



Appeal Decision

Site visit made on 7 December 2023

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 December 2023

Appeal Ref: APP/V1260/W/23/3320013

5 Parkstone Heights, Poole BH14 0QE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr J Yeoman of Primetower Properties Ltd against Bournemouth Christchurch and Poole Council.
 - The application Ref APP/22/01073/F is dated 2 August 2022.
 - The development proposed is demolition of existing bungalow and erection of three dwellings.
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Decision

1. The appeal is dismissed and planning permission is refused for demolition of existing bungalow and erection of three dwellings.

Application for costs

2. An application for costs was made by Primetower Properties Ltd against Bournemouth Christchurch and Poole Council. This application is the subject of a separate decision.

Preliminary Matters

3. The revised National Planning Policy Framework (the Framework) has been published since the appeal was submitted. My decision is made in the context of the revised Framework. I am satisfied that no interested party has been prejudiced by my approach.
4. The Council failed to determine the application within the prescribed period. However, following submission of the appeal, the Council have advised that had they determined the application, planning permission would have been granted.
5. Whilst the Council have indicated that planning permission would have been granted if they had determined the application, it should not be taken that the proposed development is acceptable. That is a matter for my professional planning judgement.
6. I have taken into account the appellant's statement of case, the Council's report to Planning Committee and representations received from interested parties. I have drawn on this, to inform the main issues in this appeal.

Main Issues

7. The main issues are:

- The effect of the proposed development upon the character and appearance of the area;
- The effect of the proposal upon the living conditions of existing occupiers and;
- The impact upon the safe and efficient operation of the local highway network.

Reasons

Character and appearance

8. The appeal site comprises a detached bungalow located within a residential cul de sac. The property is set back into the plot and occupies its full width. It has a hipped roof, forward gable projection and garage. Many properties in Parkstone Heights have been extended and altered visible from the street. There is variation in the configuration of the built form, formed of bungalows and two storey dwellings, although most properties have deep frontages and distinguishable gaps between them giving the area a sense of spaciousness.
9. The proposed development would dissect the site into three plots and, although comprising three terrace dwellings, would have the appearance of a large single building.
10. I acknowledge that the area displays variety in terms of built form, however, the proposed development would result in an uncharacteristic concentration of built form on the site. It would be substantially bulkier than the appeal property and neighbouring dwellings. It's overall width, deep floor plan and prominent crown roof would result in a monolithic and overly dominant building within the street scene, despite it occupying a similar position to the existing bungalow, failing to harmonise with properties locally.
11. This sense of obtrusion would be compounded by the absence of any real architectural interest to break up the overall form or bulk of the building, nor would it offer a relationship with buildings locally. In my view, the central entrance and the dormer windows would do little to assist in this respect. This would be at odds with neighbouring properties, which display more interest along the road frontage in terms of stepped designs, gable features and bay columns.
12. The resultant plot sizes would not be in keeping with plots sizes in the area, which are more generous in size, undermining the character of the area and the prevailing sense of spaciousness that exists. I note that the development plan encourages utilising land to its full potential. But it also recognises that developments should respect local character.
13. The proposed development would be readily visible from within the street and neighbouring properties. Whilst reasonably localised, the proposal would unacceptably harm the character and appearance of the surrounding area.
14. As such the proposed development would be contrary to Policies PP27 and PP28 of the Poole Local Plan (2018) (LP) which, amongst other things, seek a

good standard of design that reflects or enhances local patterns of development including in terms of layout and siting; height and scale and bulk and massing including the roof and that the subdivision of plots respects and enhances local character.

