



Appeal Decision

Site visit made on 5 March 2024

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2024

Appeal Ref: APP/V1260/W/23/3325076

8 Scarf Road, Poole BH17 8QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr R Stevenson of Dean Swift Development against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/22/01657/F.
 - The development proposed is the demolition of the conservatory and the erection of an attached 3-bedroom dwelling with a private garden and off-street car parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect. The main parties have been invited to provide further comments on this version and, where received, I have taken them into account in my decision. I am satisfied no party would be prejudiced by determining the appeal accordingly.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposed development would provide satisfactory living conditions for future occupiers, with specific regard to outlook and daylight; and
 - the effect of the proposed development on the living conditions of neighbouring occupiers of 10 Scarf Road (No.10), with specific regard to outlook, sunlight and privacy.

Reasons

Character and appearance

4. The appeal site comprises the property of 8 Scarf Road (No.8), a two-storey dwelling with a generously sized garden. The proposed development would subdivide the appeal site to facilitate the construction of a new dwelling adjoining No.8. Although not banned, plot severance or subdivision will only be permitted where there is sufficient land for the development to be

accommodated in a manner which would preserve or enhance the area's residential character, as set out in Policy PP28 of the Poole Local Plan (the Local Plan).

5. The existing property is located at the end of a short terrace which, together with other short rows of dwellings, defines two sides of a rectangular area of open space. The properties of No.8 and No.10 form an open corner within this arrangement albeit maintaining the predominately uniform pattern of development within the surroundings. Whilst the side elevation of No.8 extends beyond the front building line of No.10, this existing overlap is marginal. In stark contrast, the entirety of the proposed dwelling's frontage would face the side elevation of No.10 resulting in a contrived layout.
6. Although the proposed dwelling would be located away from public vantage points along Scarf Road and would be visually prominent in the street scene, nonetheless, its close relationship to No.10 would result in a cramped appearance. Irrespective of the site being of sufficient size to accommodate a dwelling of similar scale and massing to others in the terrace, following the Design Code SPG¹ this does not justify unacceptable development. Nor does the use of a similar architectural style, fenestration proportions and materials to nearby properties.
7. My attention has been drawn to several recent planning permissions for new dwellings that have been granted close to the appeal site, many of which have been constructed. These are positioned adjoining the end of a terrace, in a comparable siting to the proposed dwelling. However, as none of these dwellings are arranged around an open space nor orientated towards the side elevation of another property, no further parallels between the recently approved schemes and the proposed dwelling are evident.
8. I conclude that the proposed development would harm the character and appearance of the area, contrary to policies PP27 and PP28 of the Poole Local Plan. These policies, amongst other provisions, permit development provided it reflects or enhances local patterns of development and the character of neighbouring buildings. I also find conflict with Chapter 12 of the Framework which seeks to ensure development is sympathetic to the local character of its surrounding built environment.

Living conditions – future occupiers

9. The front of the proposed dwelling would be sited close to the side elevation of No.10. From the kitchen and bedroom windows in the front elevation, views would be dominated by the close board boundary fence and brick wall of No.10. Therefore, the outlook possible for future occupiers of the proposed development would be significantly restricted, creating an unacceptable sense of confinement.
10. Although provided to demonstrate the shadows created by the proposed built form, the illustrations within the appellant's statement also indicate the shadows created by No.10. Due to the orientation of the built form, the amount of daylight likely to reach the kitchen and front bedrooms of the proposed dwelling would not be restricted to a significant degree.

¹ Council's Design Code Supplementary Planning Guidance (SPG), adopted 29 August 2001

11. Nevertheless, I conclude that the proposed dwelling would not provide satisfactory living conditions for future occupiers, with specific regard to outlook. As a result, it would be contrary to Policy PP27 of the Local Plan which permits development that amongst other requirements, would not result in a harmful impact on the amenity of future occupiers. It would also conflict with Chapter 12 of the Framework's aim to ensure new development creates places with a high standard of amenity for future users.

Living conditions – neighbouring occupiers

12. The orientation of the proposed dwelling would enable views from the front bedroom windows into the rear garden of No.10. However, the oblique relationship between the window and the garden area, makes these views challenging. Consequently, any loss of privacy experienced by neighbouring occupiers when in their garden would be limited and not be unreasonable in the residential environment.
13. The proposed dwelling would lead to a reduction in the amount of sunlight reaching the garden area of No.10. However, the shadow illustrations indicate that this would be limited to a small part of the rear garden during late summer afternoons. This would not lead to an unacceptable loss of sunlight and therefore would not be detrimental to the living conditions of the neighbouring occupiers of No.10.
14. I conclude that the proposed development would not harm the living conditions of the neighbouring occupiers of No.10 with specific regard to privacy and sunlight, and would comply with Policy PP27 of the Local Plan in this respect. It would also accord with Chapter 12 of the Framework which seeks to ensure new development maintains a high standard of amenity for existing residents.

Other Matters

15. The appeal site is located within 5km of the Dorset Heathlands Special Protection Area (SPA) and the Dorset Heaths Special Area of Conservation (SAC), and near the Poole Harbour SPA. These are European Designated Sites afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). If the circumstances leading to the grant of planning permission had been present, I would have considered the impact of the proposed development upon the SPAs and SAC, in accordance with the Habitat Regulations. However, as I am dismissing the appeal on the main issues above, I have not found it necessary to consider such matters any further as this would not alter the outcome of the appeal, regardless of the draft Unilateral Undertaking provided.
16. Even if I were to conclude that the proposed development would not result in harm to the safety of highway users of the surrounding area and be designed and constructed to high energy efficiency standards, these factors would not outweigh the harm I have identified above.

Planning Balance

17. As recognised by the Framework, development should be sympathetic to its local character. Policies PP27 and PP28 of the Local Plan are broadly consistent with the Framework's objectives in this regard. In respect of living conditions, the Framework seeks to ensure new houses provide a high standard of amenity for future users. This is also part of Policy PP27's aim. As I have found that the

proposed development would be contrary to these policies, I attach moderate weight to this conflict.

18. The evidence before me indicates that the Council are unable to demonstrate a five-year supply of deliverable housing sites in accordance with the Framework. In these circumstances, paragraph 11dii of the Framework states that 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 as a whole.
19. The Framework affirms the Government's objective of boosting the supply of homes and therefore, the provision of additional housing in an accessible area where a shortfall in deliverable housing sites exists would be a public benefit. This is also promoted within policies PP1 and PP2 of the Local Plan. However, given the scale of the development, the social, economic and environmental benefits which would arise from the net gain of one dwelling would be small, despite the more efficient use of land, the incorporation of energy-efficient construction methods and the site's accessible location. I therefore attach limited weight to these benefits.
20. Consequently, the identified adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. As such, the presumption in favour of sustainable development does not apply in this case.

Conclusion

21. The proposed development conflicts with the development plan as a whole and there are no material considerations, either individually or in combination, including the Framework and its presumption in favour of sustainable development, that outweigh this conflict.
22. For the reasons identified above, the appeal is dismissed.

Juliet Rogers

INSPECTOR