



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: 29 January 2025

Appeal Ref: APP/V1260/W/23/3333330

8 Scarf Road, Poole BH17 8QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr R Stevenson (Dean Swift Development) against Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/23/00718/F.
 - The development proposed is demolish conservatory and erect an attached 3 bedroom dwelling with private garden and off-street car parking (revised scheme).
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Decision

1. The appeal is dismissed and planning permission for demolish conservatory and erect an attached 3 bedroom dwelling with private garden and off-street car parking (revised scheme) is refused.

Preliminary Matters

2. Since the appeal responds to the Council not having determined the application, there is no decision notice. Nonetheless, they have stated it would have been refused. The reasons for which have informed the main issues of this appeal.
3. During the course of the appeal the Council published the Housing Land Supply Statement: Position at 1 April 2024 (October 2024) (Housing Land Supply Statement), and in December 2024 a revised National Planning Policy Framework (the Framework) was published. The main parties were provided with an opportunity to comment, and I have taken the comments received into account. I have had regard to the Housing Land Supply Statement and the revised Framework in my decision.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposed development would provide satisfactory living conditions for the future occupiers of the proposed dwelling, with particular regard to outlook; and
 - the effect of the proposed development on the living conditions of the occupiers of 10 Scarf Road, with particular regard to privacy.

Reasons

Character and appearance

5. The appeal site comprises 8 Scarf Road (No 8), a 2-storey semi-detached dwelling which forms part of a group of 4 pairs of semi-detached dwellings arranged around a green space, situated in a predominantly residential area. The layout of the dwellings immediately to the west of the site mirrors this arrangement. The side elevation of No 8 extends beyond the front elevation of 10 Scarf Road (No 10), but only by a small margin. To the south, the site abuts Tait Close, a cul-de-sac. A number of dwellings front the road beyond the turning head of the cul-de-sac, which lies adjacent to the site.
6. The proposed development would accord with the advice referred to by the appellant given in the Design Code Supplementary Planning Guidance in relation to scale and massing, and appropriate materials would be used. Nevertheless, the proposed dwelling would be attached to No 8, and as its principal elevation would face directly towards the side elevation of 10 Scarf Road (No 10) rather than towards the green space in front of No 10, its layout would be at odds with the prevailing pattern of development in the vicinity. It would also erode much of the open space between No 8 and No 10 which presently serves to break up the mass of built form in the vicinity.
7. Hence, although the resulting plot size would be similar to those at 4 and 6 Scarf Road, as the proposed dwelling would be in clear view when seen from Tait Close and the footpath adjacent to the site, harm to the character and appearance of the area would result. Although soft landscaping (which could be secured via a planning condition) would soften the visual impact of the proposed dwelling in the street scene, this would not be sufficient to adequately off-set the range of adverse impacts identified above.
8. I have had regard to the examples of planning permissions put forward by the appellant. I observed the relevant sites from public vantage points during my site visit. I saw that none of these examples relate to an existing layout with dwellings arranged around a green space or where a dwelling is facing the side elevation of a nearby dwelling at close proximity. As these examples are not directly comparable with the proposed development, they do not change my findings above.
9. I therefore find that the proposed development would have an unacceptable and harmful effect on the character and appearance of the area. It would conflict with parts (1)(a)(i) and (vi) of Policy PP27 of the Poole Local Plan (adopted 2018) (Local Plan) which provides that, amongst other things, development will be permitted provided that it reflects or enhances local patterns of development and neighbouring buildings in terms of layout and siting and visual impact, and with part (2) of Policy PP28 of the Local Plan which provides that, amongst other things, residential proposals involving plot severances or plot sub-divisions will only be permitted where there is sufficient land to enable a type, scale and layout of development including parking and usable amenity space to be accommodated in a manner which would preserve or enhance the area's residential character.
10. The proposed development would also conflict with paragraph 135 c) of the Framework which provides that, amongst other things, planning decisions should ensure that developments are sympathetic to local character and history, including

the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Living conditions – future occupiers

11. The principal elevation of the proposed dwelling, including a large window to its kitchen, would directly face the side elevation of No 10. At such close proximity to the side elevation of No 10, outlook from that window would be considerably constrained. This would make the kitchen an unpleasant space to occupy, resulting in harm to the living conditions of the future occupiers of the proposed dwelling.
12. I therefore find that the proposed development would not provide satisfactory living conditions for the future occupiers of the proposed dwelling, with particular regard to outlook. It would conflict with part (1)(c) of Policy PP27 of the Local Plan which provides that, amongst other things, development will be permitted provided that it would not result in a harmful impact upon amenity for future occupiers.
13. The proposed development would also conflict with paragraph 135 f) of the Framework which provides that, amongst other things, planning decisions should ensure that developments create places with a high standard of amenity for future users.

