



Appeal Decision

Site visit made on 7 February 2023

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2023

Appeal Ref: APP/V1260/W/22/3301372

1 Felton Road, Poole BH14 0QR

- 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 Ms Beth Michael against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/22/00144/F, dated 1 February 2022, was refused by notice dated 6 April 2022.
 - The development proposed is to sever land and erect detached eco dwelling.
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Decision

1. The appeal is allowed and planning permission is granted to sever land and erect detached eco dwelling at 1 Felton Road, Poole BH14 0QR in accordance with the terms of the application, Ref APP/22/00144/F, dated 1 February 2022, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council's third and fourth reasons for refusal were based on harm to the Dorset Heathlands Special Protection Area (SPA), the Dorset Heaths Special Area of Conservation, and the Poole Harbour SPA. During the appeal, the appellant submitted a Unilateral Undertaking as a deed pursuant to Section 106 of the Town and Country Planning Act 1990, which secures financial contributions to Strategic Access, Management and Monitoring measures to mitigate the harm. The Council has confirmed that the Undertaking overcomes the third and fourth reasons for refusal.

Main Issues

3. The main issues are:
 - a) The effect of the development on the character and appearance of the area; and,
 - b) The effect of the development on the living conditions of the occupants of 1a Felton Road with regard to privacy.

Reasons

Character and appearance

4. The appeal site lies in a largely residential area adjacent to the junction of Constitution Hill Road and Felton Road. Constitution Hill Road is a busy highway lined on both sides by high hedges and trees, such that it has a distinctly

verdant character. The houses that front this road are of various designs, and are generally set back from the frontage behind the boundary greenery. Felton Road has a quite different character, being quieter and more suburban. It comprises relatively recent housing, with two distinct designs dominating – one with a very steep pitched roof rising from ground floor eaves level, and the second being a more traditional two-storey house with a shallower pitched roof. The houses are laid out in an open plan design, with a general absence of mature trees to soften the built form.

5. The site itself lies between Constitution Hill Road and the rear gardens of houses in Felton Road. Consequently, it has an association with both of these distinctly different character areas. It is, however, partially surrounded by trees, particularly to the west, and along the Constitution Hill Road boundary to the south. It is at a lower level than the houses in Felton Road, and has already been physically divided from them with a boundary fence. As a result, it is visually somewhat self-contained, and does not make a significant contribution to the existing character and appearance of either of the contrasting areas.
6. The site lies within a Sustainable Transport Corridor, and it is not contested that the location is suitable for a dwelling in principle. Furthermore, the Council accepts that the proposed plot would be of sufficient size to provide adequate parking and amenity space for the occupants, and would maintain the pattern of mixed plot sizes in the area. Consequently, the only issue at dispute is whether the design of the dwelling would preserve or enhance the character and appearance of the area.
7. The proposed dwelling would be of contemporary design, essentially comprising two stacked cuboid forms, with the upper one being larger, and overhanging the ground floor. The building would be largely clad in dark timber boarding, with some grey stone at the lower level. Significant levels of glazing would be incorporated in the northeast and southwest elevations, and the building would be covered by a flat green roof. It is common ground that this modern design would be a departure from the dwellings in the immediate locality. However, the Council has provided little evidence to demonstrate how this would result in harm to the character and appearance of the area.
8. I saw that, from most viewpoints, the dwelling would either be seen against the backdrop of mature trees, through a screen of trees, or in close association with them. The predominantly timber clad elevations of the dwelling would be harmonious with this verdant setting, which is quite different to the largely open, suburban setting of the Felton Road housing, where brick and concrete tiles are equally appropriate.
9. Looking down Felton Road towards Constitution Hill Road, the dwelling would be seen between the houses at Nos 1A and 2. Its flat-roofed form would give it a much lower profile than No 1A, which has a very steep pitched roof. It would also be set back at a lower level, and its dark-coloured materials would result in it being visually recessive against the backdrop of trees. Consequently, it would not be a particularly dominant feature in the street scene. From this view it would be seen on the opposite side of the road to the large flat-roofed garage extension to No 2, so its roof form would not be entirely incongruous in this setting.
10. Looking into Felton Road from Constitution Hill Road, the dwelling would be partially screened by mature trees, so would not be a particularly conspicuous

feature. From directly opposite the junction, it would be seen with a symmetrical row of houses with steeply pitched roofs in the background. However, from here, it would also be seen in the context of the more varied houses in Constitution Hill, so its different character would not be so readily apparent. When entering Felton Road, the dwelling would be much more prominent, and more obviously different to the housing in Felton Road beyond. However, at this point, the dwelling would be perceived as lying outside the confines of the Felton Road development, on a self-contained plot. It would, therefore, be seen as an individual building, rather than as an oddity within the otherwise homogenous, and rather unremarkable suburban surroundings of the Felton Road estate beyond.

11. The National Planning Policy Framework (the Framework) seeks to achieve well-designed places. Paragraph 130 advises that this includes ensuring that developments are sympathetic to the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. In this case, a contemporary design has been proposed, which will maximise solar gain, have a green roof, grey water recycling, an air source heat pump, and photovoltaic panels to generate electricity, heating, and hot water on site. It is anticipated that 99-100% of the on-site energy will be from renewables. Paragraph 134 of the Framework says that significant weight should be given to innovative designs which promote high levels of sustainability.
12. I therefore find that, whilst the design of the dwelling would be undeniably different to others in the locality, it would not result in harm to the character and appearance of the area. The verdant nature and varied built character of Constitution Hill Road would be maintained, and the open, homogenous suburban character of Felton Road would be preserved. As neither of these areas is of any particular architectural or historic merit, paragraphs 56 and 60 of the National Design Guide are relevant. These advise that, where the character of an existing place has limited positive qualities, introducing built form that adds new character and difference to places can contribute to local distinctiveness. In my judgement, the innovative and sustainable dwelling proposed would add interest to the area, without harming its existing positive characteristics.
13. For the above reasons, I find that the development would have a positive effect on the character and appearance of the area. It would, therefore, accord with Policy PP27 of the Poole Local Plan (2018) (the Local Plan), which seeks to ensure a good standard of design for all proposals, which reflects or enhances local patterns of development.

Living conditions

14. The proposed dwelling would front Felton Road, with most of its windows either looking over the street, or into its back garden and the trees beyond. The window in its southeast side elevation would look towards the trees lining Constitution Hill Road. Consequently, the only window that would have any significant impact on the privacy of any surrounding dwellings is the first-floor bedroom window in the northwest elevation, which would look towards the rear garden and windows of No 1A Felton Road.
15. I saw that this window would be at a level whereby occupants would have a line of sight over the boundary fence and into the garden, and the ground and

first floor windows, of No 1A. As it would be only about six metres from the boundary, and within 20 metres of the windows, it would give rise to an unacceptable degree of overlooking. The window forms the secondary element of a corner opening serving a bedroom. Consequently, it could be obscure glazed without any harm to the living conditions of the occupants of the dwelling. I have therefore imposed a condition to this effect.

16. Subject to the window being obscure glazed, the proposal would not result in harm to the living conditions of the occupants of No 1A Felton Road. Consequently, the proposal would accord with Policy PP27 of the Local Plan, which seeks to ensure that development does not result in a harmful impact upon amenity for both local residents and future occupants.

Other Matters

17. In coming to my conclusions, I have had regard to concerns raised in representations regarding the impact on trees and highway safety. The application was accompanied by an Arboricultural Impact Assessment & Method Statement (the Tree Report), prepared by a suitably qualified expert. It concluded that only one small tree would need to be removed, and that the retained trees could be protected through the construction phase, and would be compatible with the dwelling thereafter. I have not been provided with any expert evidence to cast doubt on these findings.
18. The proposed vehicular access to the dwelling would be about 25 metres away from the junction with Constitution Hill Road. Therefore, drivers entering Felton Road would have adequate time to react to an emerging vehicle. As a result, and bearing in mind the slow traffic speeds in Felton Road, the proposal would not result in any likelihood of highway danger. In arriving at this conclusion, I am mindful that the Highway Authority did not raise any objections to the proposal.

