



Appeal Decision

Site visit made on 7 February 2023

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 02 March 2023

Appeal Ref: APP/V1260/W/21/3281521

32 Grove Road, Poole, BH12 3LG

- 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 Coastline Homes South against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref: APP/21/00938/F, dated 15 June 2021, was refused by notice dated 23 July 2021.
 - The development proposed is to sever land and erect a detached bungalow with on site car parking and vehicular access.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site lies within 5km of a Site of Special Scientific Interest (SSSI) which is also part of the Dorset Heathlands Special Protection Area and Ramsar Site, and the Dorset Heaths Special Area of Conservation. The appeal site is also described as being in close proximity to the Poole Harbour Special Protection Area, SSSI and Ramsar site. Since the planning application was determined and refused by the Council, the Appellant has submitted a unilateral undertaking which is intended to provide mitigation for the impacts of the development on those designated sites. The Council has confirmed their acceptance of the undertaking and therefore considers that the reasons for refusal in these regards have been overcome. As such, I will return to this in the Other Matters section below instead of considering it as a main issue.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the surrounding area,
 - The effect of the proposed development on the living conditions of residents at 32 Grove Road; and,
 - The effect of the proposed development on the living conditions of future residents of the appeal scheme.

Reasons

Character and Appearance

4. The appeal site is located within a residential area which is predominately characterised by two storey semi-detached dwellings which are set back from the highway behind modestly sized front garden areas. While nearby dwellings are relatively consistent in terms of mass and scale, they exhibit variety in terms of design and appearance, with a mixture of styles and roof forms and finished in brick or render.
5. Policy PP27 of the Poole Local Plan (November 2018) (the Local Plan) concerns design and, amongst other matters described below, sets out that development will be permitted provided that it reflects or enhances local patterns of development and neighbouring buildings in terms of height and scale, layout and siting including building line and built site coverage. Policy PP28 of the Local Plan concerns plot severance and provides that such a scheme would only be permitted where there is sufficient land to enable a type, scale and layout of development including parking and useable amenity space to be accommodated in a manner which would preserve or enhance the area's residential character.
6. The proposal seeks to sever the land at 32 Grove Road and construct a detached bungalow to the rear of the host dwelling. The host dwelling is one of a pair of semi-detached dwellings, with the neighbouring pair of semi-detached dwellings at 28/30 Grove Road being set back further away from the adjacent highway. Whilst the site is not highly prominent in views from within the wider surrounding area, by reason of the set back of the neighbouring pair of dwellings and the resulting significant gap between pairs of semi-detached dwellings at this location, the site is visible from within the street scene.
7. I saw on my visit that there were other examples of dwellings sited in rear locations behind other buildings within the wider surrounding area as referred to me by the Appellant. However, generally within Grove Road the location of such rear residential dwellings is not, in my view, a predominant element of the character of the area.
8. The form and scale of the proposed detached bungalow would be in sharp contrast to the surrounding two storey semi-detached buildings. When compared to nearby dwellings within Grove Road, the appeal scheme would be sited on a smaller plot, with the host building also being left with a smaller garden than that appears to be the case for neighbouring dwellings. As such, the appeal proposal would appear somewhat cramped within its plot and given its limited size which would jar against the scale of the dwellings fronting onto Grove Road, the proposal would draw the eye.
9. In respect of this main issue, I find that the proposal would not reflect neighbouring buildings in terms of height, scale or siting and would thereby fail to preserve or enhance the area's residential character. By reason of its prominence and given other examples of back land development within the wider surrounding area, the resulting harm to the character and appearance of the area would be limited, affecting only its immediate surroundings. Nonetheless, the proposal would conflict with Policies PP27 and PP28 of the Local Plan.

10. I have considered and noted the developments, approved by the Council or granted at appeal, as referred to me by the Appellant. It is acknowledged that the examples provided, support the principle of back land development within the area and, as above, I agree that the subdivision of such plots can be supported subject to the policies of the development plan when considered as a whole. However, for the reasons given, I have concluded that it is the stark contrast in scale and design of the proposal when compared to the host and neighbouring dwellings that results in the proposal appearing discordant within the established character and appearance of the area. From the evidence before me and from observations made on my visit, that does not appear to be the position at the nearby mentioned sites. I have therefore determined this appeal on its own merits.

