



Appeal Decision

Site visit made on 18 November 2024

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2024

Appeal Ref: APP/V1260/D/24/3353495
40 Clifton Road, Poole BH14 9PP

- 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 John Parker against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref is APP/24/00077/F.
 - The development proposed is to enlarge front facing balcony at 1st floor level, Construct an attached extension to the south east front elevation (to be used as a residential garage), Make amendments to fenestration, and Rework ground floor layout including conversion of existing garage into living floor space.
-

Decision

1. The appeal is allowed and planning permission is granted to enlarge front facing balcony at 1st floor level, Construct an attached extension to the south east front elevation (to be used as a residential garage), Make amendments to fenestration, and Rework ground floor layout including conversion of existing garage into living floor space at 40 Clifton Road, Poole BH14 9PP in accordance with the terms of the application, Ref APP/24/00077/F, and the plans submitted with it, subject to the conditions set out within the annex found at the end of this decision letter.

Preliminary Matter

2. The Council's officer report states that the submitted plans are inaccurate with the stated scale on a number of the plans being incorrect; having measured the siting of the existing property from the Council's mapping systems based on Ordnance Survey data. However, as the appellant has quite rightly pointed out, Ordnance Survey data cannot be wholly relied upon for the purposes of setting out a site and it is always prudent to carry out a full site survey as has been the case for this proposal. I have been given no substantive reason to doubt the submitted plans' accuracy and I have therefore based my decision upon them.

Main Issues

3. The main issues are the effect of the appeal proposal upon the character and appearance of the area; and upon the living conditions of the occupants of 40a Clifton Road in respect of privacy.

Reasons

Character and Appearance

4. The appeal site comprises a modern, detached dwelling located within a residential street where many contemporary designs can be found and properties tend to comprise large, detached dwellings situated on reasonably deep plots albeit with the spacing between flank elevations and respective side boundaries being fairly tight in many instances. However, no40 is unusual in that it has a substantial gap between its eastern elevation and the boundary shared with no38, largely due to the presence of a protected Scots Pine tree.
5. There is a fairly consistent building line created by the front elevations of houses on the northern side of Clifton Road and the proposed garage would mainly be located to the front of the side space, overlapping the front elevation at ground floor level of the host dwelling by a fraction. The site of the proposed garage is on land that is broadly the same level as the public footway and road, although a laurel hedge, set behind the front metal railings intervenes, such that when viewed 'head-on' not much of the garage's roof or eaves would be seen.
6. Admittedly, the garage and its western elevation would be visible through the gates when looking towards the site from Clifton Road itself, but this would be against the backdrop of the dark brown cladding of no38 situated on its facing elevation at first floor level. In addition, bearing in mind the quite unique spacing to the side of no.40, the garage proposed could not be easily replicated within the street scene.
7. Whilst the southern flank elevation of the garage would be devoid of any fenestration, by virtue of the aforementioned boundary screening and its scale in comparison to the host dwelling, I consider that it would not appear as an incongruous feature. Further, the proposed charcoal timber cladding would not only match with the colour of the fenestration found on the appeal site, but also with other properties within the road including at 35 Clifton Road. Consequently, I consider that the proposal would not relate poorly to the existing form, siting, character or materials of the existing dwelling; neither would it contrast awkwardly with the dwelling's existing appearance.
8. I note that the Council raise no issues in respect of the design and appearance of the other elements of the proposal and overall I consider that the proposed garage would not give rise to harm to the character and appearance of the area; it would reflect local patterns of development and would comply with Policy PP27 of the Poole Local Plan (November 2018) (PLP) which requires a good standard of design in all new developments, including extensions, and external alterations to existing buildings and development will be permitted provided that, amongst other things, it reflects or enhances local patterns of development and neighbouring buildings in terms of layout and siting, height and scale, bulk and massing, materials and detailing.

