



Appeal Decision

Site visit made on 10 January 2023

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2023

Appeal Ref: APP/V1260/W/22/3299502

2 & 4 Chaddesley Wood Road, Poole, Dorset, BH13 7PN

- 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 Messrs Scrimshire and Berridge against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/21/01162/F, dated 31 August 2021, was refused by notice dated 26 January 2022.
 - The development proposed is described as, 'application to redesign the roofs of No's 2 & 4 Chaddesley Wood Road'.
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Decision

1. The appeal is allowed and planning permission is granted for application to redesign the roofs at 2 & 4 Chaddesley Wood Road, Poole, Dorset BH13 7PN in accordance with the terms of the application, Ref APP/21/01162/F, dated 31 August 2021, and the plans submitted with it, subject to the following conditions:
 - 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 unnumbered plans: Proposed Planning Drawing; Proposed Planning Drawing Sheet 1; Proposed Planning Drawing Sheet 2 and Proposed Planning Drawing Sheet 3, all dated April 2021.
 - 3) The materials used in the construction of the external walls of the development hereby permitted shall match those used in the existing building.
 - 4) The development hereby permitted shall not be brought into use until the proposed privacy screens have been installed in accordance with details which shall have been first submitted to and approved in writing by the local planning authority. Once installed, the approved privacy screens shall be retained for the lifetime of the development.

Preliminary Matters and Main Issue

2. The planning application was made and determined with the appellant name of Scrimshire and Berridge. I note from the appeal form that this relates to two appellants and therefore I have reflected this in the banner heading above.
3. The Decision Notice issued by the Council indicates that the proposed development has been refused but does not provide a reason for refusal. The

Decision Notice also indicates that permission has been granted subject to a condition relating to access, parking and turning.

4. However, in their appeal statement¹, the Council acknowledge that this was an error and provide a reason for refusal as well as referring to the Officer's Report which clearly indicates the Council's objections to the scheme. Having had regard to relevant case law² I am satisfied that the Council's intention was that the planning application should be refused and I have proceeded on that basis.
5. The Council have indicated that the planning application was refused for the following reason:

The proposal would, by virtue of its scale, height and appearance have an adverse impact the character and appearance of the area and surrounding buildings. The loss of symmetry as a result of the works would fail to respect the built shoreline character of this part of the coast and would harm views from the sea of the immediate coastline. As such the proposal is contrary to PP27 and PP31 of the Poole Local Plan (2018)

6. Therefore, the main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

7. The appeal proposal comprises two properties located at the end of a terrace of six properties which have a staggered roofline, rising up Chaddesley Wood Road. As such, the existing ridgeline of the appeal properties is at a lower level than the other properties in the same terrace. The properties in the terrace are largely flat roofed with a pitched roof element over part of the first floor. The appeal proposal is for the addition of a flat roof second floor to numbers 2 and 4 Chaddesley Wood Road with a significant proportion of glazing to the elevations facing Chaddesley Wood Road and the promenade.
8. This would result in the roof of both appeal properties being no higher than the two properties at the other end of the same terrace, namely 10 and 12 Chaddesley Wood Road. With the prevailing character in the surrounding area being one of relatively modern three storey developments with flat roofs and a significant proportion of glazing, the proposed addition would not be out of character with existing development close to the appeal site.
9. When viewed from the promenade, the six properties in the terrace all have differing fenestration with the flat roofs at first floor on some properties projecting further forward than others in the terrace. This, together with the stepped roofline means that there is no symmetry to the terrace. The buildings either side of the terrace, being 14 and 16 Chaddesley Wood Road and Sandbanks Beach Club are also higher than the appeal buildings with buildings fronting on to the beach in the vicinity of the appeal site generally consisting of substantial buildings with flat roofs. As such, I am not satisfied that the flat roof addition to the appeal properties would be out of place in this context.

¹ Dated 16 December 2022

² Newark & Sherwood District Council v SSCLG [2013] EWHC 2162 (Admin) and Mannai Investment Co Ltd v Eagle Star Life Assurance Co Ltd [1997] 1 EGLR 57

10. Views back from the promenade and the beach in the vicinity of the appeal site are of the existing built development which lines the promenade with the backdrop of development which lies inland of it. The appeal proposal would be visible from the beach and promenade but it would be read in the context of the existing built development in and around the site. The appeal proposal would not detract from any important coastal features which Policy PP31 of the Poole Local Plan adopted November 2018 (LP) seeks to protect.
11. Taken together, I find no conflict with Policies PP27 and PP31 of the LP insofar as they seek a good standard of design which reflects local patterns of development and do not detract from views to and from the beach.

Other Matters

12. Interested parties raise concerns about the increased pressure for parking as a result of the proposed development. Whilst I accept that an increase in the number of bedrooms in each of the units could result in an increase in the number of people occupying the property at any one time, there is no substantive evidence before me that this would necessarily occur nor that it would lead to an increased risk to highway safety in the vicinity of the site.
13. The appeal site is located outside the Poole Harbour Special Protection Area (SPA) and Ramsar site and there is no evidence before me that the appeal proposal would have a likely significant effect on its qualifying features. Policy PP32 of the LP refers to the harmful effect that a net increase in dwellings can have on nitrate pollution and recreation pressures within Poole Harbour, but the proposal before me would not amount to a net increase in dwellings. The Council conclude in the Officer Report that the nature of the works would not cause unacceptable additional pressure and damage to the protected habitats and there is no evidence to the contrary. As such, I am satisfied that an appropriate assessment under Regulation 63 of the Habitats Regulations 2017 in terms of the impact of the proposal on the SPA and Ramsar is not required.

Conditions

14. I have had regard to the advice in the Planning Practice Guidance and the conditions provided by the Council. In addition to the standard time limit, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty. To ensure that the proposed work complements the existing buildings, a condition requiring matching materials for the walls is necessary in the interests of visual amenity.
15. The Council and appellant refer to the proposed privacy screens preventing overlooking of the neighbouring properties and as such, although not suggested by the Council, it is necessary to require the submission of details together with its provision and retention for the lifetime of the development to protect the living conditions of neighbouring occupiers.

Conclusion

16. For the reasons given I conclude that the appeal should succeed.

Alison Fish

INSPECTOR