



Appeal Decision

Site visit made on 13 July 2021

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th July 2021

Appeal Ref: APP/V1260/D/21/3274575

2A Lagoon Road, Poole BH14 8JT

- 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 J Malone against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/21/00177/F, dated 2 February 2021, was refused by notice dated 26 March 2021.
 - The development proposed is alterations, extensions and remodel of the existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted revised plans at the appeal stage. The amendments thereon included reducing; the size of the third storey, the depth of the first floor rear balcony, the depth of the first floor front extension and the size of the rear decorative frame. The second and third storey front windows would also be changed and become opaque glazed while the soft landscaping and boundary hedging to the front and side boundaries would be increased.
3. Annex M of the Procedural Guide: Planning appeals – England 2021, sets out that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. When taken together, the proposed changes would significantly alter the scheme from that which was before the Council. Should I accept them, it would prejudice other parties that may wish to comment. I have therefore not taken them into account. Consequently, the appeal has been determined on the basis of the plans referenced in the Council's decision notice.
4. Since the application was determined, the 2021 version of the National Planning Policy Framework (the Framework) has been published. The newly published Framework has been taken into account in the decision.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the host property and the wider area; and

- the effect of the proposed development on the living conditions of the occupiers of 3 and 24 Lagoon Road, and 1 The Capstans, with particular regard to outlook and privacy.

Reasons

Character and appearance

6. The appeal property is a modern twenty-first century two-storey house. Excluding the driveway, it occupies a fairly narrow plot and the building has a distinctive stepped form with flat roofs. It is understood the appeal property and its neighbour at 2 Lagoon Road replaced a former single detached house. In the redevelopment, it is apparent the two new dwellings were sensitively designed having regard to the meandering nature of Lagoon Road at this point and the corresponding change in the building line on the western side of the street.
7. As such, No 2A stands further forward in the street than No 2 and it is likewise set further back from Poole Harbour at the rear. Owing to the siting and massing of the two houses within their plots, the open areas beyond the rear elevations make a positive contribution to the spaciousness of the harbour shoreline, while the areas beyond the main two storey part of the front elevations similarly make a positive contribution to the spaciousness of Lagoon Road.
8. While the appellant emphasises that the scheme would not increase the dwelling's footprint, the proposed first floor rear balcony would nevertheless increase the depth of the building at the rear and consequently reduce the spaciousness of the shoreline. Moreover, the substantial decorative frame would give the visual impression of the full width of the ground floor projecting even further towards the harbour, thereby exacerbating the appeal scheme's harmful effect.
9. In views along Lagoon Road, a large proportion of the bulk of the proposed first floor extension over the garage would visibly project above the front pitched roof profile of 3 Lagoon Road to the north. The appeal property would therefore appear unduly prominent in the street scene and the additional bulk would impinge on the spaciousness of the street.
10. Lagoon Road contains a mix of predominantly two and three storey properties but it is clear the character of the area is continuing to evolve in favour of the latter, with 1 Lagoon Road being amongst the latest to obtain permission to increase from two to three storeys, (Council Ref: APP/18/01018/F). The example of 7 Lagoon Road which is a three-storey property located between Nos 6 and 8 which both remain two-storey also indicates such changes are not occurring sequentially. Furthermore, upon entering the street, the third storey of 4 Lagoon Road is clearly visible above the two-storey height of the appeal property.
11. In this context, the principle of adding a third storey to the appeal property would not be harmful to the character and appearance of the area, notwithstanding Nos 2 and 3 on either side being two storey, or No 2 previously being refused permission for a third storey over a decade ago in 2008 and 2009. Likewise, there is sufficient variation between the siting and

design of Nos 2 and 2A that such a difference in height could be accommodated without harming their appearance as a pair of properties.

12. Nevertheless, due to a combination of the width and depth of the proposed third storey, the scale of the additional high level bulk would result in the building appearing disproportionate relative to its modest plot, whilst it would also fail to suitably respect the distinctive stepped character of the existing building, particularly on the northern elevation.
13. In light of the above, the proposed development would have an unacceptably harmful effect on the character and appearance of the host property and the wider area. As such, it would conflict with Policies PP27 and PP31 of the Poole Local Plan 2018 (LP). Amongst other things, these policies seek to ensure extensions respect the existing building and that development generally respects local patterns of development in terms of the building line, built site coverage and scale, bulk and massing. The policies also seek to ensure development respects the built shoreline character of Poole.

Living conditions

14. In the redevelopment of the former single detached house, it is apparent the two new dwellings were also sensitively designed having regard to the siting of No 3. The north elevation of No 2A progressively steps back from the boundary with No 3 as it advances towards the harbour, thereby ensuring No 3 is not unduly enclosed.
15. Given a large section of the proposed rear decorative frame would run close to the northern boundary, it would eliminate the sense of the appeal building stepping back and the occupiers of No 3 would experience a harmful sense of enclosure at this point. Moreover, the additional high level bulk of the proposed third storey would be oppressive and overbearing to the occupiers of No 3, with regard to the sections over the end of the existing second storey and above the existing rear balcony. As the two new rear balconies would each have 1.8m high screens at the northern end however, the privacy of the occupiers of No 3 would be adequately maintained.
16. 24 Lagoon Road and 1 The Capstans are both located a sufficient distance away that the proposed first floor front extension and third storey would not be overbearing. Furthermore, the occupiers of No 24 would not experience any harmful loss of privacy because its front garden area and front balconies are publicly visible from the road.
17. The front garden area of No 1, which is that property's only private outdoor amenity space, is largely hidden behind a perimeter wall in the existing view from the first floor Juliette balcony at the front of the appeal property. The closer view that would be obtained through the proposed first floor front extension, as well as the higher view from the proposed third storey, would both be more intrusive and have an adverse impact on the privacy of the garden area at No 1, which would be unacceptable for users of that space.
18. Accordingly, the proposed development would have an unacceptably harmful effect on the living conditions of the occupiers of 3 Lagoon Road with regard to outlook, and 1 The Capstans with regard to privacy. As such, it would conflict with Policy PP27 of the LP which seeks to ensure proposals would not result in

a harmful impact on amenity for local residents in respect of privacy and through development being overbearing or oppressive.

Other Matters

19. The appeal site is not within but borders the protected habitats of Poole Harbour, (Site of Special Scientific Interest, Special Protection Area and Ramsar site). The nature, scale and location of the proposed development would unlikely create unacceptable additional pressure and therefore damage to the habitats.
20. There would be no tangible benefits derived from the proposed wider palette of materials as the building's existing materials comfortably integrate with the street scene. There would be a public benefit in respect of the contribution to the local economy and economic growth at the construction stage. There would also be a private benefit in respect of the additional living accommodation for the appellant's family. However, the cumulative benefits would not outweigh the identified harms and the subsequent conflict with the development plan which is ascribed substantial weight.

Conclusion

21. Given the above, the presumption in favour of sustainable development expressed in Policy PP1 of the LP would not apply. The proposed development would conflict with the development plan as a whole and there are no material considerations, including relevant advice within the Framework, which would indicate that the decision should be made otherwise than in accordance with the development plan. The appeal is therefore dismissed.

C J Ford

INSPECTOR