



Appeal Decision

Site visit made on 14 May 2024

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 11 July 2024

APP/V1260/W/23/3336022

1 Sunnyhill Road, Poole, Dorset, BH12 2DH.

- 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 James Baron against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/23/00369/F, dated 17 March 2023, was refused by notice dated 13 October 2023.
 - The development proposed is for the erection of a new dwelling to form semi-detached property with existing dwelling together with associated landscaping works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new dwelling to form semi-detached property with existing dwelling together with associated landscaping works at 1 Sunnyhill Road, Poole, Dorset, BH12 2DH in accordance with the terms of the application, Ref APP/23/00369/F, dated 17 March 2023, and the plans submitted with it, subject to the conditions set out at the end of this decision.

Procedural Matters

2. The appellant has submitted revised drawings in respect of the addition of a cycle store and the omission of the first floor bathroom window in the east elevation of the proposed dwelling. I consider that that these design changes should be subject to further public consultation as they are ones that would prejudice the position of third parties who would otherwise be unable to comment on the changes. I shall therefore determine the appeal based on the drawings considered by the Council when making its decision.

Main Issues

3. I consider the main issues to be:
 - a) the effect of the proposal on the street scene of Sunnyhill Road; and,
 - b) the effect of the development on the living conditions of the occupiers of 3 Sunnyhill Road (No 3) having particular regard to overlooking, and on the living conditions of future occupiers of the proposed dwelling having particular regard to outlook.

Reasons

Character and appearance

4. The appeal property is a detached two-storey dwelling with an attached, single storey flat roofed garage to one side. The established character of the area is residential, comprising dwellings of an eclectic mix of architectural styles and designs.
5. The appellant proposes, following the demolition of the garage a new two-storey semi-detached dwelling along with associated landscaping works.
6. There is an extant permission (Ref: APP/22/00606F) for a detached house to be located to the west of No 1. Planning permission was also granted (Ref: APP/21/00004F) for a two-storey side addition of a similar height and form to the development now proposed here. That development incorporated a garage as well as forecourt parking.
7. The proposed two-storey house would be set well back from the main façade of No 1 and would have a very similar relationship to the neighbouring property, No 3. I am therefore not persuaded, due to the setback, that the dwelling house now proposed would disrupt the visual separation between the properties so as to cause harm to the visual amenity of the street scene.
8. The rear garden would be narrow and without direct access to the street. However, given the built-up and urban nature of the surrounding area these considerations do not lead me to conclude, even taking into account the earlier approved dwelling on the far side of the site, that this additional development would result in an overdevelopment of the plot to the detriment of the character and appearance of the area.
9. The use of the site's frontage for parking was a feature of the earlier approved scheme Ref: APP/21/0004F and in the context of the built up and urban nature of the area I do not consider that this, along with the lack of any soft landscaping, would look out of place in this context.
10. For the reasons set out I conclude in respect of the first main issue that the proposed development would not cause harm to street scene of Sunnyhill Road. The development would therefore accord with the objectives of Policies PP27 and PP28 of the Poole Local Plan (Adopted 13 November 2018) (LP) and the National Planning Policy Framework (the Framework) as they, amongst other things, seek to reflect or enhance local patterns of development.

Living conditions

11. The Council is concerned that the proposed first floor window in the flank wall of the new dwelling serving the family bathroom would result in overlooking leading to a loss of privacy. However, if this window were obscure glazed and fixed shut then there would be no actual or perceived overlooking. This is therefore a matter, that if I were minded to allow the appeal could be conditioned.
12. From the evidence provided I note that the private amenity space proposed for the new dwelling would be about 68 square metres. Based on the data submitted by the appellant, it is not un-common for nearby properties to have gardens of between 32 and 48 square metres. Accordingly, I consider that, the

rear garden would provide adequate private amenity space to serve the needs of the future occupiers of this modest two-bedroom dwelling.

13. The Council are concerned that unlike the previously approved two-storey side extension the proposed dwelling would be likely to result in greater levels of noise and disturbance to neighbouring occupiers. I agree that an additional dwelling would be likely to generate some additional noise and general disturbance by virtue of being a separate household and its associated movements and use of the garden and forecourt areas. However, given this built-up urban location and the general level of background noise I am not persuaded that this would be at such a level as to cause significant harm to the residential living conditions of neighbouring occupiers.
14. The outlook from the proposed dining room window would be limited. However, by reference to the ground floor plan the proposed dining room would be an integral part of a larger open plan area, comprising kitchen, dining and living spaces. The windows, to these spaces would provide adequate outlook overall to ensure satisfactory living conditions for future occupiers.
15. I conclude in respect of the second main issue that the proposed development would not result in harm to the living conditions of either the occupiers of No 3 and the future occupiers of the new dwelling would also have a satisfactory outlook. It would therefore accord with the aims of LP Policy PP27 and the Framework as they seek, along with other things, to protect residential living conditions.

