



Appeal Decision

Site visit made on 28 October 2021

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2021

Appeal Ref: APP/V1260/D/21/3282260

15 Vale Road, Poole, BH14 9AT

- 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 J Smalley against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/21/00319/F, dated 12 February 2021, was refused by notice dated 17 June 2021.
 - The development proposed is retrospective erection of rear and side extension including balcony on the rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for retrospective erection of rear and side extension including balcony on the rear extension at 15 Vale Road, Poole, BH14 9AT, in accordance with the terms of the application, Ref. APP/21/00319/F, dated 12 February 2021, and subject to the following conditions:
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as specified on the approved plan, drawing no. 19189 63C.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: drawings no. 19189 01A; 19189 62B and 19189 63C.
 - 4) An obscure glazed privacy screen at least 1.8 metres in height and glazed with glass that conforms to or exceeds Pilkington's Texture Glass Privacy Level 3 shall be erected along the eastern side of the permitted roof terrace, and an obscure glazed privacy screen at least 1.6 metres in height and glazed with glass that conforms to or exceeds Pilkington's Texture Glass Privacy Level 3 shall be erected along the western side of the permitted roof terrace, as shown on the approved plans drawing no's 19189 62B and 19189 63C. The privacy screens shall be erected prior to the first use of the roof terrace hereby permitted, and shall thereafter be permanently retained as such.

Preliminary Matters

2. On 31 December 2020 an appeal for a similar form of development to that now proposed on the appeal site was dismissed as the Inspector found that the proposed privacy screens to the new roof terrace would affect the living conditions of neighbouring occupiers (Ref. APP/V1260/D/20/3259811) (2020 Appeal). In reaching that finding, the Inspector concluded that the proposed rear and side extensions would be acceptable, and would not result in any harm to the character and appearance of the area or to the living conditions of neighbouring occupiers. Even so, as the proposed extensions were part of the same development as the proposed terrace, the Inspector could not issue a split decision and approve only those parts of the development. I have had regard to this decision in determining this appeal.

Main Issue

3. The main issue is the effect of the proposed terrace on the living conditions of neighbouring occupiers, with particular regard to privacy, outlook and light.

Reasons

4. The appeal proposal seeks retrospective planning permission for the erection of a rear and side extension, that have already been built, and a balcony on the rear extension, that has not yet been constructed. However, as I observed on my site visit, French doors (with a Juliet balcony) to the rear first floor bedroom of the host property have already been installed.
5. The Council's objection relates solely to the proposed terrace, which they contend would result in the overlooking of and loss of privacy to neighbouring occupiers. The Council have not objected to the retention of the rear and side extensions. The latter is consistent with the findings of the Inspector in the 2020 Appeal. In paragraph 17 of that decision the Inspector found that neither extension would harm the character and appearance of the area due to their location, at the side and rear, and that there would be no harm to the living conditions of neighbouring properties. Based on my observations on site, I concur with those findings.
6. Within the 2020 Appeal, the proposed roof terrace extended the full length of the ground floor extension, with steps then leading to the first tier of the rear garden. The proposed design included privacy screens running along the whole length of the new terrace to a height of 1.8 metres on the eastern side and 1.1 metres on the western side. A revised design is now proposed, whereby the proposed roof terrace would only extend approximately 1.5 metres from the main rear back wall to the host property. A 1.8 metre high privacy screen would be retained on the eastern side, with the privacy screen on the western side increased to 1.6 metres in height. A privacy screen is also shown on the elevation facing the rear garden, at a height of 1.1 metres. The privacy screens on the eastern and western side would be in the same position to those in the 2020 Appeal, set back from the edge of the ground floor extension and from the common boundaries with neighbouring properties.
7. The proposed increase in height of the privacy screen nearest to 17 Vale Road (No.17), from 1.1 metres to 1.6 metres, would, in my judgement, prevent any material overlooking of the immediate private patio area to the rear of that property, a concern of the previous Inspector. The reduction in the proposed depth of the roof terrace and the fact that the proposed privacy screen on this

- side would again be well set back from the common boundary with No.17, assists further in mitigating any harmful impact on this property.
8. The proposed privacy screen nearest 13 Vale Road (No.13) would remain at a height of 1.8 metres and would be effective in preventing any overlooking of the side ground floor window and door, and the immediate private amenity (patio) area to that property. Whilst the proposed privacy screen, of 1.1 metres in height, facing the rear garden, would afford views into the elevated upper parts of the garden to No. 13, but less so to that of No.17 due to existing boundary fencing, as I observed from the first floor bedroom to the host property those views would not be materially different to the views that can already be achieved from the French doors/windows. Furthermore, the reduction in the depth of the proposed terrace also mitigates concerns over direct views down into the private amenity areas of No's 13 and 17.
 9. With regard to the potential impact of the privacy screen facing No.13 on the light and outlook to that property, I am satisfied that the reduction in the depth of the proposed terrace to 1.5 metres would address the concerns raised by the previous Inspector in this respect. Whilst I accept that the revised screen would still have some impact on the outlook from the side window and door of No.13, compared to the 2020 Appeal scheme the level of impact would be reduced and would not, as a consequence, be so significant as to justify the refusal of planning permission. Similarly, when viewed from the rear windows and private amenity area of No.13, the revised screen would represent a significant improvement on the 2020 Appeal scheme, and would not materially impact on the outlook or result in any harmful sense of enclosure to the occupiers of No.13.
 10. In relation to light to No.13, the previous Inspector found that the proposed screen would let light through and would not have a significant adverse effect on that property in terms of loss of light. The revised screen would also let light through and would again, with the reduction in its length, be an improvement on the 2020 Appeal scheme.
 11. Accordingly, I find that the proposed roof terrace is acceptable and that the proposed development as a whole would not impact materially on the living conditions of neighbouring occupiers or the character and appearance of the area. It would thus accord with policy PP27 of the Poole Local Plan (2018), in particular part (c), which requires development not to result in any harmful impacts on the amenity of local residents.

Conditions

12. The Council has suggested various conditions in their Questionnaire which I have considered against the advice in the Framework and the Planning Practice Guidance chapter on the use of planning conditions.
13. Conditions requiring compliance with the submitted plans and for materials to accord with those shown on the submitted plans, are necessary and reasonable in order to secure a high quality development. I have, however, added reference to the approved plans.
14. A condition requiring the provision of the proposed privacy screens prior to the first use of the new terrace and their retention for this purpose thereafter, is also necessary and reasonable in order to protect the living conditions of neighbouring occupiers.

Conclusion

15. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR