



Appeal Decision

Site visit made on 18 July 2024

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 August 2024

Appeal Ref: APP/V1260/D/24/3344548

13 St Helier Road, Poole, BH12 4LJ

- 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 Cartridge against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/24/00199/F.
 - The development proposed is described as the erection of a '*2 storey rear extension*'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal upon the character and appearance of the area, and upon the living conditions at 11 St Helier Road with particular regard to visual impact and overshadowing.

Reasons

3. The appeal property is a two-storey hip-ended dwelling at the end of a short terrace of four (Nos 7-13 odd). St Helier Road and the immediate surroundings is a residential neighbourhood comprising similar type and aged semi-detached and terraced dwellings. The proposal would add a two-storey extension to the rear of No 13 which would span almost its full width but set away from the common boundary with No 11 by around 0.5m. The footprint of the extension would be 5m deep with a stepped rear façade at first-floor reduced to 4m deep nearest to No 11 with a 1m single-storey element projecting below.

Character and Appearance

4. I saw during my visit that the rear of the terrace is fairly uniform, with no obvious extensions to any of the properties. Nevertheless, this was obviously not the case for all properties along St Helier Road where a variety of additions could be viewed to some from the back garden of the appeal property. I have no reason to consider that the back garden setting of No 13, or the character and appearance of the wider terrace is overtly sensitive to change.
5. The Council is concerned that the extension would be seen in the gap between No 13 and the neighbouring property at No 15. Although that would be the case, it would be visible only in oblique views from the street, and then only glimpsed in the approach from one direction. Moreover, it would be seen from

this narrow window of opportunity as an integrated addition with matching materials, roof and eaves heights. Although the extension would add bulk and mass to the rear of the appeal property, the gap between Nos 13 and 15 would be unaffected, and I am unable to detect any visual impact upon the street scene or wider area that would be harmful.

Living Conditions

6. No 11 is unextended to the rear. Although the extension would be set away from the shared side boundary with No 11, the margin of separation would be minimal. As a two-storey extension, I do not share the appellant's view that the height of the addition would be modest. Its flank wall would be openly seen at close quarters from the immediately adjoining rear garden, extending significantly above the height of the existing approximate 1.8m high typical garden fence enclosure.
7. The appellant's assertion that the extension would not break a 45-degree line projected from the neighbour's nearest first-floor bedroom window and ground-floor glazed patio doors is not supported by any substantive evidence. Based on my own observations I am not persuaded that a 45-degree line taken from the mid-point of the neighbour's adjacent openings would not be broken. This indicates to me that the outlook from both of these adjacent living spaces would be impacted by the extension to a degree that would be visually intrusive.
8. The rear elevations of the properties to this side of St Helier Road face north-east. Due to this orientation, the rear gardens of these properties benefit from restricted direct sunlight during the early part of the mornings only, which I observed for myself during my visit. The siting of the extension to the south-east side of No 11 means that a shadow would be cast over the neighbour's garden and rear elevation, removing any existing benefit to these areas from the limited amount of direct sunlight received. This adds to my concern, with the impact likely to be heightened by the two-storey scale of the proposal.
9. The appellant has pointed to the fact that these properties are dual aspect, with internal living spaces benefitting from windows to the front and rear. I accept that this is likely to ensure that levels of general daylight within No 11 are unlikely to be diminished to a degree that would be harmful. However, I do not accept that this arrangement would sufficiently compensate for the harm to the neighbour's outlook over the rear garden setting. Neither would it address the impact I have identified upon the garden space immediately adjoining the rear elevation of No 11, which is likely to be enjoyed by the neighbour's as being their most accessible and private outdoor area.
10. Overall, due to its height, depth, and proximity to the boundary, I find that the proposed extension would impose itself upon the outlook from the immediately adjoining garden and living spaces at No 11 as an overbearing and intrusive presence, and one that would unacceptably diminish existing levels of sunlight to these areas. This would be harmful to the neighbour's living conditions.

Other Matters

11. The appellant has highlighted options for extensions that could be built as permitted development. I accept that these are realistic propositions, particularly given the appellant's stated need to make additional provision to

cater for his family. However, nothing that has been put to me would have a bulk and mass equivalent to the appeal proposal and in such close proximity to the shared boundary with No 11. The weight I attach to the appellant's options as a 'fallback' position in the event of this appeal failing is insufficient to outweigh the harm that I have identified to the neighbour's living conditions.

12. My attention has been drawn to extensions to some other properties nearby but I have been provided with no specific details to enable me to draw any direct comparisons with the appeal proposal. Regardless, I have considered the appeal on its own merits and having regard to current planning policy at both local and national level.

Conclusions

13. Notwithstanding my findings on the first main issue, for the reasons given, I find that the proposal would harm the living conditions at 11 St Helier Road. As such, there would be 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. By failing to achieve a high standard of amenity for existing and future users there would also be conflict with the National Planning Policy Framework's objectives for achieving well-designed and beautiful places. I recognise the appellant's attempts to address the Council's reasons for refusing an earlier, similar proposal but my findings lead me to conclude that the appeal must fail.

John D Allan

INSPECTOR