



Appeal Decision

Site visit made on 31 October 2023

by Adrian Hunter BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2024

Appeal Ref: APP/V1260/W/23/3319087

4 Allenby Close, Poole BH17 7JW

- 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 Ben Neal of Qualia Properties Limited against Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/22/01190F, is dated 24 August 2022.
 - The development proposed is to sever land and erect new dwelling with associated access and parking.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. Following the submission of the appeal against a failure to give notice within the prescribed period, the Council have clarified the position they would have taken had they determined the application. I have had regard to these submissions, in so far as they provide clarity in terms of the reasons why the Council would have refused planning permission had it done so. The main issues below are therefore informed by the Council's submissions.
3. The appellant referred to an amended drawing (site plan drawing 5273.04D) which was submitted during the course of the application. I have had regard to this drawing in my consideration of this appeal.
4. During the appeal a signed Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 was submitted to mitigate the impacts from future occupiers on the integrity of European Sites and their features. This is a matter I will consider later.

Main Issues

5. The main issues in this appeal are:
 - The effect of the proposal upon the character and appearance of the area; and
 - The effect of the proposal upon the living conditions of surrounding and future residents.

Reasons

Character and appearance

6. The surrounding area is predominately residential, comprising mainly semi-detached properties and terraced dwellings.
7. Allenby Close is arranged around an oval shaped undeveloped and open area of land. Buildings are set back from the road, with off-road car parking and garden areas to the front. With the exception of the terraced properties, most dwellings have ancillary buildings located to the side or within their rear gardens, which are predominately single storey structures of a relatively simple design. Dwellings are uniform in their overall design and appearance and follow a distinctive and obvious building line.
8. Due to the shape of the Close, a number of the dwellings, including the appeal property, are set within irregular shaped plots, with slightly larger garden areas. As a result, this creates relatively large gaps between the dwellings, which, in combination with the open area in the middle of the Close, gives the area an open and spacious feel.
9. The proposed development would result in a reduction in the size of the plot of the host property, with the proposed new dwelling being positioned perpendicular to those around it. Due to the shape of the appeal site and the position of the host property, the new dwelling would be perceptible from surrounding properties and in views from Allenby Close. Considering the generally regular and uniform pattern of the surrounding development, the addition of a new dwelling into the rear garden area of the appeal site, would introduce a form of development that would fail to respect the context, layout and character of those within Allenby Close. Given its position to the rear of the appeal site, the new dwelling would appear isolated and would be unrelated to the pattern of surrounding development.
10. Furthermore, the appeal proposal would result in the erection of an additional dwelling on what is a single plot. Consequently, there would be less generous spacing between each dwelling. This would result in a cramped appearance, indicative of overdevelopment. As a result, the proposal would introduce a pattern of development which would fail to respond to the local character or reflect the identity of the surroundings and, as a result, would be an incongruous form of development, harmful to the character and appearance of the area.
11. In relation to the existing garage on the appeal site, I find it to be an ancillary building to the host dwelling, with its design, appearance and scale reflecting this. In contrast, the appeal proposal would occupy a larger footprint and would be taller, thereby being of considerably greater bulk, mass and scale. As such, I do not consider that the presence of the existing garage on the appeal site to overcome the harm I have found.
12. Neither do I consider the proposed materials, additional landscaping or adopted design approach to overcome this harm.
13. I therefore conclude that the proposed development would harm the character and appearance of the area and, in this regard, would be contrary to Policies PP27 and PP28 of the Poole Local Plan November 2018 and the National Planning Policy Framework (The Framework). These Policies, amongst other

matters, seek to ensure that there is sufficient land to enable a type, scale and layout of development, including parking and usable amenity space, to be accommodated in a manner which would preserve or enhance the area's residential character.

Living conditions

14. The proposed development would involve the partial removal of the existing boundary treatment to allow views over the adjoining public recreation area. A new boundary wall and planting area offering a degree of low-level defensible space would be provided in place of the existing boundary fence.
15. The design of the proposed development is such that, on the ground floor, lounge, kitchen and bedroom windows would face onto the recreation area. The lounge and kitchen benefit from other windows due to the internal arrangement of the proposed dwelling. In the case of the bedroom, this would be the only means of light into this room. Due to the position of the proposed development within the plot, these windows would be located in close proximity to the site boundary.
16. Whilst I appreciate the design aim of seeking to provide an outlook from the proposed dwelling, I consider that, given the proximity of the windows to the adjoining public recreation area, it would result in an unacceptable loss of privacy to future residents of the proposed development.
17. I note the reference by the Appellant that blinds could be installed to offer temporary privacy, along with the potential for the proposed planting to be allowed to mature. However, in my view, whilst these may well provide some degree of privacy, they would create a dark internal space, with little or no outlook. Such arrangements therefore do not overcome the harm I have found with regards to the internal living arrangements for future residents.
18. Given the presence of other dwellings that back onto the open space, neither do I consider that the proposed development would provide any substantial benefit in relation to increased natural surveillance of the recreation area.
19. In relation to the external space, the rear garden of the proposed development would be orientated such that it would be positioned perpendicular to the rear of the host property. A new 1.8m fence, would prevent any overlooking or loss of privacy from the ground floor windows of the host dwelling.
20. Due to their relationship, the rear bedroom windows of the host property would face towards the rear garden area of the proposed dwelling. At their closest they would be approximately 10m away, increasing to a maximum of 20m away at the furthest point. As such, whilst there would be some degree of overlooking and loss of privacy, I do not consider this to be so significant as to justify the refusal of planning permission on this reason alone.
21. I therefore conclude that, due to the potential for loss of privacy and overlooking from the adjoining recreation area, the proposed development would result in unacceptable living conditions for future residents of the proposed development and, in this respect would be contrary to Policies PP27, PP28 and PP37 of the Poole Local Plan and the policies contained within the Framework.

Other Matters

22. The appeal site lies within 5km of the internationally protected Dorset Heathland SSSI, which is also part of the designated Dorset Heathlands Special Protection Area (SPA) and Ramsar Site, and also the Dorset Heaths Special Area of Conservation (SAC). It is also within close proximity to Poole Harbour, which is a SPA, SSSI and Ramsar Site.
23. The appellant has provided a Unilateral Undertaking (UU) as part of the appeal. This secures a financial contribution towards the Strategic Access Management and Monitoring (SAMM), as sought by the Council. However, given my conclusion on the other main issues, it is not necessary or appropriate for me to carry out an Appropriate Assessment as required under The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). Thus, given my overall conclusion on the main issues it is not necessary for me to consider this matter in any further detail.

Planning balance

24. It is acknowledged by the Council that, at this moment in time, they are unable to demonstrate a 5-year supply of housing land. On the basis of the information before me, I see no reason to disagree with this position and I have therefore determined the appeal on this basis.
25. Paragraph 11 d) of The Framework states that where the policies which are most important are out of date, permission should be granted, unless any adverse impacts of doing so, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or, where specific policies in the Framework, provide a clear reason for refusing the development proposed.
26. The proposed development would contribute a single net additional dwelling towards the existing housing stock. This would assist in boosting the overall supply of housing. Whilst this is considered to be a benefit, given the limited scale of the contribution, I find that the adverse impact of the proposed development upon the street scene and the harm I have found to the living conditions of future residents, significantly and demonstrably outweighs this limited benefit. I note the comments made in relation to the benefits the proposed development would provide in increased activity on the street, increased surveillance and making a positive use of the site. However, I find that these issues, either on their own or together, do not significantly and demonstrably outweigh the harm that I have found.
27. I note the Council raised no issues in relation to parking, access, flooding or impact on biodiversity, amongst other things. However, as these are requirements of policy and legislation, the absence of harm in respect of these matters are neutral factors that weigh neither for nor against the development.

Conclusion

28. I conclude that the appeal should be dismissed and planning permission refused.

Adrian Hunter

INSPECTOR