Living conditions of existing neighbouring occupiers

15. The proposed development would be taller and would project deeper into the site. Taking into account the length of surrounding gardens and the position of dwellings there would be adequate separation between nearby properties and the proposed development. Notwithstanding its height and bulk, it would not result in a sense of enclosure or diminish the outlook experienced to a degree that it would be overbearing for neighbouring occupiers.
16. There is a degree of existing mutual overlooking to the rear of the appeal bungalow and nearby properties. I acknowledge that the proposal would be closer to the rear boundary, however, there would not be any direct overlooking between the proposed dwellings and the areas closest to houses, which tend to be used more frequently. Taking these factors into account I am satisfied that the height and position of windows would not unacceptably affect the living conditions of the neighbouring occupiers in terms of overlooking or privacy.
17. Whilst the proposed development includes windows in the side elevations - the upper floor windows would serve non habitable rooms. Planning conditions would ensure that the side windows are obscurely glazed to prevent overlooking in the event I am minded to allow the appeal.
18. I conclude that the proposed development would not unacceptably affect the living conditions of neighbouring occupiers. In this regard it would accord with LP Policy PP27 which, amongst other things, seeks to protect the amenity of local residents including in terms of sunlight, daylight, privacy and outlook.

Safe and efficient operation of the highway network

19. In terms of parking each dwelling would be served by two spaces in the form of a tandem layout. At the time of my site visit on a weekday morning the road was lightly parked, with low levels of vehicle and pedestrian movements along it. Whilst I appreciate that this is a snapshot in time, there were no obvious signs of significant movements, congestion or parking stress along the road.
20. Despite the representations received, there is no substantive evidence before me to suggest that the development would result in parking issues or harm highway and pedestrian safety. It is unlikely that two additional houses would materially increase vehicle movements along the road or result in congestion locally. Any displacement of a small number of resident's vehicles or visitors onto the road is unlikely to lead to parking stress or unduly affect highway safety.
21. The site is located close to retail and commercial uses along Ashley Road and within convenient reach of day-to-day services and facilities. It is also accessible by different means of transport including by foot and public transport in the form of bus services, thereby reducing the reliance on the use of private vehicles.

22. I conclude that the proposed development would not adversely affect the safe and efficient operation of the local highway network. It would accord with LP Policy PP35 which, amongst other things, require developments to maximise sustainable forms of transport; safe access to the highway and contribute to the retention and creation of attractive, safe and accessible places.

Other Matters

23. With regard to the potential fallback position, I have no credible evidence before me that there is a reasonable likelihood that the appellant would opt to construct an additional storey on the appeal dwelling, which casts doubt on whether it would be implemented. In any event the upward extension of a single dwelling is materially different to the appeal scheme before me. I therefore afford this matter only limited weight in the overall planning balance and, furthermore, I have determined this appeal on its own individual planning merits.
24. Local residents have commented that the scheme could set a precedent for similar developments in the area. Every appeal must be considered on its own merits, as I have done, and in this particular case whilst I have found against the appellant there is no substantive evidence to indicate that the proposal would result in a precedent.
25. The proposed development would be compatible with neighbouring uses, and I have no reason to believe that it would lead to an unacceptable impact upon the living conditions of nearby occupiers in respect of noise and disturbance.
26. In terms of the impact on trees the Council has not raised concerns regarding the proposed development's impact, and I have no reason to disagree. Furthermore, planning conditions would manage tree protection matters.

Planning Balance

27. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
28. The Council accepts that they cannot demonstrate a deliverable five year supply of housing land. Consequently, Paragraph 11 d) of the Framework, which is a material consideration of significant weight, is engaged. It states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
29. The Council's housing land supply position is 4.1 years. Therefore, it is evident that there is a need for housing when considering this shortfall.
30. The net increase of two dwellings would make a small contribution towards the areas housing supply. The development would provide jobs, but this would largely be limited to the construction phase. The site is close to a local centre within a short distance of a range of day-to-day services. Future occupants would be able to reach these on foot, providing them with transport choice and not an over-reliance on a car. The proposal would help maintain services and facilities in Poole. These are all factors weighing in the scheme's favour.
31. On the other hand, I have found that the proposal would be harmful to the character and appearance of the area. I give significant weight to the

proposal's conflict with the most important policies in the development plan. Therefore, the adverse effects of the proposal would significantly and demonstrably outweigh its benefits.

32. Consequently, the presumption in favour of sustainable development does not apply and I have no reason to take a decision other than in accordance with the development plan.

Conclusion

33. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR