



Appeal Decision

Site visit made on 12 March 2025

by R Kent BA (Hons) MTP DipM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2025

Appeal Ref: APP/V1260/W/24/3353026

7-9 Salterns Way, Poole BH14 8JR

- 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 A and E Brown (Vereley Homes Ltd) against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/24/00374/F.
 - The development proposed is Demolition of the existing house and outbuildings and construction of two detached houses with associated parking, access and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2024 and again in February 2025. I sought the parties' comments on the revised Frameworks and have taken their comments into account in my determination of the appeal. In its response the Council confirmed that it has recalculated its five year housing land supply position based on newly published housing delivery test results and as at 1 April 2024 has a housing land supply of 2.1 years.
3. The proposed roof plans for unit 7 on 'Proposed Block Plan and Site Plan' 110.03 revision E differ from the 'Proposed Plans and Elevations – Unit 7' plan 110.05 revision F in terms of the number of rooflights shown on unit 7. The block plan shows two rooflights in the north eastern side of the roof and two rooflights in the south eastern roof. The corresponding elevations plan shows one rooflight in the south east roof slope and three in the north east roof slope. In view of the description of the number of proposed rooflights in the appellants' Statement of Case I have determined the appeal on the basis of the rooflights shown on the proposed block plan.

Main Issues

4. The main issues are:
 - The effect of the proposal on the living conditions of the occupiers of Nos 5 and 11 Salterns Way with particular regard to sunlight, daylight, privacy and outlook;
 - Whether the proposal would provide acceptable living conditions for the occupiers of the proposed dwellings with regard to sunlight, daylight, privacy and outlook; and

- The effect of the development on the character and appearance of the site and its surroundings.

Reasons

Living conditions of occupants of Nos 5 and 11 Salterns Way

5. The appeal site is currently occupied by a detached dwelling with a number of outbuildings. It is sited to the rear of the plot behind the neighbouring properties, Nos 5 and 11 Salterns Way.
6. No 11 Salterns Way is a 3 storey, white rendered building of contemporary design. To the rear it has a single storey section with large windows facing onto its garden. It is flanked on its south western side by a part two storey part three storey, white rendered dwelling, No 13, which has a substantial two storey flank wall along its boundary with No 11. The wall extends a significant distance beyond the rear of No 11. A single storey timber outbuilding within the appeal site is located adjacent to the boundary with No 11.
7. Unit 9 would extend beyond the rear of No 11 with a single storey projection which would have a substantial, steeply pitched roof running parallel to the boundary with No 11. The mass of the roof and the distance unit 9 would project beyond the rear of No 11, would have a dominating effect on the outlook from the ground floor windows and amenity space immediately to the rear of No 11. Although it would be located to the north east of No 11 and thereby would not have a significant effect on the sunlight reaching that dwelling, the scale and siting of the rear section of unit 9 would nevertheless have a significant overbearing effect on the rear ground floor windows of No 11. In conjunction with No 13's substantial two storey flank wall on the south western side of No 11, the proposal would therefore have an oppressive effect causing substantial harm to the living conditions of the occupants of No 11.
8. No 5 lies to the north east of the site beyond a dense evergreen hedge and is slightly angled towards the site boundary. It has a first floor balcony on its western front elevation and a ground floor window facing the site through a gap in the hedge. There are two further rooflights in the pitched roof facing the site with further windows in its rear elevation. The proposed plans and elevations for Unit 7 show it would be sited between 1.25 and 1.863m from the boundary with No 5. The proximity of the two storey flank wall proposed adjacent to No 5's south western boundary combined with its height would obstruct daylight and afternoon sunlight from reaching the ground floor window and rooflights in the south west side elevation of No 5. Due to the angle of No 5 towards the site boundary, the projection of unit 7 beyond the rear of No 5 due to its height and length would also have a significant overbearing effect on the rear corner of No 5 closest to the boundary.
9. Whilst the use of a flat roof on the single storey rear part of unit 7 would reduce the mass of building along the boundary and thereby the overbearing effect of unit 7 on the occupants of No 5, and the demolition of the existing building would open up the southerly aspect of No 5 and allow more light into the rear of No 5 as a result, the proximity of unit 7 to the side and rear of No 5 would nevertheless cause some material harm to the living conditions of the occupants of that dwelling