Living Conditions at Host Dwelling

11. Policy PP27 of the Local Plan provides that development will be permitted where it would not result in a harmful impact upon amenity for both local residents and future occupiers in terms of light, privacy, noise or have an overbearing impact on outlook. Policy PP27 of the Local Plan also requires that development provides satisfactory external and internal amenity space for both new and existing occupiers.
12. Vehicular access to the proposed bungalow would be along the side and to the rear of 32 Grove Road, where visitors to the appeal proposal would pass immediately by ground floor windows and a side door at that host property. There would be some noise and disturbance from vehicles passing by the host property in such close proximity, although by reason of the scale and obscured glazed nature of the ground floor windows, I do not find there would be any significant or unacceptable loss of privacy.
13. The amount of external amenity space at the host dwelling would be significantly reduced following construction of the appeal proposal, resulting in only a very limited provision of such space for existing residents. However, it is noted that Policy PP27 does not provide requirements for minimum amounts of external amenity space, and, from my visit, there does appear to be nearby access to public open spaces.
14. Notwithstanding the amount of space that would be provided, the quality of the usable external amenity space for the host dwelling would be somewhat poor, with that space only appearing to be accessible from 32 Grove Road by residents travelling along part of the proposed driveway where vehicles may be entering into or emerging from the site, and with that garden space being significantly enclosed by the vehicular access and turning area for the proposed bungalow.
15. As such, whilst I find that there would not be any unacceptable overlooking or loss of privacy and that the amount of external amenity space at the host dwelling would be sufficient, in terms of the quality, access and usability of that space the proposed development would not provide satisfactory external amenity space for existing residents contrary to the requirements of Policy PP27 of the Local Plan.

Living Conditions of Future Residents

16. As noted above, the development plan policies do not appear to provide requirements for minimum amounts of external amenity space within proposals. The appeal scheme would result in a smaller area of external amenity space when compared to its neighbours, but would be approximately equivalent to that amount of external space as is to be provided at the host dwelling as described in the above main issue. There would be a degree of overlooking of that external amenity space from the upper floor of the neighbouring property at 30 Grove Road, albeit views into that area would be from an oblique angle and, in that regard, there would be no significant overlooking into the proposed garden from the rear of that neighbouring dwelling.
17. Internally, the proposal would provide only very limited living space amounting to approximately only 59 square metres. I have noted the Appellant's submissions regarding references to the Technical Housing Standards within development plans. In respect of the amount of internal space at the appeal scheme, I find that the space would be somewhat cramped but not significantly below the minimum standards for single storey two bedroom, three person dwellings.
18. However, one of the proposed bedrooms would be single aspect, with the window of that bedroom facing the host dwelling and its immediate neighbours on either side in close proximity, resulting in a poor level of outlook from that room. Furthermore, by reason of the height and position of rear facing windows at the host and neighbouring dwellings and given the very limited separation distance, there would be potential for overlooking and which would result in unacceptable loss of privacy for future residents.
19. Whilst I acknowledge that within urban residential areas there would be a degree of overlooking and intervisibility between properties, by reason of the limited separation distance and given the height and position of openings to the rear of the host and neighbouring dwellings, I find that the appeal scheme would result in an unacceptable level of overlooking and loss of privacy for future residents.
20. In light of the above, I conclude that the proposal would result in unacceptable living conditions for occupiers of the development. As such, the appeal scheme would conflict with the provisions of Policy PP27 of the Local Plan which only permits development that does not result in a harmful impact upon amenity for future occupiers.

Other Matters

21. The appeal site is in close proximity to and falls within the zones of influence of various protected habitat sites as described above. Therefore, if the appeal were to be allowed, I would need to undertake an Appropriate Assessment in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended). However, I have found the proposal would result in harm contrary to the development plan with regards to the adverse effect on the living conditions of existing and future residents. As such, unless other material considerations indicate that planning permission should be granted, there is no need for me to consider this matter further.

Planning Balance and Conclusion

22. The Council accepts that it cannot demonstrate a five year supply of housing. The Appellant has also referred to the results of the Housing Delivery Test. Nonetheless, as a consequence of the shortfall in five year housing supply the presumption in favour of sustainable development test set out in paragraph 11(d) of the National planning Policy Framework (the Framework) would be engaged. This provides that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
23. In terms of benefits, the Framework seeks to boost significantly the supply of homes. It encourages the use of under-utilised and previously developed land and advises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. The proposal would provide an additional unit of housing at the site which is located within an area with access to local services and public transport links. In light of the housing under-supply position, I give great weight to the provision of an additional dwelling on the site. However, the extent of the benefit would be very limited given the small scale of the development.
24. There would also be social and economic benefits associated with construction and occupation of the proposed bungalow, but these would also be limited by the small scale of the development, and I give them limited weight in the determination of this appeal.
25. The appeal proposal would result in unacceptable harm to the living conditions of future residents and occupants of 32 Grove Road contrary to the Framework's requirement that development creates places with a high standard of amenity for existing and future users. In my judgement, there would be some very limited harm to the character and appearance of the area, with the resulting overall harm to living conditions of occupiers being significant. In the context of paragraph 11(d) of the Framework, I find that the adverse impacts of the development would significantly and demonstrably outweigh the very modest cumulative benefits of the proposal when assessed against the policies in the Framework taken as a whole. The proposal would not therefore benefit from the presumption in favour of sustainable development within the Framework.
26. For the reasons given above I conclude that the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR