof of the host dwelling. The dwelling has a relatively traditional appearance incorporating hipped roofs, but the addition proposed to the roof is deliberately modern in its design and does not seek to replicate the detailing of the host dwelling.
- 6. From Sandbanks Road, even with the addition to the roof, the dwelling will appear no higher than the two buildings either side and whilst I agree with the Council that it will be visible, its relatively limited additional height, proposed materials of construction and some screening from the mature tree planting means that I do not consider that the addition proposed will appear so dominant as to detract from the local streetscene.
- 7. From the waterfront with uninterrupted views, the variety of designs along Sandbanks Road is more visible. From here both properties either side, and in fact others along the same stretch of waterfront, exhibit flat roof designs. As a result, I do not find that the appeal proposal is out of keeping with the predominant form of the development in the area. Accordingly, I find that the proposal does not conflict with policy PP27 of the Poole Local Plan (LP) in that it reflects the local pattern of development and neighbouring dwellings.
- 8. I have viewed the proposal from Salterns Marina and Sandbanks itself, where views are distant and the appeal proposal would not appear incongruous for the reasons set out above. Accordingly, I find that the proposal does not conflict with policy PP31 of the LP given that it is not at odds with the built shoreline character of Poole.

Living Conditions

- 9. The appeal proposal would result in the provision of a roof top terrace and a fourth floor in the host dwelling with a glazed balcony. As requested, I viewed the roof of the appeal property from flat 4 in no 328, and the communal gardens of 328 and The Landing.
- 10. The host dwelling has balconies to the main living areas on all 3 of its existing floors overlooking the waterfront. Equally the apartments either side of the appeal site all have balconies facing the waterfront. There are clear views into neighbouring balconies and communal gardens at no 328 from the host dwelling and equally the occupiers of no 328 have clear views into the balconies and garden of the host dwelling. Therefore, there already exists a considerable degree of overlooking between the properties and their gardens.

Flat 4 in no 328 currently enjoys a degree of privacy to its private balcony as there are no balconies on the host dwelling which have a direct view into it.

11. From what I viewed on my site visit, I am in no doubt that the appeal proposal, without adequate mitigation, would result in a greater degree of overlooking to the occupiers of no 328. The projecting balcony and clear glazed screen would enable occupiers of the host dwelling to have a clear view into the primary living accommodation of flat 4. This would be to an unacceptable degree.
12. The balconies at The Landing have obscured glazed screens on the side facing the host dwelling and views into its communal garden area from the host dwelling are limited. Having viewed the host dwelling from the garden area of The Landing, I have concluded that overlooking to some of the private balconies will occur to an unacceptable level and the appeal proposal would be contrary to policy PP27 of the LP which seeks to protect the privacy of neighbouring occupiers.
13. However, the appellant has suggested that a 1.8m high obscure glazed panel could be erected to the roof terrace to prevent this and I am satisfied that this measure will protect the privacy of the occupiers of The Landing. I am also of the view that the same measure should be put in place to afford the occupiers of 328 the same level of privacy they enjoy now. With a condition in place to provide a 1.8m high obscure glazed screen to both sides of the roof terrace and its balcony, I am satisfied that the proposal complies with policy PP27 of the LP in terms of the privacy of neighbouring occupiers.

Other Matters

14. I have had sight of the representations made by the occupiers of both no 328 and The Landing with regards to the bulk and massing of the appeal proposal and I have considered a photomontage submitted by the owners of flat 4, 328 Sandbanks Road to demonstrate the impact of the proposal from their property. Whilst the appeal proposal will be visible, its position and distance from the neighbouring properties would be sufficient to prevent any adverse impacts in terms of loss of light.

Conditions

15. In addition to the standard time limit, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty. In order to protect the character and appearance of the area, I have imposed a condition requiring the external materials used in the construction of the proposal to be as set out on the approved drawing. In addition, I have imposed a condition to ensure that obscure glazed screens to a minimum height of 1.8m are erected and retained on the south east and north west (side) elevations of the proposed rooftop terrace to protect the privacy of neighbouring occupiers.

Conclusion

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

Alison Fish

INSPECTOR