



Appeal Decision

Site visit made on 25 June 2024

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th July 2024

Appeal Ref: APP/V1260/D/24/3342647
52A Kings Avenue, Poole, BH14 9QJ

- 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 and Mrs Brookes against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/23/01283/F.
 - The development proposed is the erection of rear extensions and remodelling of the existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of rear extensions and remodelling of the existing dwelling at 52A Kings Avenue, Poole, BH14 9QJ in accordance with the terms of the application, Ref APP/23/01283/F, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the approved plans: Drg Nos 01, 02, 03 and 04.
 - 4) Prior to the commencement of any ground clearance, tree works, demolition or development, tree protection measures in accordance with *Plan TC1, Tree Protection Plan & Arboricultural Method Statement*, dated 31 October 2023, prepared by Treecall Consulting Ltd shall have been installed. The tree protection measures shall be maintained until all equipment, machinery and surplus materials associated with the development hereby permitted have been removed from the site.
 - 5) All works relating to the ground clearance, tree works, demolition and development with implications for trees shall be carried out as specified in the *Arboricultural Impact Assessment and Method Statement* Ref DS/84423/SC R1, dated 31 October 2023, prepared by Treecall Consulting Ltd, and shall be supervised by a qualified arboriculturist instructed by the applicant.

Main Issue

2. The main issue is the effect of the proposal upon the living conditions at Porthtowan, with particular regard to privacy.

Reasons

3. The appeal property is a detached split-level house, arranged as such to take account of the area's topography. It has an attached garage at lower ground level with a significant amount of under-build to the main part of the house, with two floors of accommodation above. The site falls within area A4 of a Tree Preservation Order (TPO 40) made in 1969 with protected trees to the front, rear and sides of the site. The site is enclosed to the rear by tall fences and mature vegetation. To one side, on higher ground is a detached dwelling at No 52. To the opposite side on lower ground is a contemporary, detached two-storey infill property known as Porthtowan. The proposal seeks to generally refurbish the house including the erection of a rear extension to the lower ground and ground floor areas and installation of a balcony terrace across part of the ground floor rear elevation over the lower ground floor extension.
4. The Council accepts that the external changes to the property, including extensions, would integrate well and respect the character of the area. I have no reason to disagree. However, concern is raised that the balcony terrace to the rear would lead to an unacceptable degree of overlooking towards the rear garden of Porthtowan.
5. The property has an existing small rear terrace at ground floor level accessed direct from the kitchen area and near to the side common boundary with Porthtowan. This is elevated well above the lower levels of the rear garden, which is accessed from the terrace by external steps. The proposal would extend the property rearwards at lower ground level to create new living space, with a new terrace over, similar in elevation to the existing but deeper, extending approximately in line with the two-storey rear elevation of Porthtowan.
6. During my visit I was able to stand on the existing terrace and observe the outlook. Due to the area's topography and existing garden enclosures, only the uppermost parts of the side roof slopes to Porthtowan could be seen. With the rear garden to this neighbouring property sunk considerably lower, I am satisfied that site conditions would prevent any possible line of vision down and towards the neighbour's rear private amenity space. In these circumstances there would be no harm to the neighbour's living conditions in terms of privacy. As such, there would be no conflict with Policy PP27 of the Poole Local Plan 2018 as far as it seeks to ensure that new development does not result in a harmful impact upon amenity for both local residents and future occupiers.

Conditions

7. The Council has suggested conditions in the event I allow the appeal. I have considered these having regard to the advice contained within the Planning Practice Guidance and the National Planning Policy Framework.
8. A condition specifying the relevant plans is necessary as this provides certainty. In order to safeguard the character and appearance of the area a condition is required to ensure that the development is finished in materials to match the existing dwelling.

9. The planning application was accompanied by an *Arboricultural Impact Assessment and Method Statement* and a *Tree Protection Plan & Arboricultural Method Statement* prepared by an arboricultural consultant. These set out tree protection measures and a working methodology for the site to limit the impact upon protected trees to a level deemed acceptable. The findings and conclusions have not been directly disputed by the Council. I am therefore satisfied that no further methods need to be agreed by the local planning authority. As such I have imposed conditions requiring compliance with the arboricultural consultant's recommendations. These are necessary in order to safeguard the character and appearance of the area.

Conclusion

10. For the reasons given, and having regard to all other matters raised, the appeal is allowed.

John D Allan

INSPECTOR