Living conditions – 10 Scarf Road

14. The sole window facing No 10 at first-floor level would serve a bathroom. A planning condition could be imposed requiring this window to be obscure-glazed. As such, no direct overlooking towards No 10 would occur. As a single obscure-glazed window situated in a residential area where some degree of overlooking between dwellings and their rear garden areas is commonplace, the occupiers of No 10 would not suffer from an undue perception of being overlooked.
15. Consequently, the proposed development would have an acceptable effect on the living conditions of the occupiers of No 10, with particular regard to privacy. In relation to this main issue, no conflict would arise with Policy PP27 of the Local Plan which provides that, amongst other things, development will be permitted provided that, where relevant, it would not result in a harmful impact upon amenity for local residents considering privacy.

Other Matters

16. The finding on the 3rd main issue above, in relation to the living conditions of the occupiers of No 10, is a neutral matter, which does not weigh in favour of the proposed development.
17. The Council's putative reasons for refusal makes reference to the Dorset Heathlands Special Protection Area (SPA), Ramsar Site and Dorset Heaths Special Area of Conservation, and the Poole Harbour SPA, Site of Special Scientific Interest and Ramsar site. As, following my conclusion below, the appeal is being dismissed for other reasons, there is no need to consider the potential implications of the proposed development in these respects, nor is it necessary to consider the submitted planning obligation in any further detail. I therefore make no further comments on these matters.

Other Considerations and Planning Balance

18. The proposed development would provide one new dwelling in an accessible and existing residential area, close to services and facilities and bus services. As a family-sized dwelling, it would also contribute towards housing choice and mix in the local area.
19. The contribution of one new dwelling must be viewed in light of the Housing Land Supply Statement, which provides a supply figure of 1.6 years against a 4 year requirement, which is clearly a substantial shortfall. Additionally, the latest Housing Delivery Test results place Poole in the 'presumption' category, with a measurement of 59%. Even so, the quantum of development proposed is minimal, and its associated economic benefits, including via the construction phase and the future occupiers of the proposed dwelling supporting local shops, services, and facilities, would accordingly not be substantial. Whilst a planning condition could be imposed requiring measures to assist with biodiversity net gain, the evidence does not demonstrate that any uplift would be significant.
20. Whilst noting the Inspector's observations in appeal decision Ref APP/V1260/W/21/3273168, even though paragraph 11 d) of the Framework is triggered in this case, it does not automatically follow that the policies which are most important for determining the appeal are out-of-date in substance. The policies referred to under each main issue are not inconsistent with the relevant policies in the Framework. It follows that the weight attached to the proposed development's conflict with those development plan policies is not reduced.
21. The harms identified on the relevant main issues above would mean that the proposed development would be at odds with Objective 5 of the Local Plan which aims to raise the standard of design to respect and enhance the character of Poole. The minimal quantum of development proposed and its associated benefits would not be sufficient to outweigh the proposed development's conflict with the relevant policies of the development plan. The proposed development would conflict with the development plan when considered as a whole.
22. The definition of previously developed land stated in the Framework excludes land in built-up areas such as residential gardens, meaning that the Framework's support for development on brownfield / previously developed land is not applicable to the proposed development.
23. Paragraph 11 d) ii. of the Framework is engaged. As mentioned on the relevant main issues above, the proposed development would conflict with paragraph 135 of the Framework, which is a key policy for the purposes of paragraph 11 d) ii. With regards to the site's potential for making an effective use of land, considering my findings on the relevant main issues above, the proposed development would not comply with paragraph 129 e) of the Framework which provides that, amongst other things, planning decisions should support development that makes efficient use of land, taking into account the importance of securing well-designed places, which is also a key policy for the purposes of paragraph 11 d) ii.
24. I am mindful that, although the proposed development would contribute towards the Government's objective of significantly boosting the supply of homes, it would not contribute towards the creation of high quality places, which the Framework emphasises is fundamental to what the planning and development process should achieve.

25. Therefore, in contrast to the circumstances that prevailed in appeal decision Ref APP/V1260/W/21/3273168, in this case the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. The proposed development would not benefit from the presumption in favour of sustainable development, found at paragraph 11 of the Framework.
26. Considering all of the above, none of the other considerations material to the proposed development indicate that this appeal decision should be taken otherwise than in accordance with the development plan.

Conclusion

27. 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 dismissed.

Alexander O'Doherty

INSPECTOR