



Appeal Decision

Site visit made on 25 June 2024

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 04 September 2024

Appeal Ref: APP/V1260/W/23/3331707

50 Victoria Road, Poole, BH12 3BB

- 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 Ms F Roberts against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref: is APP/23/00481/F.
 - The development proposed is the demolition of detached garage and rear conservatory with new ground floor front facing window in existing property and erection of a new two storey side extension to form a new dwelling with off road car parking and private garden.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of detached garage and rear conservatory with new ground floor front facing window in existing property and erection of a new two storey side extension to form a new dwelling with off road car parking and private garden at 50 Victoria Road, Poole, BH12 3BB in accordance with the terms of the application, Ref APP/23/00481/F, subject to the conditions in the attached schedule.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the surrounding area; and,
 - The effect of the proposed development on the living conditions of existing and future residents, with particular regard to loss of privacy, loss of outlook, overshadowing and loss of light.

Reasons

Character and Appearance

3. The appeal site is located within a residential area and comprises a two storey semi-detached property and associated garage. To the front of the property there is a prominent mature tree which is the subject of a Tree Preservation Order, and which makes a substantial positive contribution to the character and appearance of the area. The submissions before me confirm that the protected tree is to be retained, and that the appeal site benefits from an extant permission for the change of use of the property and construction of an extension to form a six bedroomed House in Multiple Occupation.

4. The immediate surrounding area is characterised by a mixture of well proportioned detached and semi detached dwellings and more modestly sized terraced dwellings, of varying heights and designs, set back from the highway behind space used as garden or for vehicle parking. As acknowledged within the Officer's report, there is a lack of consistency in plot size within this residential area. Whilst there are examples close to the site where the set back of properties from the highway varies, the building line of properties fronting onto Victoria Road is, to a certain degree, consistent. Dwellings within the surrounding area are constructed in a variety of materials, with buildings close to the site exhibiting a varied palette of external finishes.
5. Policy PP27 of the Poole Local Plan (November 2018) (the Local Plan) concerns design and, amongst other matters described below, sets out that development will be permitted provided that it reflects or enhances local patterns of development and neighbouring buildings in terms of height and scale, layout and siting including building line and built site coverage. Policy PP28 of the Local Plan concerns plot severance and provides that such a scheme would only be permitted where there is sufficient land to enable a type, scale and layout of development including parking and useable amenity space to be accommodated in a manner which would preserve or enhance the area's residential character.
6. The appeal proposal seeks to demolish the existing garage and erect a two storey dwelling that would be attached to, and set back from, the host dwelling. Space is to be provided to the front of the proposed dwelling for car parking and cycle storage. The roof design of the proposed dwelling would provide a pitched roof with the ridge running perpendicular to Victoria Road resulting in the gable end facing the street and rear garden. The proposed development would use materials that reflect those used on the adjacent pair of semi-detached dwellings.
7. I find that the design and form of the proposed development, and the choice of materials used for external finishes, would reflect the local pattern of development and would preserve the surrounding area's residential character. Given the amount of external amenity space to be provided, I further do not find that the appeal proposal would appear cramped within its plot.
8. The appeal scheme would depart from the immediate surrounding pattern of development in terms of set back from its neighbouring dwellings and the adjacent highway. Furthermore, it would be of a smaller scale than those dwellings immediately surrounding the site. As such, the proposal would be somewhat out of keeping with the general pattern of development within the area and would introduce an awkward relationship with the host building and the street scene. Consequently, there would be some harm to the character and appearance of the area. Nonetheless, in my view the level of harm would be limited, affecting only its immediate adjacent surroundings.
9. For the above reasons, I conclude that the proposed development would have a limited harmful effect on the character and appearance of the area. The proposal would therefore conflict with Policies PP27 and PP28 of the Local Plan which, together and amongst other things, seek to ensure a good standard of design which would preserve the area's residential character. The proposal would also not accord with those sections of the National Planning Policy

Framework (December 2023) (Framework) which concern achieving well-designed places.

Living Conditions

10. The proposed new dwelling would be positioned set back from the existing dwelling at the site, and whilst it would be visible from the first floor bedroom window which faces south on the host dwelling, in my view there would be no significant loss of outlook which is predominately towards the existing shared boundary with the neighbouring property and the mature tree at the appeal site described above. Having regard to the relative positions of the existing and proposed new dwelling, there would be some loss of light into that bedroom. Nonetheless, given the south facing aspect of that window and the set back of the proposed dwelling, I again do not find that the loss of light into that bedroom would be significantly diminished by the proposal.
11. Further to the above, I also note the Council's concerns that, given the position of the front door at the proposed new dwelling relative to the ground floor dining room at the existing dwelling, there would be noise and disturbance associated with the comings and goings of future residents at the proposed dwelling. However, I find that any such disturbance is likely to be infrequent and would be likely to have no more than a momentary impact. I therefore do not find that there would be an unacceptable impact on the living conditions of future residents of the existing dwelling in that regard.
12. Notwithstanding the above, by reason of the position of the front entrance to the proposed new dwelling relative to a south facing window which serves the ground floor dining room at the existing dwelling, I share the Council's concerns that there would be overlooking into that habitable room, and which would have an unacceptable impact on residents at the existing dwelling in terms of loss of privacy.
13. Nonetheless, it has been put to me that the ground floor dining room window facing towards the proposed dwelling can be obscured glazed to provide privacy, and that outlook from that dining room would be maintained by the installation of a new west facing dining room window at the existing dwelling. In that regard, I agree that provision of obscured glazing on the south facing window would prevent harmful impacts in terms of overlooking and loss of privacy, and that given the provision of the additional west facing window to serve that dining room, future residents at the existing dwelling would not experience unacceptable loss of outlook or light which would be harmful to their living conditions. The requirement that the south facing ground floor dining room window at the existing dwelling provides obscured glazing can be secured by planning condition as described below.
14. Given the separation distance and the presence of a two story outrigger at the rear of the existing dwelling, I also do not find that there would be any unacceptable loss of light or loss of privacy for neighbouring residents at 52 Victoria Road, 2A Buckland Road or at 2 Buckland Road.
15. For the above reasons, and subject to a planning condition that the south facing ground floor dining room window at the existing dwelling be obscured glazed, I do not find that the appeal scheme would have an unacceptable impact on the living conditions of residents at either the existing dwelling or at the nearby neighbouring properties described above. Consequently, the appeal

proposal would accord with those parts of Policy PP27 of the Local Plan which requires that development does not result in a harmful impact upon amenity for both local residents and future occupiers in terms of light, privacy, noise or have an overbearing impact on outlook.

Other Matters

16. The appeal site falls within 5km (but not within 400m) of Heathland Site of Special Scientific Interest (SSSI) which is part of the Dorset Heathlands Special Protection Area (SPA). The Dorset Heathlands host priority habitat species including birds, lizards and snakes, as well as other species that can be found in lowland, heathland, wetlands and dunes. Additionally, the appeal site is also within the catchment of the Poole Harbour SSSI, SPA, and Ramsar site, which are nationally and internationally important for wetland birds, wetland and intertidal habitats, subtidal habitats, and invertebrate communities.
17. The Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (April 2020) (DHPF) advises that the Dorset Heathlands is designated for protected and priority habitats and species including Dartford warblers, nightjars, woodlark, hen harrier, merlin, sand lizards and smooth snakes as well as other typical species of lowland heathland, wetlands and dunes.
18. Furthermore, The Poole Harbour Recreation 2019-2024 Supplementary Planning Document (April 2020) (PHR) advises that the Poole Harbour SPA was designated for its important bird species, including internationally important populations of regularly occurring and migratory species. Reference is also made to supporting habitats for seagrass, shallow inshore waters including coastal lagoons, intertidal sediments, saltmarsh and reedbeds.
19. The habitat sites are an important recreational resource and it is likely that occupants of the proposed development would visit. On this basis, it cannot be ruled out that the proposal, when considered alone or cumulatively with other schemes, would have significant effects on the features of interest of the habitats sites due to increased recreational use.
20. To mitigate against such effects, financial contributions of the amounts set out in the DHPF and PHR have been secured in accordance with the Council's approach to strategic mitigation, which will contribute towards the delivery of Strategic Access Management and Monitoring.
21. I am satisfied, on the basis of the specific evidence before me, that the planning obligation provides a sufficient mechanism to enable the delivery of proportionate strategy to mitigate the effects of development which could affect the habitats sites.

Planning Balance

22. The Council accepts that it cannot demonstrate a five year supply of housing. As a consequence of this shortfall, the presumption in favour of sustainable development test set out in paragraph 11(d) of the Framework would be engaged. This provides that planning 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 taken as a whole.

23. Whilst I have not found any harm in respect of the living conditions of future or existing residents, for the above reasons the scheme would result in limited harm to the character and appearance of the area.
24. In terms of benefits, the Framework seeks to significantly boost the supply of homes and advises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. The proposed development would be located with access to a range of services and facilities. In light of the housing under-supply position, I give great weight to the provision of an additional dwelling at the site. However, the extent of the benefit would be limited given the scale of the development. There would also be social and economic benefits associated with construction and occupation of the dwelling, but these would also be limited by the scale of the development, and I give them limited weight.
25. In summary of the above considerations, I find that the cumulative benefits associated with the proposal would be limited by reason of the scale of development. However, for the reasons given above, the harm to the character and appearance of the area would also be limited. Consequently, I find that the harm arising from the appeal scheme would not significantly or demonstratively outweigh the benefits of the appeal scheme when assessed against the provisions of the Framework when taken as a whole. As such, I conclude that there are material considerations which indicate that a decision should be taken otherwise in accordance with the development plan and permission should be granted.

Conditions

26. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance and the Framework. In addition to the standard three year period implementation condition, which is a statutory requirement, it is necessary, in the interest of certainty and precision, to define the plans with which the appeal scheme should accord.
27. Conditions relating to on-site renewable energy sources and provision of electric vehicle charging points are necessary in the interests of reducing carbon emissions. Furthermore, conditions that require works to be carried out in accordance with the submitted arboricultural method statement and that details of on site biodiversity enhancement be approved are necessary in the interests of ecology. To ensure that the proposal does not result in unacceptable levels of run off a condition requiring that all hard surfaces shall either be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the site, is necessary.
28. In the interests of the living conditions of future and existing residents, it is appropriate and necessary to impose conditions regarding the access, parking layout and cycle storage of the proposal prior to occupation, and that the ground floor kitchen window on the southern elevation of the new dwelling be obscured glazed.
29. For the reasons given above, I have also found it necessary and appropriate to include additional planning conditions requiring that the south facing ground floor dining room window at the existing dwelling be obscured glazed, and requiring that the proposed new west facing window in the ground floor dining

room at the existing dwelling be installed prior to occupation of the new proposed dwelling.

Conclusion

30. For the reasons given above the appeal should be allowed.

Mr A Spencer-Peet

INSPECTOR

Schedule of Conditions

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall in all respects accord strictly with drawing numbers: Location Plan TQRQM21288092008105, First Floor Plans as Proposed 5(A) Rev A, East and West Elevations as Proposed 6, North and South Elevations as Proposed 7, Tree Protection Plan RNapec/383/TPP/1, Arboricultural Method Statement 383/AMS/1 dated 20 March 2023 and Arboricultural Impact Assessment 383/AIA/1 dated 20 March 2023, received by the Local Planning Authority on 19 April 2023, and drawing number: Site Plan 1(A)(B) Rev B received by the Local Planning Authority on 12 July 2023, and drawing number: Tree Protection Plan (Shadow Pattern) received by the Local Planning Authority on 8 August 2023.
3. The development hereby permitted shall not be brought into use until the access, turning space, garaging,/vehicle parking and cycle parking shown on the approved plan have been constructed, and these shall thereafter be retained and kept available for those purposes at all times.
4. Within 3 months of the commencement of the development details of the provision of Electric Vehicle Charging Points and associated infrastructure shall be submitted to the Local Planning Authority in writing. Neither house shall be occupied until details have been approved by the Local Planning Authority, the approved details implemented and the charging points made operational. Thereafter the Electric Vehicle Charging Points shall be permanently retained available for use at all times.
5. Both in the first instance and upon all subsequent occasions, the ground floor kitchen window on the southern elevation of the dwelling shall be glazed with obscured glazing which conforms with or exceeds Pilkington Texture Glass Privacy Level 3 (or an equivalent level in any replacement standard) and every such window is either a fixed light or hung in such a way as to ensure that the full benefit of the obscured glazing in inhibiting overlooking is maintained. Every obscured glazed window shall thereafter at all times be retained in accordance with this condition.
6. Prior to first occupation of the building(s) hereby permitted, details of measures to provide 10% of the predicted future energy use of each dwelling from on-site renewable sources, shall be submitted to and approved in writing by the local planning authority. These measures must then be implemented before any residential occupation is brought into use, and maintained thereafter.
7. All ground hard surfaces shall either be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the site. The hard surface shall thereafter be retained as such.

8. Prior to the first occupation of the dwelling, hereby approved, details of on-site biodiversity enhancements as part of the scheme in accordance with Policy PP33 of the Local Plan shall be submitted to and approved in writing by the LPA. The agreed measures shall be implemented prior to first occupation of the dwelling, and thereafter retained.
9. All works relating to the ground clearance, tree works, demolition and development with implications for trees shall be carried out as specified in the approved arboricultural method statement and shall be supervised by an arboricultural consultant holding a nationally recognised arboricultural qualification.
10. The new dwelling hereby permitted shall not be occupied until the ground floor new west facing dining room window at the existing dwelling has been installed.
11. The new dwelling hereby permitted shall not be occupied until the ground floor south facing dining room window at the existing dwelling has been fitted with obscured glazing. Details of the type of obscured glazing and any opening arrangement shall be submitted to and approved in writing by the Local Planning Authority before the window is installed and once installed the obscured glazing shall be retained thereafter.