



Appeal Decision

Site visit made on 5 December 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 December 2024

Appeal Ref: APP/V1260/W/24/3341912

43 Uppleby Road, Poole BH12 3DB

- 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 Jonathan Starks against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/23/01057/F.
 - The development proposed is the erection of detached property at rear of garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development as provided on the Council's decision notice and the appellant's appeal form.

Main Issues

3. The main issues are the effect of the proposed development on: (i) the character and appearance of the area; and (ii) the living conditions of future occupiers of the proposed dwelling, as well as those of No. 43 Uppleby Road, with particular regard to privacy, outlook, noise and the size of the proposed private garden space.

Reasons

Character and Appearance

4. The proposed single storey dwelling would front onto Phylton Close. Given the proximity of the dwellings on this street to the road, and the limited space between buildings, the immediate area has a fairly tight knit feel. However, in part, the character of the surrounds is prevented from feeling overly imposing or cramped by the fairly generous gap that exists between the existing homes on Phylton Close and Uppleby Road.
5. When standing on Uppleby Road, it is very noticeable that No. 43 is situated significantly further back into its plot than its neighbouring properties to the north. As such, the proposed dwelling would have a much closer relationship with No. 43 than is the case with other properties on Uppleby Road and Phylton Close. It therefore seems inevitable to me that this reduced gap would be easily perceived when seen from Phylton Close, and that the resulting densification of the urban form in this area would increase the sense of enclosure and would lead to a further erosion of spaciousness.

6. Such an arrangement would appear as being incongruous within the street scene and would therefore represent clear and obvious harm to the character and appearance of the area. As such, while the design of proposed dwelling would be acceptable when considered in isolation, I find that the proposed development would conflict with Policies PP27 and PP28 of the Poole Local Plan, November 2018 (the LP). Taken together, the relevant aspects of these policies seek to ensure that new development is well designed and that it preserves character and appearance, including where proposals seek to sub-divide existing plots.

Living Conditions

7. The approved plans show that the master bedroom of the proposed dwelling would be served by two rooflights. In order to prevent overlooking from the upper floors of No. 43, these rooflights, along with three others that would serve additional rooms, could be made opaque. The master bedroom would also have a small high-level window in the southern elevation. Collectively, while the rooflights and small window would let in enough daylight, it seems clear to me that the resulting lack of outlook from this room would be highly unpleasant and oppressive for future occupiers. This would be the case, irrespective of whether the rooflights were opaque or not.
8. While the proposed dwelling would be in very close proximity to No. 43, I do not find that this would lead to an undue level of noise and disturbance for either set of occupiers. Indeed, there is no reason to think that the rear boundary of the proposed property would not be appropriately fenced off in the usual manner. Furthermore, while the proposed garden space to the front of the property would be relatively small, it would be large enough to perform its function and it could also be made more private through suitable planting and boundary treatment.
9. Nevertheless, I conclude that the lack of outlook from the master bedroom represents a poor design that would have a significant negative effect on the living conditions of future occupiers. As such, the proposal would conflict with the relevant aspects of LP Policy PP27 which seek to preserve living conditions for all users.

Other Matters

10. The decision notice contains two further reasons for refusal that relate to the proximity of the appeal site to various protected sites, including two Special Protection Areas and a Special Area of Conservation. However, given that I am dismissing the appeal, I am not required to consider this matter further.

Planning Balance and Conclusion

11. The officer report outlines that the Council cannot currently demonstrate a 5-year supply of deliverable sites for housing. Furthermore, the results of the latest Housing Delivery Test, published in December 2024, confirm that an insufficient number of homes have been built in the Poole area over recent years. As a result of the shortfall, policies related to the location and supply of housing are deemed to be out of date. In such circumstances, Paragraph 11d and footnote 8 of the National Planning Policy Framework (the Framework) require 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 as a whole.

12. In this instance, the benefits of the proposal include the provision of a single new home that would assist in meeting need in the area, support for local facilities, and the creation of jobs during the construction phase. Despite the level of shortfall in housing land supply and delivery, which leads me to attribute increased weight to the benefits, I still only afford limited weight to them overall given that they are relatively minor in nature.
13. I have concluded that there would be material harm to the character and appearance of the area and to the living conditions of the future occupiers of the proposed development. The support for the principle of development within the Framework is countered by the importance it places on the provision of development that preserves character and appearance and living conditions. In this instance, the harm to both would be significant and enduring. As a result, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits. Consequently, for the reasons given, the proposed development conflicts with the development plan as a whole, and there are no other considerations, including the provisions of the Framework, that outweigh the identified harm. The appeal is therefore dismissed.

C Butcher

INSPECTOR