



Appeal Decision

Site visit made on 27 February 2023

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2023

Appeal Ref: APP/V1260/D/22/3307528

7 Avalon, Poole, BH14 8HT

- 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 Roger Scott against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/22/00989/F, dated 21 July 2022, was refused by notice dated 31 August 2022.
 - The development proposed was described as "*additional roof window to garage currently under construction under approval APP/21/01537/F*".
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Decision

1. The appeal is allowed and planning permission is granted for the erection of garage with recreation room over including a rooflight on the east elevation at 7 Avalon, Poole, BH14 8HT in accordance with the terms of the application, Ref APP/22/00989/F, dated 21 July 2022, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drg Nos J.12.2021-05, J.12.2021-06 and J.12.2021-08.

Procedural Matters

2. Planning permission was granted under Ref APP/21/01537/F for development described as "*Formation of garage with recreation room over*". A garage and recreation room has been built and is substantially complete externally but varies from the plans that were permitted by including a rooflight on the eastern elevation.
3. It is clear from the officer's report that the development the subject of this appeal is identical to that already permitted save for the additional rooflight and that the Council assessed the application based solely upon the effect of the additional rooflight. Therefore, notwithstanding the description of development set out in the banner heading above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the erection of a garage with a recreation room over including a rooflight on the east elevation. Consistent with the Council's approach, I have dealt with the proposal on this basis, as is reflected by the description in my formal decision.

Main Issue

4. The Council's decision notice refers to the effect of the east elevation rooflight upon privacy at the adjacent properties at Nos 5 and 6 Avalon. In addition, the officer's report states that the rooflight is located on the eastern elevation directly adjacent to Nos 5 and 6. However, the location plan clearly shows that the building and east boundary of the appeal site is directly adjacent to Nos 4 and 5 Avalon, with 6 Avalon set slightly further away to the north. With this in mind, and having regard to the background of the application, the main issue is the effect of the development upon the living conditions at Nos 4, 5 and 6 Avalon, with particular regard to privacy in relation to the rooflight on the east elevation of the building.

Reasons

5. Due to the building's advanced stage of construction, I was able to enter the building and stand on the first floor in order to see out of the rooflight that is positioned on its eastern elevation. The rooflight is orientated towards the rear elevations of 4 and 5 Avalon. These are two detached bungalows that are set on higher ground and separated from the appeal site by a narrow, pedestrian footpath.
6. The cill of the rooflight is approximately 2.1m above the floor level. I saw for myself that there is no capability for anyone of average height to look directly horizontally out of the window opening towards any of the adjacent gardens or living spaces. Due to the angle of vision and topography of the area, the outlook from the rooflight was principally skyward, with only a small length of ridge and top few rows of roof tiles to No 4 Avalon visible when looking out head on.
7. Contrary to the Council's assessment, and opinions expressed by neighbouring occupiers, I could detect no potential for overlooking any gardens or living spaces of the adjacent properties. I therefore find no harm to the living conditions of any neighbouring occupiers from overlooking or loss of privacy and therefore no conflict with Policy PP27 of the Poole Local Plan 2018 insofar as, amongst other things, it requires development to display a good standard of design that is compatible with surrounding uses and is not harmful to local residents or future occupiers. For these same reasons there would be no conflict with the National Planning Policy Framework's objectives for achieving well-designed places. Despite reference to the Council's *Residential Extensions: A Guide for Householders* in the Council's decision, I have not been directed to any identified conflict with this publication.

Other Matters

8. I have noted other concerns expressed by the adjoining occupiers and other interested parties. I saw the use of many glazed elements on a variety of elevations and at different orientations to the properties in Avalon. I am not persuaded by any substantive evidence that glare from the rooflight on the eastern elevation of the appeal building, which is of only limited size, is likely to be excessive or anything different from that experienced from other glazed components in the area. Given that the use of the building would be ancillary to the residential use of No 7, I do not consider that any noise emanating from the rooflight window when open would be unacceptable or out of keeping with the residential context of the area. The rooflight has not altered the scale or

profile of the building in any way that would render it any different to the building which was previously permitted. I note also that the Council raised no concerns with regard to any of these other matters.

Conditions

9. As the development has commenced, I have no reason to impose the standard time limit condition. A condition specifying the relevant plans is necessary as this provides certainty. I have been provided with no other suggested conditions by the Council and neither do I consider any to be necessary.

Conclusion

10. For the reasons given, I find no harm to the living conditions at 4, 5 or 6 Avalon. In the absence of any other conflict with the development plan, and having regard to all other matters raised, the appeal is allowed.

John D Allan

INSPECTOR