



Appeal Decision

Site visit made on 18 June 2024

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2024

Appeal Ref: APP/V1260/W/24/3339237

Annexe, 40 Sterte Esplanade, Poole BH15 2BA

- 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 Sarah Facin against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/22/01570/F.
 - The development proposed is proposed change of use from annex to guesthouse.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal is accompanied by an amended site plan. This plan is submitted in response to the second reason for refusal to demonstrate how the rear outdoor space could be subdivided to provide separate space for No.40 Sterte Esplanade and the proposed guesthouse. The details have not been subject to formal public consultation and while I note the request from the Council not to take the plan into account, I also note that the Council states that the submitted plan does not resolve the reason for refusal. In light of this, and given my findings below, I am satisfied that no party would be prejudiced by my acceptance of this information. Therefore, having regard to the principles of Holborn¹, acceptance of the further information would not be procedurally unfair and as a result I have considered it in determining this appeal.

Main Issues

3. The main issues for the appeal are:
 - the effect of the proposal on the character of the area and the living conditions of the occupiers of neighbouring properties and the occupiers of No.40 Sterte Esplanade with particular regard to increased noise and disturbance; and,
 - whether the proposed development would be in an appropriate location, having particular regard to the local development strategy.

Reasons

4. The appeal site comprises a detached dwelling and rear annex that form part of a row of single and two-storey dwellings fronting Sterte Esplanade a short distance from the Town Centre. The annex building is single-storey and located

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

at the end of the rear garden to No.40 Sterte Esplanade (No.40). The garden is a private and enclosed space, adjoining the gardens to neighbouring properties. The annex includes a multi-use space that incorporates a seating area and kitchenette, separate bedroom and bathroom. The annex is accessed by foot via steps up to the front of No.40 and via a path to the side of the existing dwelling.

Character and living conditions

5. The immediate area is characterised by dwellings fronting roads with reasonable sized rear amenity space extending in a predominately long and narrow form. In light of this, the rear of dwellings generally have views out over rear amenity areas and are a considerable distance from the rear elevations of surrounding dwellings.
6. Outbuildings within the rear amenity spaces are not uncommon and in light of this, and with no changes proposed to the external appearance of the existing annex, the building itself would have no greater impact on the character and appearance of the area as a result of the proposal.
7. Despite this, the use of the annex as a guesthouse would result in a substantial intensification of its use by virtue of accommodating an additional household, be that a single person or couple. The frequency of visitor attendance, comings and goings, and level of turnover associated with such a use, particularly over the summer months, could be high, and greater than that generally associated with the surrounding dwellings. A guesthouse use would be likely to be attended by visitors who cause anti-social activity including the likelihood of returning to the premises at some anti-social times. This type and level of activity would be starkly different to the current use of the annex and its existing intrinsic connection to the main dwelling. Given its proximity to nearby housing and very close proximity to their gardens, such activity would be likely to cause noise and disturbance to neighbouring occupiers. Consequently, the commercial use of the annex would be incompatible with the residential character of the site and its surrounding area.
8. In this regard, I note the comments of the interested party with regard to previous disturbance from use of the building. Moreover, this does not lead me to conclude that management of the guesthouse by the occupiers of No.40 via a planning condition(s) and limiting occupancy to two people with parties/late night noise prohibited, would be sufficient to adequately control the additional noise and activity. Such measures to regulate the behaviour of existing guests would rely on occupiers of the main house being alert, present and prepared to intervene in the event of disturbance being caused. It also relies on visitors responding positively to such efforts. I am therefore unconvinced that this approach would adequately regulate the behaviour of guests.
9. Furthermore, the building is positioned in close proximity to the rear of No.40 with pedestrian access to the guesthouse via a narrow access to the side of No.40. This access necessitates passing the entrance door and windows to the side of No.40, as well as its rear outdoor space, in very close proximity with a subsequent loss of privacy to the occupiers of No.40. While the provision of the additional fencing proposed on the amended site plan would address the loss of privacy to the rear outdoor space to No.40, it would not address the loss of privacy by reason of passing the door and side windows.

10. Returning to the character of the area, the generally long and narrow residential plots of the immediate area are not severed or sub-divided. Although the annex is partly divided from the rear of No.40 by some planting and fencing, the proposal would lead to the provision of additional fencing to sever the outdoor space and provide a narrow pedestrian access between the guesthouse and No.40 as shown on the amended site plan. In light of this and given the introduction of additional bin and cycle storage and pathway to serve the guesthouse, the proposal would physically and visually sub-divide the plot. This would result in the guesthouse appearing cramped in comparison to the prevailing plot size and shape in the area. The outdoor space to No.40 would also appear considerably smaller than those prevailing to the north and east of the site and appear sub-divided in relation to those shorter gardens to the west. While I acknowledge that any sub-division would not be visible from the public domain and would result in outdoor spaces of a usable size, the sub-division would be visible from the upper floors of surrounding properties and fail to preserve the character of the area resulting in moderate harm.
11. While there would be no change to the appearance of the site if the additional fencing proposed on the amended site plan were not provided, the additional activity from the guesthouse would change the character of the area. Furthermore, the lack of fencing would result in the harmful overlooking of the outdoor space to No.40 from the pedestrian access to the guesthouse.
12. Although the appellant states in her evidence that the guesthouse would not be operated all year round, in the absence of any suggested limitations by either main party, I have considered the proposal on the basis of being proposed for year-round use. Even if the use were restricted to certain times of the year, it would still result in increased activity at those times. Furthermore, it would be likely to necessitate use during the late spring/summer/early autumn months when adjoining residents, and proposed occupiers would be using their outdoor spaces.
13. As a result, the proposal would harm the character of the area and the living conditions of the occupiers of neighbouring properties and the occupiers of No.40 Sterte Esplanade with particular regard to increased noise and disturbance. As such, the proposal would be contrary to Policies PP27 and PP28 of the Poole Local Plan (November 2018) (PLP). Amongst other things, these seek a good standard of design that reflects or enhances local patterns of development, would not result in a harmful impact upon amenity for both local residents and future occupiers, with plot severance and plot sub-division permitted where there is sufficient land and where they can be accommodated in a manner which would preserve or enhance the area's residential character. The proposal would also be contrary to the National Planning Policy Framework (the Framework) that seeks to achieve well-designed and beautiful places and a high standard of amenity for existing and future occupiers.

Whether appropriate location

14. Policy PP23 of the PLP encourages development that supports growth and generate employment opportunities in Poole's tourism sector. This is subject to the identified tourism zones and attractions being the focus for tourism activities, proposals for new hotels not having an adverse impact, the loss of existing tourist accommodation only being permitted in certain circumstances and proposals that add vitality and viability to Poole's main evening/night time

economy centres complying with criteria. The proposal is not for a new hotel, is not major development, does not involve the loss of tourist accommodation and is not a proposal seeking to directly add to the evening/night time economy. As such these parts of the policy are not determinative in this appeal.

15. Although the appeal site falls outside of the tourism zones and attractions, Policy PP23 of the PLP does not state that tourism development outside of these areas should be resisted. Paragraph 7.63 of the PLP states that 'To ensure the ongoing strength of Poole's tourism offer, it is important to maintain an adequate supply of tourist accommodation, and support improvements to the existing stock'. In light of this, given that the site is located in fairly close proximity to the tourism zone, town centre, Poole train station and a range of other attractions, services and facilities, the appeal site is well located and would aid Poole's tourism offer. Furthermore, the proposal would not be harmful to the existing tourism offer given its very small scale.
16. It follows from the above that the proposed development would be in an appropriate location, having particular regard to the local development strategy. As such, the proposal would not be contrary to Policy PP23 of the PLP.

Other Considerations

17. I have had regard, subject to appropriate conditions, to the availability of adequate car parking to the front of the site, the lack of harm to biodiversity, flood risk and refuse storage. Nonetheless, as these are requirements of local planning policy, they are neutral in my consideration.
18. I have also had regard to the benefit to the tourism industry and associated evening and night time economy in Poole from the additional guesthouse in a location accessible by a range of transport modes. Nevertheless, given the small scale of the proposal, these benefits are limited.
19. The site is in close proximity to the Dorset Heathlands and the Poole Harbour Special Protection Area. However, as I am dismissing the appeal for other reasons, I do not need to consider this matter or the related duties under the Conservation of Habitats and Species Regulations 2017 further.

Conclusion

20. Although I have found that the proposed development would be in an appropriate location, having particular regard to the local development strategy, I have found that the proposal would harm the character of the area and the living conditions of neighbouring occupiers and the occupiers of No.40 Sterte Esplanade with particular regard to increased noise and disturbance. In my view, this is the prevailing consideration, and the proposal should be regarded as being in conflict with the development plan, when read as a whole.
21. Material considerations, including the Framework do not indicate that the proposal should be determined other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude the appeal should be dismissed.

C Rose

INSPECTOR