

Appeal Decision

Site visit made on 30 September 2024

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2024

Appeal Ref: APP/V1260/W/23/3328262

147 Longfleet Road, Poole BH15 2HS

- 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 SKS Construction against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/23/00410/F.
 - The development proposed is the change of use, extensions and alterations to form a 13 bedroom large HMO (Sui Generis).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The third and fourth refusal reasons relate to the lack of mitigation in relation to the Dorset Heathlands Special Protection Area and Ramsar site, Dorset Heaths Special Area of Conservation, and Poole Harbour Special Protection Area and Ramsar site. However, the Council has confirmed that the financial contribution towards the relevant mitigation schemes have been paid to the Council. Consequently, the Council do not wish to pursue these reasons for refusal.

Main Issues

3. The main issues are:
 - whether the proposal would provide satisfactory living conditions for future occupiers; and
 - the effect of the proposed development on the living conditions of occupiers of neighbouring properties at 145 and 149 Longfleet Road.

Reasons

Living conditions of future occupiers

4. The proposed HMO would comprise 13 single occupancy en-suite bedrooms set over 4 floors, with a shared kitchen/dining and separate communal area on the ground floor of the building. While the bedrooms would provide adequate space for sleeping, the residents of the HMO would be likely to be reliant on the shared spaces for the majority of their day to day activities,

including food storage, cooking, eating, the washing and drying of clothes and socialising.

5. The ground floor plan shows a rectangular kitchen/dining area with 2 sinks and draining boards, and a single hob, which, together with storage space, could provide the necessary features of a functional kitchen. While there would be an area within the L shaped kitchen unit layout for the provision of worktop space to enable food preparation, the extent of the area would be likely to be limited given the need for sufficient fridge/freezer space for 13 occupants, which it is conceivable would include full height appliances. Moreover, the layout of the room, including the position of doors and windows would restrict the space available even for a small dining table. There would also be a separate shared communal area with access to an outdoor patio, where occupiers could eat meals, watch TV, or otherwise relax or undertake general household tasks, however this space is also modest in size.
6. The communal area and kitchen/dining space, could be used by several occupants at mealtimes and for other purposes throughout the day and in the evenings, including a seating area. Even if the occupants of the property have separate daily routines, and would not require use of the areas simultaneously, it nonetheless remains that the space has the potential to be in use by up to 13 people at one time.
7. Having regard to the level of occupation, together with the overall size and configuration, the communal rooms at the property would be unduly cramped spaces and would not provide adequate internal communal facilities for 13 individuals. While I have not been directed to any specific space standard in the development plan or any supplementary guidance, in light of the above considerations, the lack of suitably sized communal areas would result in unduly oppressive and restrictive living space for occupants of the HMO which would not promote health and wellbeing.
8. The occupiers of the HMO would benefit from access to a communal courtyard and private rear garden space, which would offer an additional shared area for relaxing or socialising. However, given the use of these spaces would be largely weather dependent, they would not offer a practical or realistic alternative to indoor communal living space. Moreover, the presence of a range of facilities, services, and recreational facilities nearby, including public open space, would not overcome the need for adequate internal communal space to meet the day to day needs of residents.
9. Furthermore, even if the bedrooms would have en-suite facilities and their size would meet the space standards, this would not justify the poor quality of the internal communal space provided overall.
10. It is suggested that, should the appeal be allowed, the provision of communal space would be a matter for consideration as part of the HMO licence. Nonetheless, while the licencing regime seeks to ensure that an HMO is safe and has basic facilities, the aim of planning policies is to ensure that the accommodation would function well, with a high quality living environment for future occupiers. Consequently, I cannot be certain that a licence would satisfactorily address the harm to living conditions I have identified.

11. Each of the 13 bedrooms would be served by a window or dormer window and rooflights. Bedroom 11 is located at basement level, to the rear of the property. The proposed opening to the side elevation, while comprising French doors, would provide the only outlook from the room, and would be partially inset into the slope of the site and close to the boundary treatment, which is likely to include some form of retaining structure. The ground floor window in the side elevation of the building which would serve bedroom 2, would be also be positioned only a short distance from the side boundary of the site, with the enclosure to the bin store immediately to the side. Bedroom 3, also at ground floor level, would have a small rear facing window overlooking the shared outdoor courtyard, which would be enclosed by the bin store, the 2 storey side wall of the appeal property immediately to one side and the side boundary of the site close to the other side.
12. Consequently, these rooms would have a very limited outlook and as such feel unduly enclosed. In addition, this arrangement would restrict the levels of daylight and associated solar gain to bedrooms 11, 2 and 3, which would increase reliance on artificial sources of light and heating. In that regard, the proposal would not provide satisfactory living conditions for the future occupiers of these rooms.
13. Despite the windows serving bedrooms 6 and 7 directly facing towards the 2 storey side elevation of No 145, given the difference in eaves levels and gap between the buildings, the occupiers of these rooms would nonetheless benefit from an outlook from the windows, albeit somewhat limited, and light would not be unduly restricted to these openings.
14. The appellant asserts that the outlook and light available for future occupiers would not be dissimilar to that provided by the original layout of the dwelling. However, unlike the use of the property as a single dwelling, where occupiers would have flexibility in terms of the internal layout and use of the rooms, the occupation as an HMO would confine residents to specific rooms. Moreover, even if the future occupiers have access to outdoor space, this would not override the need to provide suitable living conditions inside the property.
15. For the reasons given, the proposal would fail to provide satisfactory living conditions for future occupiers of the HMO with regard to the size of the internal communal areas and the light and outlook to bedrooms 11, 2 and 3. It would therefore fail to accord with the aims of Policies PP27 and PP37 of the Poole Local Plan adopted 13 November 2018 (PLP) which seek a good standard of design that provides satisfactory internal amenity space for new occupiers; and require proposals to tackle climate change by, among other things, ensuring that the orientation and design of the development uses passive design features to minimise the need for artificial light, heating and cooling and maximises solar gain.
16. The Council's refusal reason also refers to Policy PP28 of the PLP, which, in the case of sub-divisions includes the need to preserve or enhance residential character and appearance. However, it has not been shown how harm in respect of this issue would result in conflict with this policy in the case of the appeal proposal.

Living conditions of the occupiers of 145 and 149 Longfleet Road

17. Together with alterations and extension to the main roof of the building the appeal proposal includes the erection of an extension to the rear of the property. The proposed extension to the rear would be over 3 floors, including a basement accommodated within the lower ground level of the rear garden land, a first floor, and second floor accommodation within the roof space, and would replace the existing lean-to adjunct to the rear of the dwelling. The extension would have a lower ridge height and eaves level than the host dwelling and would incorporate a half hip design to the end gable.
18. The existing flank wall of the appeal property is set in from the shared side boundary of the site with 149 Longfleet Road (No 149). While the depth and bulk of the proposed extension would be greater than that of the existing lean to, it would be stepped in a short distance from the side elevation of the main dwelling adjacent to No 149. Moreover, despite the breach of the 45 degree line in terms of the distance of projection from the rear of the property, given the siting of the extension, overall height, and roof design, with low eaves and a roof plane that would slope away from the shared boundary between the properties, the extension would not be an unduly oppressive or dominant feature when viewed from the closest windows in the rear elevation of the flatted development at No 149.
19. The level of light to the windows in the rear elevation of No 149 closest to the side boundary of the site is already affected to a degree by the design of the building, the orientation of the property and its relationship with the existing dwelling at the appeal site. Given the siting and overall height of the proposed extension, there would be significant periods of the day when it would not give rise to additional overshadowing or loss of light to the windows in the neighbouring property. As such, the proposal would not result in material harm to the living conditions of the occupants of No 149 with respect to outlook or light.
20. The proposed extension at first floor level would elongate the extent of the 2 storey element of the existing dwelling at the appeal site, and would further increase the volume of the dwelling to the rear and side, adjacent to the side boundary with No 145. Despite the lower ground level and overall height and mass of the lower section of the extension, as well as the roof design, the proposal would nonetheless result in a substantial addition that would project a considerable distance from the rear elevation of the existing property and beyond the side elevation of the property.
21. The neighbouring property at No 145 has a number of openings in the flank elevation that face towards the appeal site, including a small ground floor kitchen window next to the boundary between the properties. By virtue of the overall bulk, height and projection of the extension, in addition to its proximity to the shared boundary, the proposal would unacceptably dominate the outlook from the side kitchen window at No 145 and therefore harm the living conditions of the occupiers of the property.
22. For the foregoing reasons, I conclude that while the proposed development would not have an adverse effect on the living conditions of the occupiers of No 149, it would harm the living conditions of the occupants of No 145 with

particular reference to their outlook. It would therefore conflict with Policy PP27 of the PLP, which supports new development where it would not result in a harmful impact upon amenity in terms of being overbearing or oppressive.

Other Matters and Planning Balance

23. The Council indicates that it is not able to demonstrate a 5 year supply of deliverable housing sites. In such instances paragraph 11 d) of the National Planning Policy Framework (the Framework) falls to be considered. In so far as this appeal is concerned, this indicates that 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.
24. The proposal would offer benefits in terms of housing supply, which is a key objective of the Framework, which seeks to significantly boost the supply of housing, and would make efficient use of the site. The provision of smaller affordable units would also add to the housing mix in the area. These factors weigh considerably in favour of the scheme, particularly in light of the Council's housing land supply position. Future occupiers of the HMO would also benefit from accessibility to services, facilities and good public transport links, and the proposal could provide biodiversity net gain.
25. The absence of harm in relation to other matters including the character and appearance of the area and highway safety, as well as mitigation towards the European sites are neutral matters.
26. Set against the benefits of the scheme outlined above, I have found that it would harm the outlook from No 145 and would fail to provide suitable living conditions for future occupiers of the HMO. The Framework refers to a high standard of amenity for existing and future users. The adverse effect of the development in these regards counts significantly against the scheme.
27. Having regard to all material factors, when assessed against the policies in the Framework as a whole, I find that the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme. Consequently, the presumption in favour of sustainable development set out in paragraph 11 of the Framework does not apply.
28. Whilst I am sympathetic to the fact that the appeal proposal is a resubmission which seeks to address issues previously raised by the Council, I can only assess the current proposal on the basis of the information before me.

Conclusion

29. The proposed development would fail to accord with the development plan as a whole. There are no other considerations, including the provisions of the Framework, which outweigh this finding to justify granting planning permission contrary to the development plan.
30. For the reasons given above I conclude that the appeal should be dismissed.

E Worley INSPECTOR