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# Appeal Decision

Site visit made on 7 December 2021

**by Helen O'Connor LLB MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 08 December 2021**

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**Appeal Ref: APP/V1260/D/21/3278728**  
**63 Anvil Crescent, Poole BH18 9DZ**

- 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 Miss Antoinette Leyland against the decision of Bournemouth, Christchurch and Poole Council.
  - The application Ref APP/20/01279/F, dated 4 November 2020, was refused by notice dated 26 May 2021.
  - The development proposed is described as 'Proposed loft conversion and erection of annexe'.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the proposal on firstly, the character and appearance of the area, and secondly, the living conditions of the occupants of 61 and 65 Anvil Crescent having particular regard to light and outlook.

## Reasons

### *Character and appearance*

3. Anvil Crescent is a residential area comprising mostly of single storey or low profile detached dwellings dating from the late twentieth century, set within established landscaped gardens and stepped in height to follow the slope of the road. There is a general consistency derived from the broadly similar scale and height of dwellings, their regular set back, open front aspects and similarity of materials and detailing. Whilst there is some variety in the form of individual buildings in the wider area, this is generally limited, and the overall impression is one of visual coherence. An important factor in this arises from the prevailing roof form, as the low profile of buildings and topography combine to make it especially apparent in the street scene. For the most part, although there are some dormer windows in evidence, this takes a conventional simple pitched or hipped form, with a shallow pitch and roof tiles. Overall, this results in a spacious, pleasant suburban character and appearance.
4. 63 Anvil Crescent is a detached two bedroom bungalow which reflects the qualities described above that define the area. Its siting aligns with the bungalows that flank it, and its height and form respects their stepped sequence. Although it has undergone some modest flat roofed extension to the

rear, it largely reinforces and contributes positively to the established character and appearance of the area.

5. The proposal would extend the existing dwelling such that it would result in a 6 bedroom detached dwelling over two floors. This would necessitate a significant uplift in the volume of the dwelling leading to a footprint with greater plot coverage and an overall height increase of approximately 3m<sup>1</sup>. By comparison to the existing configuration, the resulting roof form would not only be markedly higher but also significantly more complex. It would involve more steeply pitched large and smaller projecting front gables with a higher truncated hipped roof behind. In addition, the eastern side of the main roof would feature a large box roof dormer window.
6. The consequent bulk arising from the scale of the increase would appear disproportionate to the original dwelling, and the unsympathetic roof form would adversely alter the existing modest balanced appearance of the dwelling. In combination with the idiosyncratic use of fenestration on the front elevation, which in addition to the retention of the existing conventional window openings includes a glazed gable and separate circular window feature, the overall composition would appear confused and disjointed.
7. Due to the open aspect the effects would be highly visible from the street. Moreover, the obvious contrast with the immediate dwellings either side, and departure from the general simplicity of the prevailing roof height and form in the wider area would disrupt the visual coherence of the street and exacerbate the degree of harm.
8. Irrespective of whether the site lies within a conservation area or near to other heritage assets, paragraph 130 of the National Planning Policy Framework (the Framework) stipulates that planning decisions should ensure that developments add to the overall quality of the area and are sympathetic to local character, including the surrounding built environment. For the reasons outlined, the proposal would fall short of achieving this.
9. I have had regard to the diagram<sup>2</sup> provided by the appellant whereby it is highlighted that the eaves height adjacent to No.61 would remain unchanged and that the footprint would be stepped away from the boundary with No. 65, with the main ridge height more centrally positioned within the plot. Nevertheless, these factors would not address nor outweigh the harm I have identified.
10. The appellant asserts that designs such as that proposed are common in the locality<sup>3</sup>. Nevertheless, I have already described my observations of the prevailing roofscape in the vicinity of the appeal site. Obvious departures from it were generally the exception such that they had a limited impact on the overall character. Consequently, they would not present a sound justification to allow development that would further undermine it. Therefore, the photographic examples provided are of limited weight.
11. My attention is specifically drawn to a recent approval<sup>4</sup> to extend and raise the ridge height at 38 Anvil Crescent. Based on the information provided, that

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<sup>1</sup> Paragraph 1.11, Appellant's Statement of Case

<sup>2</sup> Figure 2 – X and Y explanation, Page 6, Appellant's Statement of Case

<sup>3</sup> Photographs, Appendix A, Appellant's Statement of Case

<sup>4</sup> Planning reference APP/21/00415/F, Appendix B, Appellant's Statement of Case

proposal concerned a corner plot and so had only one dwelling on Anvil Crescent directly adjacent. Moreover, the approved scheme was for a dwelling with a relatively simple shallow pitched roof. Such differences make it of limited relevance to the scheme before me and would not lead me to find otherwise when assessed on its own planning merits.

12. Accordingly, I find that the proposal would have a harmful impact upon the character and appearance of the area. Therefore, it would be contrary to policy PP27 of the Poole Local Plan, November 2018 (LP) which requires a good standard of design in all new developments, including extensions and external alterations to existing buildings.

#### *Living conditions*

13. Amongst other things, policy PP27 of the LP supports development that would not result in a harmful impact upon amenity for local residents considering levels of sunlight and daylight and whether the development is overbearing or oppressive. Furthermore, paragraph 130 f) of the Framework stipulates that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
14. The development would be close to the boundary with No.61, and by comparison, elevated to it. In addition to the bathroom window, No.61 has a half glazed door and window serving a kitchen in the side elevation facing towards the appeal site. It also has a patio to the rear which accommodates garden furniture for sitting out. The significant increase in height of the proposal, and presence of the box roof dormer in such proximity to the side boundary would have an enclosing impact on the outlook from the kitchen at No.61. The impact would be exacerbated by the difference in levels, such that there would be an unpleasant tunnelling effect to the side area of No.61.
15. Furthermore, the single storey flat roofed section of No.63 that currently protrudes beyond the nearest part of the rear façade of No.61 would considerably increase in height. Due to its orientation and position, despite the maximum height being more centrally located within the plot, it would be likely to block afternoon and evening sunlight to the patio at No.61. As this constitutes the outside area of the garden closest to the conservatory at No.61 it is likely to be used more intensively for sitting out. This would reduce the degree of enjoyment for occupants looking to spend prolonged periods in the space. In combination, these factors would significantly compromise the quality of life for the occupants of No.61.
16. No.65 has a rear conservatory relatively close to the side boundary with No.63. At present the closest built form to it within the appeal site is a single storey flat roofed garage but the conservatory at No.65 projects beyond its rear façade. The conservatory has roof panels using a material designed to let light in, and it is reasonable to suppose that the occupants of the adjacent property would seek to spend prolonged time in the room. Light levels and outlook from the conservatory would be important contributors to the quality of that experience. The nature of the conservatory makes it particularly sensitive to changes affecting levels of light.

17. Although the footprint of the proposed development would be inset from the side boundary with No.65, the proposed block plan<sup>5</sup> shows that it would extend southwards well beyond the depth of the conservatory. The proposed proximity and increase in volume and height eastwards of the conservatory would noticeably reduce the levels of natural morning light received and cast a shadow. Moreover, given the translucent nature of its roof, the increase and immediacy of the built form at No.63 would have an obvious presence. This would be likely to make the occupants feel unreasonably confined and detract from the enjoyment of the room.
18. For these reasons, the proposal would fall short of the high standard of amenity referred to in the Framework.
19. The appellant points out that the Council has not raised concerns regarding privacy, that No.65 is in an elevated position relative to the appeal site and lacks windows serving habitable rooms along its side elevation. Be that as it may, these factors would not negate the harm to living conditions that I have identified.
20. Accordingly, I find that the proposal would have an unacceptable impact on the living conditions of the occupants of nos.61 and 65 Anvil Crescent having particular regard to light and outlook. Therefore, it would conflict with policy PP27 of the LP.

### **Other matters**

21. The proposal would be beneficial in that it would modernise the existing dwelling and provide additional accommodation for the appellant's household as well as future occupants of the dwelling. Nevertheless, I am not persuaded that the proposal would be the only means by which to achieve such benefits, albeit perhaps not to the same extent. Accordingly, I attribute little weight to them.

### **Conclusion**

22. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise<sup>6</sup>. No compelling reasons have been shown to justify my determining the development other than in accordance with the adopted development plan.
23. For the reasons given above, I conclude that the appeal should be dismissed.

*Helen O'Connor*

Inspector

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<sup>5</sup> Drawing number 3154/P1

<sup>6</sup> Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.