



Appeal Decision

Site visit made on 25 July 2023

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2023

Appeal Ref: APP/V1260/W/22/3309269

75 Uppleby Road, Poole BH12 3DD

- 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 75 Uppleby Road Ltd. against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/22/00909/F, dated 1 July 2022, was refused by notice dated 11 October 2022.
 - The development proposed is erect two storey side and rear extension, and conversion of dwelling from dwelling house (Use Class C3) to an 11 bedroom HMO (Sui Generis).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the external amenity space would be sufficient to meet the day to day needs of occupants in terms of private outdoor living space; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

External amenity space

3. The appeal building is a two-storey detached dwelling containing three bedrooms in a predominantly residential area. There is an existing rear amenity space containing a lawn and patio. The space is neither expansive nor modest yet is typical of rear amenity areas in the locality, and would likely provide the necessary space requirements for a family home of this size.
4. The proposed extension would extend across the entire width of the building. It would project into the existing garden and patio space by a minimum of 3m. It would leave a very shallow area of garden contained between the extension's rear elevation and the boundary fence separating the plot from the outbuilding at the rear.
5. The proposed change of use from a typical 3-bed family home to an 11 bed HMO would materially change the use of the site. The day-to-day living needs and requirements of up to 11 occupiers would increase the demands on the

dwelling's internal and external spaces. Yet in this case the outdoor space would become much smaller because of the rear extension's depth.

6. Although the amenity area would extend across the width of the building, the space's very restricted depth would limit its functionality. I find that it would not be large enough to provide sufficient space for private outdoor seating, garden activities, clothes drying and some storage of domestic items for up to 11 occupiers. Therefore, many of the basic daily functions associated with domestic outdoor space would be severely impinged and limited by the proposal, leading to a poor-quality living environment for occupiers.
7. There are recreational spaces a short walk from the appeal site. I have no doubt that these would provide occupiers with conveniently located areas for exercise and play. However, they would not fulfil the private space requirements I referred to earlier.
8. The appellant envisages a scenario where up to 10 people could reside at the existing dwelling, by converting the lounge and dining rooms to additional bedrooms or by extending the property. This, the appellant considers, would equate to a level of activity similar to the proposal. There is no evidence before me that this would take place, while the number of occupiers referred to would not equate to the capacity of the proposed HMO. Similarly, a small HMO of between 3-6 individuals would be well below the 11 bed spaces proposed in this instance. Therefore, I give limited weight to those scenarios as they would not be similar to the scheme before me in terms of occupancy and the likely level of activity.
9. In conclusion, the external amenity space associated with the proposal would be insufficient to meet the day to day needs of occupants in terms of private outdoor living space. Therefore, the proposal fails to accord with Policy PP27 (d) of the Poole Local Plan, adopted 13 November 2013 (the Local Plan), which insofar as it relates to the appeal, requires a good standard of design and a high standard of amenity that includes satisfactory external amenity space for occupiers. As such, there would be conflict with the relevant development plan policy.

Character and appearance

10. This part of Uppleby Road contains a mix of detached and semi-detached dwellings; many of which have been extended at the rear. Properties largely have private back gardens along with sheds and garages set behind the rear building line. These low-key ancillary buildings, along with the garden land and associated separation distances between opposing elevations, combine to create a coherent sense of space at the rear of properties. This makes a positive contribution to the area's pattern of development.
11. The proposed side and rear extensions integrate well with the host building by following the existing building lines of its built footprint, while integrating satisfactorily with the roof line.
12. The dwellings either side of the appeal building at No 73 and 77 Uppleby Road have deeper roof profiles that extend, up to first floor level past the appeal building's rear elevation. The proposed two storey rear extension would extend into the rear garden space. The level of projection and height of the extension would be comparable with Nos 73 and 77, while the increased massing at the

side and rear would not be markedly different to the overall size and length of No 73 and its adjoining neighbour, No 71 Uppleby Road. The massing and length of the proposal would also be similar to other properties nearby (Nos 69 Uppleby Road, 86 Uppleby Road/ 25 Crest Street and No 88 Uppleby Road), yet those are located on street corners, which reveal their scale more prominently, compared to the appeal site.

13. Accordingly, I am satisfied that the design, scale and height of the proposed extensions would assimilate well with the building and would appear consistent with the surrounding built form.
14. The proposed rear extension would appreciably diminish the space between the appeal building and the outbuilding to its rear. Yet the space in front of that outbuilding and the remaining garden at the appeal site would ensure that the gap between the opposing structures is consistent with other spaces at the rear of properties nearby. Therefore, even though I determined earlier that the garden space would lack functionality for day to day living, it would, in combination with the neighbouring open and undeveloped area in front of the adjacent outbuilding, maintain the sense of space at the rear of properties in the area, that is a feature of local character.
15. For the reasons given, the proposal would not harm the character and appearance of the area. It would accord with Policy PP27 (a) of the Local Plan, which amongst other things requires proposals to reflect local patterns of development in terms of layout, site coverage, height, scale, massing and visual impact.

Other considerations

16. Set against the harm identified the proposal would provide residential units with good access to services and facilities in the area, including public transport connections. The proposal would also provide jobs during the construction process both directly and indirectly and would contribute to the wider economy of the local area. It would also provide flexible housing options for different groups at different times. However, given the small scale of the proposal and the limited increase in units, it would make little difference to the overall supply of housing.

Other Matters

17. In the absence of acceptable mitigation to offset increases in recreational users to nearby heathland sites and nitrogen/ phosphorus overloading of nearby waterways, the Council has concerns that the proposed increase in the residential use of the site would have unacceptable effects on the integrity of the Dorset Heathland Special Area of Protection (SPA), the Dorset Heaths Special Area of Conservation and the Poole Harbour SPA, and associated Ramsar and SSSI sites.
18. However, as one of the main issues provides clear reasons for dismissing the appeal, there is no need for me to consider the implications of the development on the integrity of the SPA/SAC or the provisions of the Conservation and Habitats and Species Regulations 2017 (as amended), since my findings on that issue would not change the appeal outcome.

Planning Balance

19. The main parties do not dispute that the Council is unable to demonstrate a five-year housing land supply. The terms of Paragraph 11 (d) of the National Planning Policy Framework (the Framework) are therefore engaged.
20. Paragraph 219 of the Framework makes it clear that due weight should be given to existing development plan policies according to their degree of consistency with the Framework. The Framework expects developments to function well and add to the overall quality of the area. It also encourages places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Therefore, the conflict between the proposal and Policy PP27(d) should be given significant weight in this appeal.
21. As there are no policies in the Local Plan which positively favour development of this kind in this location and as the proposal would be contrary to the policies referred to above, there would be a conflict with the development plan as a whole.
22. The Council's current supply of deliverable housing sites in the Poole area equates to 4.1 years. In my view this shortfall is moderate. In these circumstances the Framework establishes that the policies which are most important for determining the application are out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The site is not within a protected area.
23. As described above the benefits associated with the HMO would be limited even taking account of the objective of boosting significantly the supply of housing in the Framework and the Council's housing land supply position. Consequently, the adverse impacts of new housing, in this case, with external space that would not function well, promote health, well-being or lead to a high standard of amenity for users would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

24. For the reasons given above, and despite finding no harm in terms of local character and appearance, the proposal would be contrary to the development plan as a whole. There are no material considerations, including the Framework, which outweigh this finding. Therefore, I conclude that the appeal should be dismissed.

RE Jones

INSPECTOR