Other Matters

16. The Highway Authority, due to the lack of access to the rear garden is concerned that cycle storage cannot be provided on site. However, from what I have seen and read there may nevertheless be options for providing cycle storage. Therefore, if I were minded to allow the appeal, I could condition the provision of cycle storage for the development.
17. Concerns have been raised by third parties in respect of the amount of local and inconsiderate parking on the roads that at times makes it difficult for pushchairs and wheelchairs users. The Council's Highway Engineer has not raised objections in relation to the suitability of the new access or parking arrangements. I am therefore not satisfied that there is justification to support the contention that the proposed development would exacerbate this problem.

Conditions

18. I have considered the conditions suggested by the Council in light of the advice in the Framework and the Planning Practice Guidance. In the interests of precision and enforceability, I have amended the Council's suggested wording where appropriate.
19. I shall impose a condition requiring the development to be undertaken in accordance with the approved plans.
20. To protect the living conditions of the occupiers of No 3 I shall require the first-floor bathroom window in the flank wall of the dwelling to be fixed shut and obscure glazed.

21. In the interests of highway safety, a condition is necessary to require the vehicular access, turning space and parking to be laid out prior to occupation of the new dwelling. To promote sustainable development a condition is necessary to require electric vehicle infrastructure to be provided along with cycle storage. In the interests of delivering a sustainable development a condition is necessary to require 10% of the predicted future energy use of the new dwelling to be from renewable sources. I will condition the surface water run-off in the interests of delivering development which does not result in unacceptable levels of surface water run-off.
22. I will require, by condition biodiversity enhancements to meet local and national policy requirements.
23. The Council have suggested the inclusion of an informative in respect of highway works. However, this is not a condition and therefore cannot be included here. Nevertheless, by reference to it in the Council's statement it will have been drawn to the appellant's attention

Conclusions

24. I am aware of the shortfall of the number of homes delivered in Poole. However, While a new dwelling would mitigate to some limited extent the shortfall, I have found the development would, on its own planning merits be in compliance with the provisions of the policies in the local plan.
25. Accordingly, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Philip Willmer

INSPECTOR

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, drawings: 0102-P001, P003, P005, P008 and P009.
- 3) The development hereby permitted shall not be brought into use until the access, turning space and vehicle parking as shown on the approved plans have been laid out and constructed, and these shall thereafter be retained and kept available for those designated purposes at all times.
- 4) Within three months of the commencement of the development details for the provision of an Electric Vehicle Charging Point along with associated infrastructure shall be submitted to and approved in writing by the local planning authority. The new house shall not be occupied until the charging point has been installed and made operational. Thereafter the electric vehicle charging point shall be permanently maintained for use at all times.
- 5) No development shall take place until a scheme for onsite cycle storage shall have been submitted to and approved in writing by the local planning

authority. The approved scheme shall be implemented and thereafter retained for cycle storage.

- 6) The dwelling hereby permitted shall not be occupied until the bathroom window in the east elevation at first floor level has been fixed shut and obscured glazed, with glass that conforms with or exceeds Pilkington Textured Glass Privacy Level 3, once installed the window shall remain fixed shut and the obscure glazing thereafter.
- 7) No development shall take place until a scheme (including a timetable for implementation) to secure at least 10 % of the energy supply of the development from decentralised and renewable sources shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented and thereafter retained in operation.
- 8) All external hard paved surfaces shall either be constructed from porous or permeable materials and all surface water run-off from non-permeable or porous surfaces shall be discharged to permeable or porous areas within the site.
- 9) Prior to the first occupation of the dwelling hereby approved, details of on-site biodiversity enhancements as part of the scheme prepared in accordance with the requirements of Policy PP33 of the Poole Local Plan (Adopted 13 November 2018) shall be submitted to and approved in writing by the local planning authority. The agreed measures shall be implemented prior to first occupation of the dwelling. They shall then be maintained thereafter.