



Appeal Decisions

Site visit made on 4 May 2023

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 June 2023

Appeal A Ref: APP/V1260/D/22/3310409

108 Upton Way, Broadstone BH18 9NA

- 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 Mrs Louise Davis against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/22/00931/F, dated 5 July 2022, was refused by notice dated 9 October 2022.
 - The development proposed is described as extensions to existing bungalow, including alterations to roof to form first floor and the construction of a games room/office within the rear of garden.
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Appeal B Ref: APP/V1260/D/23/3317578

108 Upton Way, Broadstone BH18 9NA

- 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 Mrs Louise Davis against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/22/01660/F, dated 1 December 2022, was refused by notice dated 2 February 2023.
 - The development proposed is described as extensions to existing bungalow, including alterations to roof to form first floor and the construction of a games room/office within the rear of garden.
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Decision Appeal A

1. The appeal is dismissed.

Decision Appeal B

2. The appeal is allowed and planning permission is granted for extensions to existing bungalow, including alterations to roof to form first floor and the construction of a games room/office within the rear of garden at 108 Upton Way, Broadstone BH18 9NA in accordance with the terms of the application Ref APP/22/01660/F, dated 1 December 2022, subject to the conditions set out in Schedule 1.

Procedural Matters

3. As set out above there are two appeals on this site. They differ only in relation to the design approach taken. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

4. There are some minor differences between the appellant's name and the description of the development on the application forms for the two proposals. To provide consistency, I have included the appellant's first name on both of the Appeals as listed on the application form for Appeal B. I have also revised the descriptions of the development for both Appeal A and Appeal B as I consider this better reflects the proposals before me.

Main Issues

5. Appeal A was refused by the Council for two reasons. The main issues for Appeal A are the effects of the development on:
 - the character and appearance of the appeal property and the wider area; and
 - the living conditions of existing and future occupiers of neighbouring dwellings, having particular regard to the effects on No. 110 Upton Way.
6. Appeal B was refused by the Council for a single reason. The main issue for Appeal B is the effects of the development on:
 - the living conditions of existing and future occupiers of neighbouring dwellings, having particular regard to the effects on No. 110 Upton Way.

Reasons

Character and appearance

7. The appeal property is positioned part way along Upton Way, a pleasant residential street in the suburb of Broadstone, situated to the north of Poole.
8. Upton Way runs in a linear manner and contains a considerable mix of design styles on either side, including buildings of a single storey form that appear to have remained relatively unaltered since originally constructed, sitting alongside more modern replacement dwellings of varying design approaches and other properties that have been enlarged through extensive extensions and renovations.
9. As a result, there is no prevailing building style in terms of form, massing or appearance along Upton Way, but nonetheless there is a general overall consistency relating to the density of development, and with the building line of properties being set back with front gardens in the foreground.
10. The appeal property is reflective of its original construction in terms of its building form and appearance and sits alongside No. 110 which has a similar style. To the opposite side of the appeal property is No.106 which is a dormer property of a greater overall massing.
11. Appeal A seeks to extend the appeal property to the front, side and upwards, in effect the proposal would represent a significant remodelling of the existing dwelling. The design would present with a part gabled elevation to the street scene, and with a side wing containing a dormer window.
12. The appellant has highlighted that the design approach proposed through Appeal A is similar to the style of No. 95 Upton Way, which I understand has been extensively remodelled over the recent past. In my view, No. 95 has assimilated well in the context of its surroundings, which includes a dormer

property to one side and a gable fronting dwelling to the other. Nonetheless, whilst there are similarities between the two designs, there are also differences, and the surrounding building context to the appeal site differs from that of No. 95.

13. Further, whilst I have taken into account the design approach of other properties along Upton Way as part of the wider context to the appeal proposals, and I acknowledge the other examples provided to me by the appellant through their Appeal Statement, it is nonetheless incumbent on me to consider each case on its own individual merits. I also do not have the full information before me of these other examples in any case, so as to understand the specific circumstances that informed each decision.
14. Turning back to Appeal A itself, based upon the information before me, the proposal would result in the ridge of the appeal property being higher than the highest point of the ridgeline of No. 106, which is at a higher ground level, and some distance above the ridge of No.110. The full height of the ridgeline would be perceived directly from Upton Way through the forward facing gable. The eaves level of the gable would also be higher than the eaves of either neighbouring dwelling. Further, the overall mass of the building due to the continuation of the ridge level to the side wing would reach across the majority of the width of the appeal site.
15. Unlike the situation with No.95, Appeal A would result in a building form that would be of a much greater mass to that of the surrounding buildings, and this would be exacerbated due to the gable frontage component of the proposal. To my mind, the proposal would unduly stand out as a result, and would appear uncomfortably large within its plot and in the context of its neighbours. This would result in an incongruous addition to the street scene and would be harmful to the character and appearance of the area.
16. As a result, on this matter I find that Appeal A would conflict with Policy PP27 of the Poole Local Plan (2018) (the LP), which amongst other matters, requires development to reflect or enhance local patterns of development and neighbouring buildings in terms of height and scale; bulk and massing; and visual impact. I also find that the proposal would not align with Policy BP 8 of the Broadstone Neighbourhood Plan 2013 to 2033 (2018) (the NP) which amongst other matters, supports developments where they reflect the prevailing pattern of development, scale and rhythm when viewed from the street. The proposal would also conflict with paragraph 130 of the National Planning Policy Framework (2021) (the Framework), which amongst other matters requires development to be sympathetic to local character, including the surrounding built environment.
17. Turning to Appeal B, the Council did not object to this proposal on character and appearance grounds. This proposal would result in a differing design to Appeal A in that it would have a ridgeline more consistent with No.106 adjacent and would follow a similar style and overall massing to No. 106. As a result, I agree with the Council on this matter, in that Appeal B would appropriately assimilate within its surrounding context. Appeal B would therefore not result in harm to the character and appearance of the area and would thus not conflict with the policies and relevant considerations referred to above.

