
Appeal Decision

Site visit made on 23 May 2022

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th June 2022

Appeal Ref: APP/V1260/D/22/3291556

48A Banks Road, Poole BH13 7QF

- 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 David Pearce against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/21/01482/F, dated 7 October 2021, was refused by notice dated 2 December 2021.
 - The development proposed is a roof terrace with glass balustrade and hatch access.
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Decision

1. The appeal is allowed and planning permission is granted for a roof terrace with glass balustrade and hatch access, at 48A Banks Road, Poole BH13 7QF in accordance with the terms of the application, Ref APP/21/01482/F, dated 7 October 2021, and the plans submitted with it, subject to the conditions set out in the schedule below.

Background

2. There is an extant planning permission¹ to alter and extend the appeal property, including upwards by a storey with a flat roof (the approved house). This scheme would also update the external appearance of the building with a refreshed modern architectural design and materials.
3. The appeal proposal seeks an amendment to the approved house. The Council made its decision believing the proposed glass balustrade would be 1.8m high, whereas it would be 1.1m high. In its appeal questionnaire the Council has referred to overlooking. Although this was not a reason for refusal in the Council's decision notice, or a matter of concern in the officer report, the appellant has addressed overlooking in his appeal statement.

Main Issues

4. Taking this background into account, the main issues are the effect of the proposed development on:
 - the character and appearance of the approved house and the area; and
 - its effect on the living conditions of the existing occupiers of nearby residential properties, with particular regard to privacy.

¹ APP/20/01439/FUL

Reasons

Character and appearance

5. The appeal property is a detached house on a sloping site, such that it is two-storey at the front and three-storey at the rear. It is in a small group of residential properties at the end of a private cul-de-sac, within a pocket of trees on a knoll behind blocks of flats fronting Banks Road. It is part of the variety in type and size of residential properties in the 'Sandbanks' seaside area, including many of contemporary design and materials.
6. The glass balustrade would form a perimeter around the flat roof of the approved house, which would be used as a terrace accessed by a floor hatch. It would complement the appearance of similar balustrades in the balconies of the approved house.
7. A majority of the balustrade would be obscured glazed and its opaqueness would have a visual presence. However, the bottom part along both sides would be hidden by the raised parapet of the flat roof and appear less than 1m high. It would also be inset from the roof edge behind the inside face of the parapet. Only a small, corner part of the obscured glazing and parapet would return into the front and rear elevations. While most of the front and rear balustrade would not be behind the parapet and appear 1.1m high, these parts would be clear glazed and set back significantly further from the front and rear edges of the roof.
8. The modest height of the balustrade, its position and the translucent or transparent nature of the glazing would not, therefore, add appreciably to the bulk or scale and massing of the approved house or increase its vertical emphasis in any material way. Nor would the balustrade, or the resulting building, be unduly dominant or prominent overall.
9. Despite being on elevated land, the backland position of the approved house and intervening trees and buildings mean that the balustrade would not be conspicuous in any significant public views from Banks Road or Salter Road, or feature in any meaningful way in these streetscenes. The upper part of the approved house would be more evident in a longer distance view from lower ground in Seacombe Road. However, it would be seen against a backdrop of taller trees and the low level, glazed nature of the balustrade, even the opaque parts, would not be discernible at this distance. Moreover, due to the effect of perspective (a close viewpoint and steep upward angle of view) most of the balustrade would not be seen even from within the end of the cul-de-sac.
10. To the limited extent that it would be seen, the roof level of the balustrade would mean that even the obscured glazed parts would recede against the sky. In addition, glass balustrades are not an unusual or uncommon feature in many of the surrounding residential properties whether originally built or altered using a contemporary form of design and/or materials. In particular, a roof terrace with a glass balustrade in the taller block of flats on one side of the approved house on slightly higher ground at No 48 Banks Road. Furthermore, while the approved house with the proposed balustrade would be taller than the house at No 50a Banks Road on the other side of it, it would not result in an unbalanced visual or spatial relationship between these two buildings. Nor would it in relation to any of the other properties in the cul-de-sac, including that it would remain subservient to No 48.

11. As a result, the balustrade would be a contextually appropriate feature in this location given the presence of similar features in the immediate area, including in a roof terrace at No 48. It would be well-integrated into the design and appearance of the approved house and be in keeping with other modern developments in the locality.
12. Consequently, I find that the proposed development would not cause harm to the character or appearance of the approved house or the area. Accordingly, it would comply with Policy PP27 of the Poole Local Plan 2018 (the LP). This policy includes that proposals should reflect local patterns of development and neighbouring buildings in terms of height, materials, detailing and visual impact. In addition, extensions and alterations should respect and relate to the existing (or in this case, approved) building and maintain details that contribute positively to local character. It would also be consistent with objectives of the National Planning Policy Framework (the Framework) to achieve well-designed places (paragraphs 130 a), b) c) and d)).

Living conditions

13. Despite the obscured glazing, the limited height of the balustrade would allow most people using the roof terrace to look over these parts (or the clear glazed parts) when standing or moving about. There would also be unobstructed views through the clear glazed parts if sitting or lying down. However, with balconies in buildings in the cul-de-sac and elsewhere in Sandbanks vying for distant views, including of the coast or sea, some mutual overlooking is inevitable.
14. At the front, and to a lesser extent the rear, the balustrade would be stepped in from the ground floor elevations of the approved house. Forward views would include towards the cul-de-sac, turning area, garaging and access areas for adjoining blocks of flats and, on one side, driveways or service areas. Habitable room windows of flats in these directions would be a significant distance away and/or partially screened by trees. On the other side, there would be downward views towards parts of the rear garden of No 50a. However, these would not materially increase the significant overlooking that already occurs from the existing balconies in the appeal property and as would remain in the approved house. Despite the increased elevation, views at the back towards rear gardens of opposing houses or flats would be distant and/or partially screened by trees or shrubs.
15. Consequently, I find that the proposed development would not cause harm to the living conditions of the existing occupiers of nearby residential properties, with particular regard to privacy. It would, therefore, comply with LP Policy PP27 which includes that development should be compatible with surrounding uses and not result in harmful impacts upon amenity for local residents with regard to privacy. It would also be consistent with aims of the Framework to ensure a high standard of amenity for existing users (paragraph 130 f)).

Other Matter

16. Poole Harbour Commissioners state that they hold a covenant over the appeal property. This would be a private civil matter between the respective parties.

Conditions

17. The Council has suggested some conditions. Where required, I have modified the wording of the conditions in the interests of clarity and have considered

them in light of the tests in Framework paragraph 56 and Planning Practice Guidance².

18. In addition to the standard time limit condition (1), a condition is necessary to specify the approved plans to ensure certainty (2). The approved plans include details of materials for the balustrade and hatch so a separate condition to this effect is not necessary.
19. The Council has included a condition that 'obscure glazed screens of at least 1.8 metres in height shall be erected along the sides and returns of the balcony as marked on the approved plans and shall thereafter be permanently retained as such'. Notwithstanding that this would appear to contradict the Council's concerns with regard to the character and appearance of the approved house and the area, such a condition is not necessary for the reasons explained in the second main issue above.

Planning Balance and Conclusion

20. The proposal would accord with the development plan overall. There are no other material considerations, including the provisions of the Framework, which outweigh this finding.
21. Consequently, for the reasons given above I conclude that subject to conditions the proposal is acceptable and the appeal should therefore succeed.

Robin Buchanan

INSPECTOR

Schedule of Conditions (2)

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 2033 31 Location and block plans
 - 2033 36 Proposed roof terrace floor plan
 - 2033 37 Proposed front (south-east) and side (south-west) elevations
 - 2033 38 Proposed rear (north-west) and side (north-east) elevations
 - 2033 39 Outline of extant approval (APP/20/01439/F)
 - 2033 40 Indicative 3D view

² Paragraph 21a-003-20190723