Conditions

19. In accordance with the legislation, I have imposed a condition limiting the period within which the development must commence. I have also included a condition specifying the relevant plans, as this provides certainty. The Council and the Appellant have both submitted a schedule of suggested conditions to cover other matters. There is a significant degree of agreement between the two lists. However, the appellant has had the opportunity to consider the Council's list. I have considered all the suggested conditions against the advice in the Planning Practice Guidance, and agree that they are necessary and reasonable. I have, however, altered some of them, in the interests of clarity and precision, to better reflect the guidance.
20. To protect the character and appearance of the area, I have imposed conditions requiring submission of external materials and a landscaping scheme for approval. A condition requiring development to proceed in accordance with the Tree Report is also necessary to ensure that the verdant setting of the proposed dwelling is retained. For the reasons given above, a condition has been imposed to secure obscure glazing in the first-floor bedroom window in the northwest elevation.
21. In the interests of sustainability, and to accord with relevant development plan policies, I have imposed conditions to secure electric vehicle charging facilities,

cycle parking, on-site renewable sources of energy generation, and biodiversity enhancements. To avoid any increased risk of flooding, I have imposed a condition requiring hard surfaces to be porous, or for run-off to be directed to a permeable area within the site. Finally, in the interests of highway safety and convenience, I have imposed a condition requiring the access, visibility splays, and vehicle parking to be provided and retained.

Conclusion

22. For the reasons given above, I conclude that the appeal should be allowed.

Nick Davies

INSPECTOR

Schedule of 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 plans: 9430/100B - Site, Block and Location Plans; 9430/101A - Proposed Floor Plans & Elevations.
- 3) Development shall not proceed above damp-proof course level until details/samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details/samples.
- 4) Development shall not proceed above damp-proof course level until details of hard and soft landscaping works have been submitted to, and approved in writing by, the local planning authority. The details shall include boundary treatments; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; identification of any existing trees to be retained; and an implementation programme. The landscaping works shall be carried out in accordance with the approved details before the dwelling is occupied, or in accordance with the agreed implementation programme. Any trees or plants which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
- 5) Development shall not proceed above damp-proof course level until details of the provision of electric vehicle charging point(s) and associated infrastructure have been submitted to, and approved in writing by, the Local Planning Authority. The electric vehicle charging point(s) shall be provided and brought into operation prior to the occupation of the dwelling hereby permitted, and shall thereafter be permanently retained and available for use at all times.

- 6) Development shall not proceed above damp-proof course level until details of the provision of secure cycle parking on the site have been submitted to, and approved in writing by, the local planning authority. The approved cycle parking shall be provided prior to the occupation of the dwelling hereby permitted and shall thereafter be permanently retained.
- 7) Development shall not proceed above damp-proof course level until details of measures to provide 10% of the predicted future energy use of the dwelling from on-site renewable sources have been submitted to, and approved in writing by, the local planning authority. The approved measures shall be provided prior to the occupation of the dwelling hereby permitted and shall thereafter be permanently retained.
- 8) Development shall not proceed above damp-proof course level until details of biodiversity enhancement measures to be delivered on site have been submitted to, and approved in writing by, the local planning authority. The approved measures shall be provided prior to the occupation of the dwelling hereby permitted, and shall thereafter be permanently retained.
- 9) The dwelling hereby permitted shall not be occupied until the window at first floor level on the north-western elevation has been fitted with obscured glazing to at least Pilkingtons 'Level 3', and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. This form of glazing shall be permanently retained thereafter.
- 10) The dwelling hereby permitted shall not be occupied until the access, visibility splays, and vehicle parking area have been completed in accordance with the details shown on approved drawing 9430/100B. These areas shall be kept permanently available thereafter for the parking and manoeuvring of vehicles, and the land within the visibility splays and coloured blue on approved drawing 9430/100B shall at all times be kept clear of all obstructions and plant growth over 0.6 metres above the level of the adjoining highway.
- 11) The development shall only be carried out in accordance with the approved Arboricultural Method Statement Ref: G2220, dated 2 February 2022.
- 12) All ground hard surfaces shall either be made of porous materials, or provision shall be made to direct run-off water from the hard surfaces to a permeable or porous area within the site. These hard surfaces and drainage arrangements shall thereafter be permanently retained.