Living Conditions

9. The front first floor balcony that currently exists would be extended across the front elevation of the house such that it would be level both sides and would project beyond that of no40a. The balcony at first floor level on 40a is partly recessed and its external element is enclosed by a low brick wall to each side

with a frosted glass screen to the front; and with a stainless steel rail above around its perimeter.

10. I have been made aware that planning permission has been granted in the past for an extension to the front balcony on the host dwelling albeit of a different design; and in that particular situation, obscure glazing was proposed to the western elevation. Presently, no such privacy screen is proposed as part of the scheme before me although I note that the appellant has highlighted that they would have no objection to the imposition of an appropriately worded condition requiring one to be installed and such a condition has been put forward by the Council in its suggested list. I consider that such a form of screening would be imperative in order to protect the living conditions of the occupants of no40a from overlooking and a consequent loss of privacy.
11. I conclude that with the imposition of an appropriately condition, the proposed balcony extension to the front of the dwelling would not result in a harmful impact upon the living conditions of the occupants of 40a Clifton Road and would comply with PLP Policy PP27 which requires proposals to be compatible with surrounding uses and not result in a harmful impact upon amenity for both local residents and future occupiers considering, *inter alia*, privacy.

Conclusion and Conditions

12. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should succeed.
13. Other than the standard time limit condition the Council has suggested conditions be imposed that require details and samples of all external facing roofing materials to be submitted and approved prior to the construction of the garage above ground floor slab level and that the development be carried out in accordance with the submitted plans. In addition, the Council have also suggested a condition requiring all works related to ground clearance, tree works, demolition and development with implications for trees to be carried out in accordance with the submitted Arboricultural Impact Assessment and Method Statement, as well as monitoring in the form of site visits by the appellant's Arboricultural Consultant (suggested conditions 7 and 8). I consider that all of the above conditions are necessary in the interests of preserving the character and appearance of the area.
14. In addition, the Council has also recommended the imposition of conditions requiring the ground floor window serving the sitting room to the south western elevation to be obscurely glazed along with the erection of a privacy screen to the first floor balcony in order to protect the living conditions of the occupants of 40a Clifton Road from loss of privacy. These conditions along with a further condition prohibiting the use of the flat roof area as a balcony, roof garden or similar amenity area I also consider necessary in the interests of protecting the living conditions of neighbouring residents.

C J Tivey

INSPECTOR

Annex 1 – List 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 permitted shall be carried out in accordance with the following approved plans: Location Plan, Block Plan, and Drawing nos 001, 012, 013, 014, 015, 021 and 022.
3. Notwithstanding the details contained on the submitted plans, details and/or samples of all external facing and roofing materials to be used in the construction of the proposed garage extension, hereby approved, shall be submitted to, and approved in writing by the Local Planning Authority prior to the construction of the approved extension above ground floor slab level. The development shall thereafter be carried out in accordance with the approved details.
4. The ground floor window serving the sitting room to the south western (side) elevation facing No.40a Clifton Road shall be glazed in glass which conforms to or exceeds Pilkington Texture Glass Privacy Level 3 and shall either be a fixed light or hung in such a way as to prevent the effect of obscure glazing being negated by reason of opening and shall thereafter be retained as such at all times.
5. An obscure glazed screen which conforms to or exceeds Pilkington Texture Glass Privacy Level 3 of at least 1.8 metres in height above the floor level of the first floor balcony to the front (south east) elevation of the dwelling shall be erected along the south western side of the first floor balcony to the front (south eastern) elevation facing towards No.40a Clifton Road. The obscure glazed screen shall be erected prior to the commencement of use of the enlarged balcony, hereby permitted, and shall thereafter be permanently retained as such.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Town and Country Planning Act 1990 (as amended) or any Order/Act revoking and re-enacting that Order/Act with or without modification, the flat roof area of the garage extension, hereby permitted, shall not be used as a balcony, roof garden or similar amenity area.
7. 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.

Site visits shall be carried out by the developer's arboricultural consultant in strict accordance with the supervision schedule contained within the approved arboricultural method statement. Copies of written site notes and/or reports detailing the results of all site supervision visits and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority.