



Appeal Decision

Site visit made on 27 June 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2023

Appeal Ref: APP/V1260/W/23/3315832

320 West Way, Broadstone BH18 9LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr & Mrs T & C Mo against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/22/01388/PA, dated 6 October 2022, was refused by notice dated 29 December 2022.
 - The development proposed is additional storey to a bungalow. See dwg nos: 22.57.1, 22.57.2, 22.57.3, 22.57.4.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs T & C Mo against Bournemouth Christchurch and Poole Council. This application is the subject of a separate decision.

Background and Preliminary Matters

3. Class AA of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) allows the enlargement of a dwellinghouse consisting of the construction of one additional storey, where the existing dwellinghouse consists of one storey.
4. Sub-paragraph 3 of paragraph AA.2.-Conditions requires, amongst other things, the developer to apply to the local planning authority for prior approval as to the impact on the amenity of any adjoining premises. This includes overlooking, privacy and the loss of light and the external appearance of the dwellinghouse, including the design and architectural features of the principal and any side elevation of the dwellinghouse that fronts a highway.
5. In this case it is common ground that the appeal scheme meets the requirements of paragraph AA.1, but the Council refused to grant the prior approval application due to concerns that the development would harmfully affect the living conditions of neighbouring occupiers at No 322 West Way and the character and appearance of the area.
6. I note that the Council's 2nd reason for refusal relating to living conditions erroneously references paragraph AA.2.(3)(a)(ii) which deals with the external appearance of the dwellinghouse. However, both parties agree that the correct reference is AA.2.(3)(a)(i), and I have dealt with the appeal on that basis.

7. The Council has referred to the development being in conflict with Policy PP27 of the Poole Local Plan 2018. Development plan policies may be relevant in prior approval cases, but only insofar as they relate to the matters, and only as evidence to support (rather than being the basis of) the planning judgment to be made. I have determined the appeal on this basis.

Main Issues

8. The main issues are whether prior approval should be granted under the terms of the GPDO having regard to the effects of the development on (i) the external appearance of the dwellinghouse; and (ii) amenity of the occupiers of No 322 West Way, with particular regard to outlook.

Reasons

External appearance

9. The appeal site concerns a detached bungalow on a corner plot on a side of a street that includes bungalows of varying designs. These properties have a regular scale and rhythm of roofline that is a prevailing characteristic of this part of West Way. There are two storey properties opposite the appeal site, but these are part of a wider and distinct block of units that neatly transition into bungalows that are on slightly higher ground. Therefore, these two storey properties do not cause a dominating or prominent effect on the immediate or surrounding housing layout.
10. Although the proposed materials would match those of the existing property, the development would be significantly taller than the host property and the stretch of existing properties to either side of it, creating an inconsistent and uneven profile to ridge heights. Consequently, the proposed extension would be incongruous with the external appearance of the property and the surrounding bungalows.
11. My attention has been drawn to a prior approval granted at No 268 West Way where the Council concluded that, although that proposal would make the building more prominent, it respected the character and design of the existing dwellinghouse. There are similarities in terms of the design and materials used in that approval when compared with this appeal. However, a property adjacent to No 268 is two storey and larger scale properties are more prevalent in that area compared with the area around the appeal site. Consequently, these characteristics at No 268 are materially different to those that I have identified above for this appeal site.

Amenity

12. The proposed extension would be within approximately 4.4m from the existing conservatory at No 322 at its closest point. However, both properties are at an angle from one another, where the majority of the proposed additional bulk, scale and massing of the extension would be tapered away from the conservatory at No 322, thus avoiding any dominating or overbearing close relationship between the dwellings.
13. Furthermore, the proposed extension would be set back from an existing single storey extension on the host property, which would further step the extension away from the garden and conservatory of No 322, reducing any possible perceived overbearing effects. Additionally, the open outlook to the front and

rear of the conservatory at No 322 would be maintained and as such, would not be restricted by the proposal.

14. For these reasons, due to its orientation and positioning, the proposed extension would not cause material harm to the amenity of the occupiers of No 322 West Way, with particular regard to outlook.

Conclusion

15. Although I have found that the proposed extension would be acceptable in terms of the amenity of adjoining occupiers at No 322 West Way, the proposal would cause material harm to the external appearance of the appeal property. For the reasons given above, the development is not permitted development under the terms of Class AA of Schedule 2 Part 1 of the GDPO. Therefore, I conclude that the appeal is dismissed.

J Hills MRTPI

INSPECTOR