



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/21/3281970

23 Northbrook Road, Broadstone, Dorset, BH18 8HD

- 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 Ben Franklin against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/21/00952/F, dated 5 June 2021, was refused by notice dated 24 August 2021.
 - The development proposed is to form linked rear and side extension and provide new habitable space within the roof.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by the Appellant against Bournemouth Christchurch and Poole Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers, with particular regard to overlooking.

Reasons

4. The appeal site is located on the eastern side of Northbrook Road, close to its junction, to the north, with Mission Road. The appeal property comprises a detached single storey bungalow with gardens to the front and rear. The surrounding area is characterised by similar detached and semi-detached bungalows, some of which have been extended or altered and have accommodation in the roof.
5. The Council have not raised any objection to the proposed linked rear and side extension. Based on my observations on site, I concur with those findings. There is similarly no in principle objection to the alterations to the roof to provide additional accommodation. The Council do object to the proposed introduction of a number of windows within the rear elevation of the proposed first floor extension, which they contend would result in the direct overlooking of the rear garden of 19 Mission Road (No.19) contrary to policy. In considering this issue, I have also had regard to the objections received from neighbouring occupiers, including from the occupiers of No.19.

6. As I observed on my site visit, the length of the rear garden to the host property is modest. The Appellant's evidence indicates that the distance from the proposed windows to the rear garden boundary with No.19 is 12 metres. The main house at No.19 and its single storey conservatory, are at right angles to the rear garden of the host property. As a consequence, the proposed windows would not result in any direct overlooking of the rear windows of No.19, and would have a limited impact on the existing conservatory, which, I observed on site, has obscure glass and blinds within the side elevation facing the host property.
7. In relation to the rear garden of No.19, the existing stepped timber boundary fence, tree and shed (both the latter are within the garden of No.19) would provide some screening to mitigate views from the proposed first floor windows. Even so, there would still, in my judgement, remain direct views from the proposed windows, either side of these features, into the rear garden of No.19. This finding was reinforced by viewing the appeal proposal from the shared access in front of 1 Clarence Gardens, to the south east of the appeal site.
8. The proposed windows would, as I indicated earlier, be located within the rear elevation at first floor level. Three windows are shown on the submitted plans, one of which would serve an en-suite. The Appellant indicates that this window would be obscure glazed. Whilst the latter would assist in mitigating any overlooking, it would also need to be fixed shut, which I am satisfied could be controlled by condition if I was minded to grant planning permission.
9. The two remaining windows within the proposed first floor rear elevation, would serve a master bedroom. Both windows, due to their width and height, are large. There is no indication that these would be obscure glazed and they would, therefore, provide extensive areas of glazing for the occupiers to stand or sit in with direct views into the rear garden of No.19. The views introduced by these proposed windows would be new, in a location where no such views exist at present. As the proposed windows would also be at a high level, they would enable occupiers to look down and into the rear garden of No.19. These views would, in my judgement, result in an unacceptable loss of privacy to the occupiers of No.19.
10. The Appellant has argued that the existing fencing and tree would screen any views from the proposed windows. For the reasons given above, that is not a view I share. The Appellant also argues that Council Officers reached a subjective judgement, which is unreasonable. However, where issues of overlooking arise the decision maker is often required to apply their planning judgement to the acceptability of the relationships that arise. This approach is, in my view, common, and involves the decision maker having to draw on their experience of similar developments.
11. Reference has also been made to the distance of approximately 12 metres from the proposed windows to the boundary with No.19, which the Appellant contends is sufficient to preclude overlooking, combined with existing fencing and tree cover. However, as I confirmed earlier, this distance is, in my view, modest and would not be sufficient to preclude overlooking from the proposed windows. Neither this nor the absence of any design guidance affects my findings on this issue. In relation to the use of room that the proposed windows would serve, as a master bedroom it would be one of the principle

habitable rooms of the extended property. Even as a bedroom, given the views that the windows would afford it would be a very attractive location in which to sit and relax or to stand, at any time of the day.

12. Accordingly, I find that the proposed first floor bedroom windows would give rise to an unacceptable level of overlooking of the rear garden to No.19 contrary to policy PP27 of the Poole Local Plan, in particular part (c) to that policy. The latter seeks to ensure that new development does not result in a harmful impact upon the amenity of both local residents and future occupiers when considering levels of privacy. This policy is consistent with that in paragraph 130 f) of the National Planning Policy Framework (July 2021).

Conclusions

13. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR