



Appeal Decisions

Site Visit made on 25 June 2021

by Scott Britnell MSc FdA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2021

Appeal A Ref: APP/V1260/D/21/3270502

71A Sherwood Avenue, Poole BH14 8DJ

- 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 A Murray against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/20/01228/F, dated 21 October 2020, was refused by notice dated 16 December 2020.
 - The development proposed is alterations and extensions to existing dwelling to form accommodation within roof form/second floor.
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Appeal B Ref: APP/V1260/D/21/3270582

71A Sherwood Avenue, Poole BH14 8DJ

- 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 A Murray against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/20/01490/F, dated 17 December 2020, was refused by notice dated 5 March 2021.
 - The development proposed is described as alterations and extensions to existing dwelling to form accommodation within roof form/second floor (revised scheme).
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Appeal C Ref: APP/V1260/D/21/3273243

71A Sherwood Avenue, Poole BH14 8DJ

- 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 Murray against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/21/00120/F, dated 23 January 2021, was refused by notice dated 19 March 2021.
 - The development proposed is described as alterations and extension of existing dwelling to form a second floor accommodation (second revised scheme).
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Decisions

1. Appeals A, B and C are dismissed.

Preliminary Matter

2. Following the submission of the appeals, the Government published the National Planning Policy Framework 2021 (the Framework). I sought comments from the main parties with regards to this matter and no responses have been received.

Main Issues

3. The main issues in these appeals are the effect of the proposals on the character and appearance of the area and the living conditions of the occupants of properties on Whitecliff Road, with particular regard to overlooking.

Reasons

Character and Appearance

4. The appeals building (the building) due to the topography of the area occupies a prominent location on the brow of a hill and is particularly prominent in views from the south. The ridge of the building sits slightly lower than the neighbouring property at No 71 Sherwood Avenue (No 71), which is stepped down considerably from the adjacent dwellings. The stepping down of these two properties follows the natural slope of the road and contributes positively to the character and appearance of the streetscene.
5. The proposals under each appeal would significantly increase the overall height of the building. In conjunction with their design, scale, bulk and massing, the proposals would significantly and disproportionately increase its size. As a result, each appeal proposal would appear as an overly prominent and unsympathetic addition within the streetscene.
6. As a result of the increase in height to the building under the appeal proposals, its roof would step up from No 71 resulting in a discordant and visually jarring appearance. In doing so, it would fail to reflect the existing pattern of development whereby the ridge of the appeal dwelling and No 71 step down the hill. Moreover, No 71 would be flanked on both sides by taller buildings, resulting in a harmful visual sense of enclosure to that property.
7. The proposals would be visible from the public realm to the front of the appeal site and would appear particularly dominant when viewed from the south, given the position of the appeal site at the brow of the hill. They would also be visible from Whitecliff Road to the rear in the gaps between dwellings and would noticeably diminish the contribution that the appeal dwelling makes to the streetscene and the wider area.
8. I note that there are elements of the proposals which would reflect other development in the area, such as the introduction of gables to the front elevation. However, for the reasons I have set out, the proposals would cause harm to the character and appearance of the area. Moreover, the gabled elements in respect of Appeal C would serve to exacerbate the height of the proposals and their undue prominence in the streetscene.
9. The appellants refer to a number of nearby properties where replacement dwellings or extension works have been approved by the Council. I do not have the full details of those developments before me and while the examples referred to are in close proximity to the appeal site, none are the same as the appeal proposals. Moreover, the building occupies a particularly prominent location in the street scene and so is seen in a different context to other properties. Therefore, these examples are not directly comparable to the appeal proposals and do not justify the unacceptable developments proposed.
10. I conclude that each appeal proposal would result in harm to the character and appearance of the area. There would be conflict with Policy PP27 of the Poole

Local Plan (13 November 2018). This requires, amongst other things, development to reflect or enhance local buildings in terms of height, scale, bulk and massing and that extensions to buildings should be designed to respect and relate to the existing building. There would also be conflict with the aims of the Design Code Supplementary Planning Guidance Adopted 29 August 2001. The proposals would also conflict with Paragraph 130 of the Framework which states that developments should add to the overall quality of the area and be sympathetic to local character.

Living Conditions

11. No 25 Whitecliff Road (No 25) sits to the rear of the appeal site. There is a hedge across the rear garden of that property which protects it from views from the appeal site. Views towards the rear of No 24 Whitecliff Road (No 24) are also limited by the presence of that hedge, while views towards the rear of No 26 Whitecliff Road (No 26) are limited due to the presence of an outbuilding to the rear of that property.
12. The glazed balcony proposed under Appeal A would, as a result of its height afford users of this area uninterrupted views over the existing hedge to the rear of No 25 and greater views over the outbuilding at No 26 than currently exists. It would therefore introduce new and greater threats of overlooking into the rear gardens of those properties and that at No 24. The resultant loss of privacy would make the rear gardens of those properties less pleasant to use and would cause unacceptable harm to the living conditions of their occupants.
13. I note that the proposed balcony would be obscure glazed to a height of 1.2 metres. This would prevent downward views towards neighbouring gardens for those seated in this area but not for those standing on the balcony. Moreover, given the size and height of the balcony and the topography of the area, its presence would result in a harmful perception of overlooking even when it is not in use, as the occupants of the lower dwellings on Whitecliff Road would be aware of its presence.
14. With regards to the proposals under Appeal C, the fully glazed rear gabled windows to the proposed study and playroom would, as a result of their height afford greater views into the rear garden of No 25 than currently exist. Although the views would be at an angle, they would be possible and would not be mitigated by the presence of the existing hedge in the rear garden of that property. The resultant loss of privacy would make the garden significantly less pleasant to use and would result in unacceptable harm to the living conditions of the occupants of No 25. Even when the rooms are not in use, the perception of being overlooked when in the rear garden of No 25 would be significant given the height of the proposal and the extent of glazing proposed.
15. In respect of the proposals under Appeal B, the proposed dormer serving the study would have restricted views due to the presence of the rear roof. Therefore, it is unlikely to result in any harmful levels of overlooking and loss of privacy to the occupants of neighbouring properties.
16. However, the proposed dormer serving the playroom and the glazing to the side elevation would, as a result of their height, result in greater views into the rear gardens of Nos 25 and 26 than currently exist. These views would not be adequately mitigated by the existing hedge to the rear of No 25 or the outbuilding at No 26. The proposal would make the rear gardens of those

properties significantly less pleasant to use and would cause harm to the living conditions of their occupants. Moreover, when the playroom is not in use, the perception of overlooking would be significant given the height of the proposal and the extent of glazing proposed.

17. The appellants state that headroom in the playroom would be restricted, which would discourage adults from standing at the window for long periods of time. Whilst this may be the case, the proposal would nevertheless result in the opportunity for such overlooking to take place and would result in unacceptable levels of actual and perceived overlooking for the reasons I have set out.
18. I note the parties' comments that obscure glazing the proposed playroom window and dormer window would prevent overlooking, although the appellant suggests that only the central pane of the side window would need to be obscure glazed. Even if I were to consider that fully obscure glazing both windows would be adequate to prevent overlooking, there would be a significant perception of being overlooked within the rear gardens of Nos 25 and 26 from these windows, given their height and the extent of glazing proposed. As such, this suggestion would not fully not overcome the harm that I have identified.
19. In reaching my conclusions on all appeal proposals, I note that there is a degree of overlooking of the rear gardens of the properties on Whitecliff Road from Sherwood Avenue. I also note the appellants' comments that there are a number of high level balconies in the area and that the Council approved such development at Nos 67 and 69 Sherwood Avenue. However, I do not have the full details of those developments before me and, in any case, I have assessed the appeal proposals on their own merits and found them to be unacceptable for the reasons I have identified. I am also mindful that each development will have its own context and relationship to other dwellings. Consequently, these matters do not justify the unacceptable developments proposed.
20. Further, I note the appellants' comments that they would not use the proposals to obtain views into neighbouring gardens. Nevertheless, each proposal would provide opportunities for this to occur and the harm that would result cannot be adequately negated by the appellants' intentions.
21. I conclude that each appeal proposal would result in harm to the living conditions of the occupants of neighbouring dwellings with regard to overlooking. The proposals conflict with LP Policy PP27, which requires, amongst other things, that development should not result in a harmful impact upon amenity for local residents considering levels of privacy. The proposals would also conflict with paragraph 130 of the Framework which requires developments to create places with a high standard of amenity for existing users.
22. I note the appellants' comment that the wording of Policy PP27 makes no reference to a phrase that indicates that outlook over a neighbour's garden is grounds to refuse a planning application. However, Policy PP27 is clear that privacy is an issue against which applications must be determined. In my view, it unreasonable to suggest that this should exclude garden areas.

Other Matters

23. The appellants query whether in assessing the planning applications subject to appeals B and C, the Council's Case Officer simply repeated their assessment of the first proposal (Appeal A). They also question whether the Council's officer has drawn upon personal preference or taste when determining the applications. I have assessed the proposals before me on their merits and, as such, these are not determinative issues in my conclusions.

Conclusion

24. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that all appeals should be dismissed.

Scott Britnell

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/V1260/D/21/3270502	Mr & Mrs A Murray
Appeal B	APP/V1260/D/21/3270582	Mr & Mrs A Murray
Appeal C	APP/V1260/D/21/3273243	Mr A Murray