
Appeal Decision

Site visit made on 28 February 2022

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 16 March 2022

Appeal Ref: APP/V1260/W/21/3278637

8 Cobbs Lane, Poole BH15 3LH

- 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 Garrie Spark against the decision of BCP Council.
- The application Ref APP

obvious by its resulting increased prominence, and accentuated by other differences in design.

6. Moreover, given its greater scale, No 8 would remain visible in close proximity immediately to the rear of the proposed bungalow. The arrangement would be atypical of the existing layout of development in Old Farm Close, and would appear cramped. This, in combination the above would cause the proposed bungalow to appear harmfully incongruous within the surrounding streetscene.
7. For the reasons outlined above I conclude that the development would harm the character and appearance of the area. It would therefore conflict with Policy PP27 of the Poole Local Plan 2018 (the LP) which seeks to secure development that reflects or enhances local patterns of development and neighbouring buildings; and Policy PP28 of the LP insofar as this seeks to restrict residential development involving plot severances where this would fail to fail to preserve or enhance an area's residential character.

Living conditions

8. The master bedroom of No 8 currently occupies the roof space with gable end window/double doors facing to the rear. I have been provided with no plan showing the elevation as modified following reduction in the depth of No 8. The plans provided nonetheless state that the rear window would be obscured and top opening at 1.7m. This would be required to prevent direct overlooking of the garden of the proposed bungalow and possible views into its bedroom. In the absence of the measures

Aside from the reduced depth and area of the garden, and related movement of the boundary, the only difference would be the presence of the proposed dwelling.

13. Though of modest scale and hipped roof form, the presence of the proposed dwelling would be clearly perceived from within the garden. In combination with the relocated boundary, this would increase the sense of enclosure over and above that which already exists. However, as it appears unlikely that this would have a significant adverse effect on use of the garden, the latter would be reasonably fit for purpose.
14. For the reasons outlined above I conclude that the development would provide acceptable living conditions for occupants of No 8 in relation to amenity space, but not outlook. The development would therefore conflict with Policy PP27 of the LP insofar as this seeks to ensure that development does not result in a harmful impact upon amenity for both local residents and future occupiers.

Energy use

15. The master bedroom window of No 8 would face north. In this regard it would again be no different to the existing window. Obscured glazing would reduce the level of light passing through the window. The extent of the reduction would depend on the type of glass. However, it is unlikely that such a change would be sufficient to cause a radical shift in the use of artificial sources of heat and light within the room.
16. Insofar as the officer report additionally makes reference to the living room below, its glazed opening would

and Ramsar sites, would not be fully mitigated. This is achieved through measures funded by the Community Infrastructure Levy and financial contributions. A payment was however subsequently made and secured within an agreement under Section 111 of the Local Government Act 1972. Had I been minded to allow the appeal and the circumstances existed in which planning permission could be granted, it would have been necessary for me to examine this matter in further detail. However, as I am dismissing the appeal for other reasons, no further consideration is necessary.

21. At the time the application was determined the Council's Housing Delivery Test (HDT) result fell below 75%. This would have triggered the 'tilted balance' set out within paragraph 11 of the Framework had the Council been able to conclude within an Appropriate Assessment that the scheme would not adversely affect the integrity of habitats sites. Though the appellant has since sought to secure mitigation, the most recent HDT result is higher than 75%. Though in each regard circumstances have changed, the consequences in terms of my assessment remain the same. My findings above are therefore unaltered.

Conclusion

22. The effects of the development on the character and appearance of the area and the living conditions of occupants of No 8 would be unacceptable, giving rise to conflict with the development plan. There are no other considerations which alter or outweigh these findings. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

Benjamin Webb