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## Appeal Decision

Site Visit made on 15 September 2021

**by M Bale BA (Hons) MA MRTPI**

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

**Decision date: 09 December 2021**

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**Appeal Ref: APP/V1260/W/21/3274456**

**3 Warwick Road, Poole BH14 8SY**

- 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 Foxdale Dorset Limited against the decision of Bournemouth Christchurch and Poole Council.
  - The application Ref APP/20/01031/F, dated 15 September 2020, was refused by notice dated 31 March 2021.
  - The development proposed is demolition of garage and construction of a detached dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the development on the character and appearance of the area, and the living conditions of the occupiers of No.1 Warwick Road with regard to outlook.

### Reasons

#### *Character and appearance*

3. The site is within a spacious suburban area. Dwellings of various styles, sizes and ages are inconsistently sited within unevenly sized, heavily landscaped plots, giving an evolving character of piecemeal development. However, even those sited close to their neighbours and the smaller plots, such as Nos. 2, 4 and 4a Belle Vue Road, 1 and 14-18 Corfe View Road, have sufficient stature to make an authoritative contribution to the street scene.
4. Site constraints have led to a design solution that intends to be subservient to the closest dwellings around it. It would be shorter than the neighbouring No.1, despite being on higher ground. The lower rear wing further reduces the massing, and the front elevation would be primarily formed by narrow projecting gables rather than such features being used as embellishment or articulation within a larger composition, as found on some of the older properties within the area.
5. While there is no precedent for dwelling size, the particular details of this proposal would result in a dwelling whose small size would be obvious. It would, thus, appear squashed into its plot to the front of the existing dwelling, rather than as a positive contributor to the street scene. This would undermine the spacious character and appearance of the area, contrary to those aims of Policies PP27 and PP28 of the Poole Local Plan (LP) that seek to ensure that

local patterns of development are reflected or enhanced and an area's character is preserved.

6. The appellant's evidence indicates that, with care during construction, no significant harm would arise to the protected trees at the site. No substantive reasons have been given as to why this may not be the case. The garden areas would be small and partly affected by the trees, but given the relative positions of the garden and trees, it has not been demonstrated that there would be such significant shade that irresistible pressure to fell or prune would result. The lack of harm to trees, however, is a neutral consideration and does not lead me away from my earlier conclusion.

#### *Living conditions*

7. Moving back from the road frontage, the side site boundary gets closer to the neighbouring dwelling at No.1. It is particularly close alongside ground and first floor windows in the elevation facing the site. The ground floor window serves a kitchen area and while it is linked to a dining area with a glazed door in its opposite elevation, that other opening does little to light or provide outlook to the kitchen. The first floor window is the sole window to a bedroom.
8. The dwelling would be built close to the side boundary and, consequently, close to the above windows. Combined with its position on higher ground it would be significantly overbearing on the outlook from these windows, despite the lower height of the rear section. Even though the relative positions may result in limited effects on direct sunlight, such would result in harmfully oppressive living conditions for the occupiers of the neighbouring dwelling.
9. The site is in an urban environment, where a degree of mutual overlooking often occurs. However, that is not a comparable impact to the oppressive conditions that would be created here. Even if similar relationships exist elsewhere, I find no reason that it should be expected as a general consequence of development within built up areas, particularly in spacious ones such as this. Therefore, I find that the proposal would be contrary to the aim of LP Policy PP27 that seeks to avoid harmful impacts on amenity for local residents.

#### **Other Matters**

10. The proposal would contribute to the supply of family homes and there is no dispute that paragraph 11(d) of the National Planning Policy Framework (the Framework) falls to be considered by virtue of the Housing Delivery Test results. Small sites can be easily developed and, therefore, make an important contribution to boosting housing delivery. While making good use of urban land, though, the benefits associated with the provision of one single dwelling are only of moderate weight, even if there were a substantial shortfall in delivery. The harms that I have identified significantly and demonstrably outweigh these benefits. The proposals do not, therefore, benefit from the presumption in favour of sustainable development, outlined in the Framework.
11. Permission was also refused due to alleged unmitigated effects on habitats sites. A legal agreement has been provided relating to this matter. Whether or not that adequately secures mitigation, in light of my overall conclusion, adverse effects on habitats sites would not arise from my decision.

**Conclusion**

12. For the reasons given, the appeal is dismissed.

*M Bale*

INSPECTOR