Living conditions

18. The concerns of the Council on this matter relate specifically to the effects of the proposals upon the living conditions of the neighbouring dwelling No. 110 as a result of the proposed increase in height. These concerns relate to both Appeal A and Appeal B and are primarily focused on the effects of the proposals upon users of a room served by a window on the side elevation of No. 110, which is positioned adjacent to the appeal property and faces towards its side elevation.
19. From the information before me, it is understood that this window serves a small bedroom/ office, and it was evident to me from my visit that this room was in use by the occupants of No. 110 and has a single outlook towards the appeal site.
20. The window currently presents to an existing boundary enclosure with narrow passageways on either side, thereafter is the existing side wall and roofline of the appeal property. The outlook from this window is already restricted by the physical features that exist in close proximity to it. Given the existing restricted outlook from this window and the proximity to the existing physical mass of the appeal property, the associated increase in both eaves and ridge height resulting from both Appeal A and Appeal B would not significantly compromise the outlook over and above the existing arrangement from this window. I also do not consider the effects would result in the proposals presenting as physically oppressive or overbearing, bearing in mind the enclosed physical relationship this window already has with the appeal property.
21. Otherwise, the elevation to No. 110 has no other openings facing towards the appeal site, with the exception of a small rooflight set back within the roof pitch, and a conservatory positioned to the rear, which is sited beyond the footprint of the proposals in both Appeals A and B. To my mind, neither the rooflight or the conservatory would be affected to any significant degree by either of the proposals, due to their positioning and distancing away. I am also satisfied that No. 110 will retain a high standard of internal and external amenity overall.
22. Further, having reviewed the effects of the proposals on other nearby properties from my site visit, I agree with the Council, that both Appeal A and Appeal B would not result in any significant adverse effects on the living conditions of existing and future occupiers of other properties.
23. On the above basis, I find that the living conditions of existing and future occupiers would be safeguarded to an acceptable standard through both Appeal A and Appeal B. Therefore, on this issue, for both Appeal A or Appeal B, I find no conflict with Policy PP27 of the LP, which amongst other matters supports development provided that it is compatible with surrounding uses and would not result in a harmful impact upon amenity for both local residents and future occupiers considering levels of sunlight and daylight, privacy, noise and vibration, emissions, artificial light intrusion and whether the development is overbearing or oppressive. Further, for both appeals there would be no conflict with paragraph 130 of the Framework, which amongst other matters requires development to provide for a high standard of amenity for existing and future users.

Conditions

Appeal B

24. As well as the statutory time limit condition, I have imposed a condition requiring compliance with the relevant plans in the interests of certainty. For similar reasons I have also imposed a condition requiring the use of external materials to align with those shown on the proposed plans.
25. The Council have suggested a condition restricting the use of the games room/office to an ancillary use only to prevent the proposed building being used or occupied as a separate and independent dwelling. I have imposed such a condition, albeit in a modified form, as I consider such a condition is reasonable, necessary and enforceable, in this case.

Conclusions

Appeal A

26. While I have found that Appeal A would have an acceptable effect on living conditions, it would have a detrimental effect on the characteristics of the appeal property and that of the wider area.
27. As a result of these negative effects, Appeal A is in my view unacceptable, and contrary to the development plan, when read as a whole. There are no material considerations that would justify a decision contrary to the provisions of the development plan, in this case.
28. For all the above reasons, having regard to all matters raised, I conclude that Appeal A should be dismissed.

Appeal B

29. I have found that Appeal B would have an acceptable effect on living conditions, and I agree with the Council that Appeal B would not have a detrimental effect on the characteristics of the appeal property and that of the wider area.
30. For these reasons, having regard to all matters raised, I conclude that Appeal B should be allowed.

J Evans

INSPECTOR

Schedule 1: Conditions applicable to Appeal B

- 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: Drawing no. 001 Existing Site Location and Block Plan; Drawing no. 001 Rev B Proposed Site Location and Block Plan; Drawing no. 002 Existing Site Plan; Drawing no. 003 Existing Floor Plans; Drawing no. 004 Existing Roof Plan; Drawing no. 005 Existing Elevations; Drawing no. 012 Rev.B Proposed Site Plan; Drawing no. 013 Rev.D Proposed Floor Plans; Drawing no. 014 Rev.B Proposed Roof Plan; Drawing no. 015 Proposed Annexe Plans; Drawing no. 016 Rev.B Proposed Elevations; Drawing no. 017 Rev.B Proposed Elevations; Drawing no. 018 Proposed Annexe Elevations; and Drawing no. 019 Rev.B Proposed Street Scene.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the following approved plans: Drawing no. 016 Rev.B Proposed Elevations; Drawing no. 017 Rev.B Proposed Elevations; and Drawing no. 018 Proposed Annexe Elevations.
- 4) The games room/ office building as delineated on Drawing no. 015 Proposed Annexe Plans and Drawing no. 018 Proposed Annexe Elevations shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 108 Upton Way, Broadstone BH18 9NA.