



Appeal Decision

Site visit made on 27 September 2022

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2022

Appeal Ref: APP/V1260/D/22/3303738

8 Heath Avenue, Poole, BH15 3EJ

- 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 A Cormack against the decision of BCP Council.
 - The application Ref. APP/22/00486/F, dated 8 April 2022, was refused by notice dated 26 May 2022.
 - The development proposed is extension of first floor.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on: (a) the character and appearance of the host property and surrounding area; and (b) the living conditions of the neighbouring occupiers at 6 Heath Avenue.

Reasons

Character and appearance

3. The appeal site is located on the southern side of Heath Avenue and comprises a large modern detached chalet style bungalow. To the west is 6 Heath Avenue (No.6) a single storey detached bungalow and to the east 10 Heath Avenue (No.10) a detached single storey bungalow with accommodation in the roof.
4. The surrounding area comprises a mixture of similar detached single storey bungalows, as well as some detached two storey properties. A number of these properties have been altered and extended to provide accommodation at roof (first floor) level through the introduction of dormers and other roof alterations, and there are also examples of rear extensions and outbuildings.
5. The appeal proposal involves the erection of a first floor extension over the existing flat roofed rear ground floor extension. The proposal has been designed in the form of a timber box and is described as such on the submitted plans. The Council contends that due to its siting, overall height and eaves height, the proposed extension would not integrate well with the existing dwelling and would have an incongruous appearance.
6. The proposed extension has an unconventional design, which I understand is in response to a previous refusal for a larger and more conventional first floor extension. A contemporary approach has been adopted in an attempt to

address the objections raised by the Council to this previous application in terms of its alleged impact on the living conditions of the neighbouring occupiers at No.10.

7. Whilst the proposed box would be large, it would be sited above the existing single storey rear extension and therefore set well back from the frontage to the host property and from Heath Avenue. Although the proposed extension would be visible within the streetscene, those views would be limited and largely restricted to a corner of the proposed box where it would project beyond the gabled profile of the host property. In view of this, I am not convinced that the proposed box's size, design and materials would be out of keeping or appear incongruous when viewed in the context of the host property or the character of the surrounding area.
8. As I confirmed earlier, there are numerous examples of rear additions and dormer windows within the surrounding area of differing designs and scale, and a variety of roof forms, as well as different eaves and ridge heights. Within that context and whilst the proposed box design is unusual, it would sit reasonably comfortably on the existing flat roofed ground floor extension and the use of timber would also add interest to and would relate well to the overall pallet of materials on the host property.
9. I accept that the proposed box would result in a change to the appearance of the host property. However, I disagree with the Council and consider that the proposed box would be broadly proportionate and subservient to the host, and would not result in an incongruous form of development.
10. Part (a) of policy PP27 of the Poole Local Plan (November 2018) (PLP), referred to in the Council's reason for refusal, seeks to ensure that new development reflects the local pattern of development in terms of layout, bulk, height and scale. A similar approach is set out in paragraph 130 of the National Planning Policy Framework (July 2021) (Framework), but the latter also states that being sympathetic to local character should not prevent or discourage appropriate innovation or change. Paragraph 44 of the National Design Guide (NDG) (January 2021) reinforces the Framework by emphasising that well designed places do not need to copy their surroundings and that it is appropriate for new development to include innovation and change to reflect how we live today. Both the Framework and NDG provide further support, therefore, for the findings I have reached above.
11. Accordingly, I find that the appeal proposal would comply with part (a) of policy PP27 of the PLP and the corresponding policies of the Framework.

Living conditions - neighbours

12. The Council's objection relates to the siting and height of the proposed extension relative to No.6, which they contend would have an overbearing impact on the living conditions of the occupiers of that property. The Council do not contend that the proposal would result in the loss of any daylight or sunlight and in that respect they have not challenged the findings of the Appellants Shadow Study. I see no reason to disagree with the Council's findings in this respect.
13. As mentioned earlier, the proposed extension is a revised scheme that seeks to respond to the Council's objections to a larger extension refused due to its

alleged impact on the living conditions of No.10. As well as a reduction in scale, the Appellant states that the proposed extension has been sited more centrally, equal distance from No.6 and No.10.

14. Having viewed the proposal from the rear garden of No.10, I am satisfied that whilst the extension would be visible to the occupiers of that property it would not appear overbearing and would not have an adverse impact on their outlook. This is largely due to the fact that the new extension would be set back from the side of the existing flat roofed extension, which forms the common boundary with No.10. Views of the proposed box would, therefore, be at more of an oblique angle and as such the proposal would not lead to any significant harm to the outlook from the rear of No.10 or to the enjoyment of their immediate private amenity area.
15. I also viewed the proposal from rear garden of No.6. The rear garden to that property is much shorter than the other rear gardens on this side of the road, including the garden to No.10 which is the same depth as the garden to the host property. The garden to No.6 extends beyond the back wall to the single storey extension to the host, but only by approximately the width again of this single storey extension. The land beyond the rear boundary to No.6 forms part of the garden to the host, which effectively, therefore, wraps around the garden to No.6. As the host property also sits side onto No.6, with its main front entrance on the west elevation facing No.6, there is a small gap between the host building and the common boundary with that property. Consequently the proposed extension would also be set back by a similar distance from this boundary.
16. Within the above context, the appeal proposal would significantly extend the height, mass and scale of built development close to the common boundary with No.6, to a position well above the height of the existing flat roofed single storey extension to the host and the existing timber fence on the boundary. Even with the gap in between, the impact of the proposed box on the living conditions of No.6 would, in my view, be significant. The harm would result from the overbearing and oppressive impact that the proposed extension would have on the rear garden and immediate private amenity area of No.6. It would lead to a sense of enclosure that would be harmful to the living conditions of the neighbouring occupiers.
17. As I observed on site, as well as the garden to No.6 being small, the rear bulk of the host property and a rear extension to 4 Heath Avenue (to the west) extend along large parts of the side boundaries to the rear garden of No.6. The presence of these buildings already results, therefore, in a sense of enclosure, impacting, to a certain extent, on the enjoyment of the rear garden to No.6. The proposed extension would be highly visible from the rear garden of No.6 and as such would significantly exacerbate the impact that the existing buildings have on the garden, increasing the sense of enclosure and overbearing impact to a level that would be unacceptable and harmful to the living conditions of the occupiers of No.6.
18. I accept that the appeal proposal would result in the more efficient use of land, secure an innovative solution within a sustainable location and respond positively to the previous refusal. Even so, none of these considerations, either individually or cumulatively, mitigate for or outweigh the significant harm I have identified above.

19. The Appellant has also referred to the benefit of removing the ability for the flat roof to the host's rear single storey extension being used as a terrace. However, I understand that the ability to do so has been disputed by the Council (paragraph 1.9 of the Appellant's Design & Access Statement). In addition, this is not a matter that is before me and whether that use would be lawful or not is not an issue for me to consider within the context of an appeal submitted under section 78 of the Town and Country Planning Act. Even so, assuming its use was lawful or permitted, I do not consider that such a benefit would override the significant harm that I have identified above.
20. Accordingly, I find that the appeal proposal would be contrary to part (c) of policy PP27 of the PLP. The latter seeks to ensure that new development does not result in a harmful impact on the amenity of both local residents and future occupiers as a result of being overbearing or oppressive. This policy is consistent with that in paragraph 130 f) of the Framework.

Conclusion

21. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR