



Appeal Decision

Site visit made on 28 August 2024

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2024

Appeal Ref: APP/V1260/D/24/3339231

78 Sherwood Avenue, Poole BH14 8DL

- 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 Mrs L Lee-Benson against the decision of Bournemouth Christchurch and Poole Council.
- The application Ref is APP/23/01361/F.
- The development proposed is described on the application form as, "Remove roof and add first floor extension and second floor accommodation in the roof space and extension to the rear. Solar panels on south western roof slope (revised scheme)".

Decision

1. The appeal is allowed and planning permission is granted for, "Extend, alter and remodel existing dwelling by adding first floor, accommodation within roof space and rear extension. Install solar panels on south western roof slope", at 78 Sherwood Avenue, Poole, BH14 8DL, in accordance with the terms of the application, Ref APP/23/01361/F, and subject to the conditions set out in the attached schedule.

Preliminary Matter

2. Differing to the description of development in the banner heading above, the Council's decision notice accurately describes the development as shown on the supporting plans as, "Extend, alter and remodel existing dwelling by adding first floor, accommodation within roof space and rear extension. Install solar panels on south western roof slope". I have used this description in my consideration of the appeal and in my decision since it best describes the proposed development in precise and concise terms.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether or not the proposed development would result in a total demolition and loss of the existing dwelling on site.

Reasons

Character and appearance

4. The appeal site comprises 78 Sherwood Avenue (No 78), a detached bungalow located on the brow of a hill in a residential area where in recent years a number of dwellings have either been remodelled or extended, often with

contemporary designs. The street scene exhibits a mix of dwelling sizes, heights, and styles. Some of the recently remodelled properties stand out as prominent architectural statements in their own right, such as 46 Sherwood Avenue, for example.

5. The proposed development would similarly remodel, alter, and extend No 78 by adding a first floor, accommodation within the roof space, and a rear extension. Solar panels would also be installed. No 78 as remodelled would have a higher ridge height than the dwellings either side of the site, but this is not uncommon in the street scene. Indeed, 67 and 69 Sherwood Avenue, which lie almost directly opposite the site near the brow of the hill, have noticeably higher ridge heights than the properties adjacent to them. I observed other examples of similar arrangements in the near vicinity, including at 45 Sherwood Avenue, which is considerably taller than several of the properties on its side of Sherwood Avenue.
6. I note that the northern side of Sherwood Avenue, where the site is located, generally contains dwellings of a lesser scale in the vicinity of the site than the southern side. Nevertheless, No 78 as remodelled would be seen in the context of the street scene as a whole, which would include the dwellings on the southern side. In this regard, the building size comparison chart submitted by the appellant shows that there are numerous dwellings along Sherwood Avenue with dimensions which either match or exceed those proposed at No 78 in terms of width and / or height. Hence, No 78's higher ridge height mentioned above would not appear as an anomaly in the wider street scene, nor would No 78 as remodelled appear out-of-keeping with its context in terms of its scale.
7. Rather, the remodelling of No 78 as proposed would sit well within the range of differing heights and scales of nearby dwellings. The significant set-back of the balcony on the second floor from the front of the dwelling would ensure that No 78 would be perceived as a 2.5 storey dwelling in the street scene.
8. No 78 as remodelled would continue to fit neatly within its plot, and would not meaningfully extend beyond the predominant building line on its side of Sherwood Avenue. Its resulting well-proportioned contemporary design would add to local distinctiveness by reflecting the evolving street scene of which it forms a part.
9. I therefore find that the proposed development would have an acceptable effect on the character and appearance of the area. It would comply with Policy PP27 of the Poole Local Plan (adopted 2018) (Local Plan) which provides that, amongst other things, development will be permitted provided that, where relevant, it reflects or enhances local patterns of development and neighbouring buildings.

Extent of any demolition

10. At the appeal stage, the appellant submitted an annotated plan showing the extent of the existing building that is proposed to be retained. From this, it is clear that although the proposed development would significantly augment the existing property (including via the removal of the roof), sufficient existing walls would be retained such that the proposed development would not result in the demolition of the existing dwelling.

11. I therefore find that the proposed development would not result in a total demolition and loss of the existing dwelling on site. No conflict would arise with the provisions of s62 of the Town and Country Planning Act 1990 (as amended) in this respect.

Other Matters

12. I have had regard to the representations submitted by an occupier of 76 Sherwood Avenue (No 76) which in part suggest that the proposed development should be repositioned. In relation to this, I must assess the proposed development on the basis of the submitted appeal plans, and I note that no specific evidence has been provided to substantiate the claim that the proposed development could result in any subsidence / slippage of the footings and wall of No 76. These are not therefore matters which alter my findings on the main issues above.
13. Appeal decision Ref APP/V1260/D/23/3317066 related to a substantially different scheme to that before me, which included a full 3-storey redevelopment of No 78, with a modern flat roof. As that scheme is not directly comparable with the proposed development it does not change my findings on the main issues above.

Conditions

14. I have had regard to the conditions suggested by all parties. I have considered them against the advice on conditions set out in the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG).

Conditions imposed

15. Conditions are necessary, in the interests of clarity and enforceability, setting out the timescale for the commencement of development (condition 1) and the approved plans (condition 2), respectively.
16. Given the remodelling of No 78 approved, a condition is necessary requiring samples of all external facing materials to be submitted to and approved in writing by the Local Planning Authority, to safeguard the character and appearance of the area (condition 3).
17. A condition is necessary preventing the use of the single storey rear extension from being used as a balcony, to protect the living conditions of neighbouring occupiers, with particular regard to privacy (condition 4).

Conditions not imposed

18. The roof windows on the north-eastern elevation of No 78 would be set at a high-level, as shown on the submitted plans, and therefore any views towards the living areas at No 76 would be limited and at oblique angles. As such, a condition is not necessary requiring these windows to be set at a different height or to be obscure-glazed.

Conclusion

19. It follows from the above that the proposed development would comply with Policy PP1 of the Local Plan which provides that, amongst other things, planning applications that accord with the policies in the Poole Local

Development Plan will be approved without delay, unless material considerations indicate otherwise.

20. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be allowed.

Alexander O'Doherty

INSPECTOR

Conditions Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Property (Drawing No. P01) (Rev. A), Proposed Site (Drawing No. P02) (Rev. A).
- 3) No development above ground level shall take place until samples of all external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved sample details.
- 4) The roof area of the single storey rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

End of Conditions Schedule