



Appeal Decision

Site visit made on 26 September 2023

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th October 2023

Appeal Ref: APP/V1260/D/23/3323642

37 Southbrook Close, Poole, BH17 8BG

- 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 Shaun Sutton against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/23/00140/F, dated 1 February 2023, was refused by notice dated 4 April 2023.
 - The development proposed is the erection of a 1st floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal upon the living conditions at Nos 35 and 39 Southbrook Close, with particular regard to visual impact and overshadowing.

Reasons

3. The appeal property is a two-storey, middle terrace dwelling in a residential cul-de-sac and part of a wider estate development including similar type properties. It has a single-storey lean-to extension to the rear. The rear elevation of the attached neighbouring property at No 39 is aligned with the original rear wall of the appeal property. On the opposite side, No 35 is stepped forward, with its original rear elevation recessed behind that of the appeal property. No 35 has a single-storey rear extension that projects just beyond the original rear wall of No 37. No 39 is unextended to the rear. The proposal is for a 1.3m deep, first-floor extension across the full width of the appeal property and with a hipped roof over.
4. The properties in this terrace are modest in size, with first-floor bedrooms front and rear spanning their full widths. Given the existing extension to the rear of No 35, the proposed extension would be undetectable in the outlook from this property's rear facing ground floor windows. Due to its very limited projection beyond the extension at No 35, there would also be only a very limited visual impact when seen from the neighbour's rear garden space. The extension would undeniably be seen in the outlook from the first-floor rear bedroom window, exaggerating further the enclosing impact of the exposed first-floor flank wall of No 37, due to the stagger between these two properties. However, the nearest window is a small, secondary source of outlook and light

to the rear bedroom at No 35. The outlook from a larger window to the bedroom, which is furthest from the boundary with the appeal site, would be unaffected to any significant degree owing to the separation distance. Due to these circumstances, I am satisfied that the proposed extension would have no impact upon the living conditions at No 35 that would be harmful.

5. The circumstances at No 39 are materially different. I saw that the garden space immediately adjacent to the rear elevation of No 39 already experiences a degree of enforced enclosure by the existing extension at the appeal property. Notwithstanding its hipped roof, this would be compounded by the proposed first-floor extension, which would be immediately adjacent to the common boundary between both properties. I accept that the extension would be fairly modest in depth, but due to its height and proximity, I find that it would impose itself in the outlook from the ground floor living space at No 39, and more significantly upon the immediately adjoining outside amenity space, as an overbearing and oppressive intrusion. Due to the appeal property's position south of No 39, there would also be a further degree of overshadowing. I am not persuaded that there would be any significant impact upon the overall outlook from the rear facing bedroom, however, the effects that I have identified would have a harmful impact upon the amenity of these neighbouring occupiers. As such, the proposal would conflict with Policy PP27 of the Poole Local Plan 2018.

Conclusion

6. Notwithstanding my findings in relation to No 35, for the reasons given, I find that the proposal would be harmful to the living conditions at 39 Southbrook Close. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR