
Appeal Decision

Site visit made on 8 November 2021

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2021

Appeal Ref: APP/V1260/W/21/3269339

142 York Road, Poole BH18 8EY

- 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 S Daniels against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/20/00769/F, dated 13 July 2020, was refused by notice dated 15 January 2021.
 - The development proposed is alterations and extension; raising roof to create 4no. flats over two storeys with associated parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Subsequent to the Council issuing its decision, a revised National Planning Policy Framework ('the Framework') was published. The parties have had an opportunity to comment on the implications for the appeal.
3. The plans contain a discrepancy in respect of the fenestration on the south elevation of the building. The appellant has confirmed that the proposal is for Bedroom 2 in each of the first floor flats to be served by roof lights, as per the submitted elevations. I have determined the appeal on that basis.
4. The appeal submission includes an arboricultural report. The Council does not contest the content of this report and has confirmed that it will not be pursuing the third refusal reason in respect of the impact on protected trees.
5. The appellant has supplied an undertaking pursuant to Section 111 of the Local Government Act 1972 relating to the payment of a contribution towards Strategic Access Management and Monitoring. The monies, which I note have already been received by the Council, would be spent on projects to mitigate the adverse impact of the development on the integrity of European Sites in line with the Dorset Heathlands Planning Framework. This addresses the fourth and fifth reasons for refusal.

Main Issues

6. The main issues are:
 - a) whether the development would provide acceptable living conditions for its occupants; and

- b) the effect of the proposal on the character and appearance of the area.

Reasons

Quality of future living environment

7. The proposed first floor flats would each contain a pair of good-sized, double bedrooms. The master en-suite bedrooms would be served by windows and these would provide satisfactory levels of daylight and outlook. The second bedrooms would be well-lit using south facing roof lights but the internal sill heights would be such that occupants of the rooms would not have any outlook, except views of sky. The appellant contends that this is acceptable on the basis that these would be secondary bedrooms and that they would be used for sleeping accommodation. It is suggested that outlook from a bedroom is less important than for a main habitable room that is in use throughout the day.
8. Whilst I note this argument, there can be no certainty that the rooms would be used solely for sleeping. The flats would be large enough to accommodate a small family and in this context the second bedroom could be inhabited by a child. Occupied in this way, they could be used as a place of retreat from other members of household during the daytime, somewhere to play or entertain friends or a quiet space to do schoolwork. They should be treated as habitable rooms in the same way as lounges. I consider that the lack of outlook would give rise to a poor quality living environment.
9. The appellant moots the option of imposing a condition to secure additional obscure glazing on the south elevation. This would be a material change to the plans, but it would not address the lack of outlook in any event as the glazing would be translucent.
10. Accordingly, I conclude that the proposal would give rise to unacceptable living conditions for occupiers of the development. The scheme would conflict with Policy PP27 of the Poole Local Plan (2018) (PLP). This policy is consistent with the Framework in seeking a good standard of amenity for all existing and future occupants of land and buildings.

Character and appearance

11. This part of York Road is predominantly characterised by detached bungalows, but there are also a small number of 1½ and 2-storey dwellings. The properties are set back from the road within spacious, well-landscaped plots, with each dwelling having its own driveway. The neighbourhood is verdant, containing numerous mature trees, many of which are protected.
12. No 142 York Road is a bungalow, and it is typical of the area. The proposal is to raise the roof to create a 2-storey development of 4 flats. The Council does not raise any specific objections to the design. I have no reason to take a different view. The building would be significantly larger than the original bungalow, but its overall scale would be not dissimilar to that of other 2-storey properties in the street, including 136 York Road adjacent.
13. The Council's principal concern relates to the treatment of the site frontage. Much of this area is already hard surfaced, with block paving surrounding a square planter bed containing a tall pine tree. This tree is identified within the arboricultural report as being in decline. The proposal is to remove the tree and provide 5 parking spaces serving the new flats. The submitted layout plan differs

from that contained within the arboricultural report, but in both scenarios the parking would mainly take place adjacent to the southern site boundary.

14. The block paving is already used for parking in connection with the use of the existing dwelling and also serves as an access route to a self-contained dwelling which has been created from a building at the rear of the property¹. However, the proposed parking layout would take on a formal character. There would be a material increase in parked cars and general activity. This would alter the character of the site from that of a single bungalow to a flatted development. The need for bin and cycle storage would enhance that impression.
15. Policy PP28 of the PLP sets out the criteria for flatted development. It states that schemes will be permitted where, amongst other things, the resultant plot coverage (including buildings, cycle storage, bin storage, car parking, roads, and any other hard surfacing) respects that which prevails in the street, or part of the street where the site is located; and car parking and turning areas do not dominate the site, allowing for the retention, or provision, of a boundary between the site and adjacent streets.
16. Notwithstanding the existing hard surfacing on the frontage and the proposal for landscaping on the street boundary, the additional parking generated by the development would be detrimental to the character and appearance of the wider area. I therefore find conflict with PLP Policy PP28.

Other Matters

17. The appellant draws attention to a flatted development at Wetherby Close. I do not know the background to that scheme, but it does not form part of the street scene of York Road and is not reflective of the prevailing character of the area. Consequently, it carries limited weight as a precedent.
18. I have taken account of the fact that the Council is considering an application² to replace the dwelling at the rear of the site with a bungalow. I have not been provided with details of that scheme beyond the proposed layout, but it does not have permission in any event. I have considered the appeal on its merits.

Planning Balance and Conclusion

19. The Council advises that it is unable to demonstrate a 5 year supply of deliverable housing sites. The current supply is calculated to be 2.9 years and this is common ground between the parties. Paragraph 11 d) of the Framework states that where the requisite land supply cannot be demonstrated permission should be granted unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposal does not affect areas or assets of particular importance and therefore it is the second limb which applies in this case.
20. The proposal would provide 4 new homes within a sustainable transport corridor where Policy PP2 of the PLP supports higher density development. The scheme would thus contribute to addressing the acute housing shortfall within Poole.

¹ This dwelling was granted a Lawful Development Certificate under Appeal Ref. APP/V1260/X/20/3255926

² Council Ref. APP/21/00718

This is a material consideration of significant weight. However, the development would also provide unacceptable living conditions for its occupants and it would be harmful to the character and appearance of the area. These adverse impacts would significantly and demonstrably outweigh the benefits. As such, the proposal does not constitute sustainable development.

21. The proposal conflicts with the development plan taken as a whole and there are no material considerations of such strength or significance as to justify a decision otherwise than in accordance with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR