



Appeal Decisions

Site visit made on 18 January 2023

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2023

Appeal A Ref: APP/V1260/W/22/3296513

1 Wolseley Road, Poole BH12 2DP

- 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 L Keating against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/21/01283/F, dated 24 August 2021, was refused by notice dated 18 November 2021.
 - The development proposed is sever land and erect a detached bungalow with on site car parking and vehicular access.
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Appeal B Ref: APP/V1260/W/22/3296525

1 Wolseley Road, Poole BH12 2DP

- 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 L Keating against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/21/01808/F, dated 14 December 2021, was refused by notice dated 30 March 2022.
 - The development proposed is sever land and erect a detached bungalow to the rear of the existing bungalow, with on site car parking and vehicular access.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matter

3. These appeals relate to alternative proposals for the same site. Some of the issues overlap, but others are specific to the appeal. I have dealt with the cases together.

Main Issues

4. The main issue common to both appeals is the effect of the proposal on the character and appearance of the area. The schemes also raise issues surrounding living conditions. For Appeal A the Council's concerns relate to whether the development would provide an acceptable living environment for future occupants. The matter for discussion in Appeal B is the effect of the development on the living conditions of the occupiers of adjoining dwellings, including 1 Wolseley Road.

Reasons

Character and appearance

5. Wolseley Road is a residential street containing a varied mix of building types, both houses and bungalows. The dwellings face the road behind shallow front gardens with parking on driveways to the side. The land rises to the south and therefore the rear gardens on that side of the road are on a gradient. The properties behind on Beaconsfield Road are at a much higher level.
6. The proposed bungalow would, in both cases, be constructed in the rear garden of 1 Wolseley Road which is a detached bungalow on the south side of the street. A new access would be created using No.1's existing driveway and replacement parking spaces provided on the frontage.
7. I saw examples of backland housing in the locality, in the block of land to the north of Wolseley Road and to the rear of properties in Alcester Road. These developments have interrupted the established pattern of dwellings fronting the road with private gardens backing onto one another at the rear. The developments are not especially prominent from the street, but from where they can be seen – mainly along the vehicular accesses and from adjoining gardens – their siting is discordant with the prevailing urban grain.
8. The land to the rear of properties on the south side of Wolseley Road, and enclosed by Beresford Road, Beaconsfield Road and Albert Road, is free of backland housing development. The proposals would intrude into the spacious back gardens which characterise this area. The bungalow proposed under Appeal A is more likely to be visible from the street in gaps between dwellings, due to its positioning towards the back of the garden. However, there would be an element of public visibility for both schemes and there would also be views from surrounding residential properties. This would be materially harmful to the character and appearance of the area.
9. Policy PP28 of the Poole Local Plan (2018) (PLP) stipulates that residential proposals involving plot severances or plot sub-divisions will only be permitted where there is sufficient land to enable a type, scale and layout of development including parking and usable amenity space to be accommodated in a manner which would preserve or enhance the area's residential character. Policy PP27 of the PLP, requires, amongst other things, that development reflects or enhances local patterns of development and neighbouring buildings in terms of layout and siting, including building line and built site coverage. The layout of both schemes would fail to reflect the local pattern of development and for this reason there would be conflict with these policies.

Living conditions for neighbours (Appeal B)

10. The bungalow in Appeal B would be positioned closer to 1 Wolseley Road and the garden to this parent dwelling would be significantly reduced in size. The Council does not point me to any minimum standards for garden size, but in my view the amenity value of the outdoor space would be poor. Occupiers of No 1 would have an outlook onto the new bungalow. The building has been designed with a hipped roof at the northern end, but it would nevertheless be a prominent and overbearing feature for the neighbours. The impact would be exacerbated by the fact that the development would be slightly elevated due to the rising ground levels.

11. The Council also raises concerns with regard to the effect of the proposed access on the quiet enjoyment of the rear gardens of 10 Wolseley Road¹ and some properties on Albert Road. There would be some comings and goings and this would have the potential to cause disturbance for the occupiers of No 1a. However, the driveway is already used for the parking of vehicles and I saw that similar relationships of accesses to gardens exist in relation to backland development north of Wolseley Road. I also note that the Council did not raise this objection in relation to Appeal A. Although there may be a slight increase in noise within the garden of No 1a, I do not consider that this would be sufficient to justify dismissal of the appeal on these grounds alone.
12. To conclude, the relationship of the proposed bungalow to the parent dwelling would be such that the development would have an unacceptable adverse impact on the living conditions of existing and future occupiers of 1 Wolseley Road. The scheme would therefore conflict with the objective of PLP Policy PP27 to protect the amenity of local residents and ensure that developments provide satisfactory external amenity space for both new and any existing occupiers.

Quality of living environment (Appeal A)

13. The bungalow in Appeal A would be dug into the slope of the site, meaning that there would need to be retaining structures on the south and west boundaries. The Council is concerned that windows would look onto masonry walls and boundary fences at close quarters, leading to poor living conditions within the living room. It is unlikely that these windows would provide future occupiers with any significant amounts of daylight or sunlight. However, they would be secondary openings and the primary source of natural light and outlook to the living room would be a large set of French doors on the east elevation which would provide an outlook onto a modestly sized, private garden. Additional daylight and sunlight would be provided by a pair of rooflights. Overall, I consider that future occupants would enjoy acceptable living conditions inside the dwelling itself and within the garden. The scheme being proposed under Appeal A would therefore comply with Policy PP27 of the PLP insofar as it seeks to ensure that development would not result in a harmful impact upon amenity for future occupiers considering factors such as levels of sunlight and daylight and whether the development is overbearing or oppressive.

Other Matters

14. The Council identifies the need for a financial contribution towards Strategic Access Management and Monitoring (SAMM) to mitigate the adverse impacts of recreational pressures on the Dorset Heathlands Special Protection Area and Ramsar site, Dorset Heaths Special Area of Conservation and Poole Harbour Special Protection Area and Ramsar site. The justification for contributions is clearly set out on pages 102 to 105 of the PLP. This explains that SAMM monies are necessary to fund wardening, education and monitoring.
15. The appellant does not dispute the need for a SAMM payment in each case and suggests that the matter will be addressed through payments during the appeal process. Whilst I have had sight of a draft UU for each appeal, signed deeds are not before me. The monies have not been secured and compliance with Policies PP32 and PP39 of PLP in respect of the need to protect Poole's European and

¹ The property immediately to the east of the site is 1a Wolseley Road and therefore I have assumed that the Council's reference to 10 Wolseley Road is an error.

internationally important sites has not been demonstrated. However, since the appeals are being dismissed for other reasons, there is nothing to be gained by waiting for submission of the signed documents.

Planning Balance and Conclusion

16. The Council concedes that it is unable to demonstrate a 5 year supply of deliverable housing sites. It states that current supply is 4.1 years and this is not disputed by the appellant. The National Planning Policy Framework ('the Framework') indicates that where the requisite housing land supply does not exist permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
17. The benefits of both appeal schemes would be similar in terms of delivering an additional dwelling on a site which has good access to services and facilities, and generating employment during the construction phase. The social benefits of housing delivery carry significant weight, although these are tempered by the fact that a single dwelling would make a very modest contribution to addressing the housing shortfall. Overall, I consider that the adverse impacts of granting permission in each appeal case would significantly and demonstrably outweigh the benefits. Neither proposal would constitute a sustainable form of development within the terms of the Framework.
18. For the reasons given above I conclude that both appeals should be dismissed.

Robert Parker

INSPECTOR