



Appeal Decision

Site visit made on 10 May 2022

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2022

Appeal Ref: APP/V1260/W/21/3286530

29 Montacute Way, Poole BH21 1TZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr D Gravenor against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/21/01091/F, dated 15 July 2021, was refused by notice dated 2 November 2021.
 - The application sought planning permission for a single storey front extension without complying with a condition attached to planning permission Ref APP/17/00947/F, dated 18 August 2017.
 - The condition in dispute is No 3 which states that: *The extension hereby permitted shall be used solely for residential purposes ancillary to the parent dwelling known as 29 Montacute Way and shall not be used at any time as a separate unit of living accommodation, nor shall it be let separately to another party, either permanently, or for any seasonal or holiday period.*
 - The reason given for the condition is: *A separate unit of accommodation would be inappropriate on this site and in accordance with Policy PCS5(v) of the Poole Core Strategy (February 2009).*
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appellant is seeking the variation of condition No 3, which was imposed by the Council on the basis that a separate unit of accommodation would be inappropriate on site. The application now before me at appeal seeks to vary this condition to enable the existing single storey front extension on site to be used for Air BnB purposes throughout the year.
3. The main issue in this appeal therefore is the effect that varying the condition would have on the character and appearance of the area.

Reasons

4. The appeal site comprises a detached dwelling with off-street parking. The site is situated within a residential area which, based on the evidence before me, primarily consists of 2-storey family-sized dwellings. I have not been provided with evidence which shows that accommodation used for holiday let purposes is common in the immediate locality.

5. In this context, condition No 3 acts to prevent an intensification of the use of the site. Bearing in mind the largely homogeneous nature of the character of the local area, condition No 3 serves a useful purpose in preventing harm to the character of the area arising via the comings and goings and associated activity involved with individuals who would be independent and unrelated to the occupiers of the site.
6. The proposed variation to condition No 3 would remove the restriction on seasonal or holiday lets currently present in that condition. Consequently, although the size of the annexe means that not more than 2 people would likely use the annexe at any one time, there would be no bar to the existing annexe being let to individuals unrelated to the occupiers of the site, on a commercial basis.
7. Although the appellant has not applied for a self-contained unit of accommodation, bearing in mind that the existing annexe contains all the facilities required for day-to-day living, including facilities for cooking, washing and sleeping, and that it has an external access point, in my view the existing annexe is clearly capable of being used as a self-contained unit of accommodation. The presence of the connecting door between the hallway and the annexe does not alter the potential of the annexe to be used in this way, as that door could be kept closed, except in emergencies.
8. Considering this, the proposal would, in all likelihood, result in a material uplift in the intensification of the use of the site, including by way of greater comings and goings and the parking of vehicles either on site or on the road. As the annexe already exists the proposal would not have any material effect on the appearance of the area. Nevertheless, the intensification of use caused by the proposal would unduly conflict with the established character of the area, referred to above.
9. The appellant has referred to appeal decision Ref APP/Q1255/A/12/2183683 and in relation to this has proposed the imposition of an additional condition which would act to ensure that the annexe would be occupied for holiday purposes only, and not be occupied as a person's sole or main place of residence, and not occupied for a period of more than 28 days in any calendar year.
10. However, even with this additional condition in place, the effects referred to above arising from the intensification of the use of the site would still occur, particularly if the annexe were to be let to individuals or couples on a short-term basis, such as lets occurring multiple times during any particular month. For these reasons, this proposed condition would not make the proposal acceptable in planning terms.
11. I therefore find that the proposed variation of condition No 3 would have an unacceptable and harmful effect on the character of the surrounding area. Accordingly, condition No 3 is reasonable and necessary in its present form. The proposal would conflict with Policies PP13 and PP27 of the Poole Local Plan (adopted 2018) which collectively provide that, amongst other things, the Council will support proposals for the expansion of a dwelling to provide a degree of independent living, albeit as part of a wider family unit, provided that the proposal would not have an adverse impact upon the character of the surrounding area, and that development will be permitted provided that it is compatible with surrounding uses.

Other Matters

12. No concerns have been raised by the Council with respect to matters relating to vehicle parking provision, nor the living conditions of neighbouring occupiers. However, even if I were to likewise reason that the proposal would be acceptable in these respects, these would be neutral factors rather than ones which weigh positively in favour of the proposal.
13. The proposal would likely contribute to tourism and economic growth in the local area. However, minimal details have been provided to demonstrate the scale of the proposal's contribution in these respects. Considering this, and that the annexe would not likely be used by more than 2 persons at any one time, I have given these matters limited weight.
14. Therefore, I find that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the harm identified, nor the conflict with the development plan.

Conclusion

15. For the reasons given above, having considered the development plan as a whole, the approach in the National Planning Policy Framework, and all other relevant material considerations, the appeal is dismissed.

Alexander O'Doherty

INSPECTOR