10. Whilst I am aware of the relationship of Nos 20, 22 and 24 Salterns Way to each other I am not aware of the planning context of those developments. Each case must be considered on its individual merits and the relationship of those dwellings to each other do not justify the harm which would be caused as a result of the proposed development.
11. A degree of overlooking is to be expected in urban areas. Both proposed units would have habitable rooms in the roofspace served by roof lights. Whilst the appellants' grounds of appeal indicate that the rooflights would have sill heights of "1.5m or lower" to enable occupants to have an outlook, the rooflights in the rear elevations of the proposed dwellings would be located towards the centre of each of the proposed units and away from the side boundaries. This would prevent overlooking of the rear windows in Nos 5 and 11 and restrict direct views into the more private parts of the gardens nearest to those dwellings. The views from the first floor rear windows in unit 7 would also be sufficiently oblique as to not cause an unacceptable loss of privacy to the occupants of No 5.
12. Unit 7 has proposed first floor windows in the north east elevation towards No 5. These serve a stair well and en-suite bathroom and provide a secondary source of light to the proposed master bedroom. I am satisfied that a condition could be reasonably imposed to secure an appropriate level of obscure glazing to these windows to prevent a loss of privacy to No 5 if I were minded to allow the appeal.
13. For the same reasons, I am satisfied that subject to appropriate conditions to secure obscure glazing of the windows proposed in the south western elevation of unit 9, the proposed dwelling would not have an adverse effect on the privacy of the occupants of No 11 if I were minded to allow the appeal.
14. Nevertheless, for the reasons given, the proposal would cause harm to the living conditions of the occupiers of Nos 5 and 11 Salterns Way in conflict with policy PP27 criterion (c) of the Poole Local Plan 2018 (PLP) which seeks to safeguard the amenity of local residents.

Living conditions of future occupants

15. Bedroom 4 in unit 7 would be served by rooflights in both its south eastern and south western roof slopes with another rooflight in the north west elevation serving a further study/bedroom. Proposed unit 9 would have rooflights in the east elevation also serving a fourth bedroom and a study/bedroom in the roof space.
16. I have not been directed to any development plan policy which sets out how the effect on the living conditions of future occupiers should be assessed in terms of sunlight, daylight or outlook. However, the size of the proposed rooflights and their position in the roof slope would permit future occupants views of the sky and allow natural light into the rooms. Moreover, the southerly and westerly aspect of the rooflights serving the fourth bedrooms in each proposed unit and the study/bedroom in unit 9 would mean that sunlight would also enter those rooms during much of the day when the sun is shining. Although the proposed rooflight in the study/bedroom in unit 7 would face north west, it would still receive daylight. The proposed 1.5m sill heights would also allow future occupants of each of the rooms the opportunity for a wider outlook from the rooflights.
17. Whilst it is suggested that future occupants would be disproportionately reliant on artificial sources of light and heating, I have not been supplied with any compelling

evidence to demonstrate this or the harm which might arise as a result. On the basis of the evidence before me I have found no reason to conclude that future occupants of the rooms in the roofspace of the proposed units would not benefit from sufficient natural light or outlook or would be over reliant on artificial light or heat.

18. Unit 9 would be sited on the south western side of unit 7. Whilst a two storey section of unit 9 would project beyond the rear of unit 7, unit 7 would still have an open aspect to the east and south east from which future occupants would be able to receive sunlight and daylight. As a consequence, whilst there would be some effect on sunlight when the sun is in the west, unit 9 would not extend beyond unit 7 to such an extent that it would result in an unacceptable loss of daylight or sunlight to future occupants of unit 7.
19. Therefore, for the above reasons, the proposal would provide acceptable living conditions for the occupiers of the proposed dwellings in compliance with PLP policy PP27 criterion (c) in so far as it seeks to prevent development which would be harmful to future occupiers and would not conflict with policy PP37 regarding the need to minimise artificial light.

Character and appearance

20. Salterns Way has a range of contemporary house styles and designs with a rich variety of two and three storey detached buildings exhibiting a mix of roof shapes and forms. Building materials also vary with light render being a common finish. The buildings generally extend across most of their individual plots with the width of the gaps separating each dwelling from its neighbour varying from plot to plot but generally appearing relatively small.
21. The proposed dwellings would be sited further forward towards the road than the existing dwelling with the front of proposed unit 7 broadly aligning with Nos 5 and 11 on either side of the site. Whilst unit 9 would be set behind this building line it would be consistent with the position of No 3 which lies immediately to the north east of No 5. The height of the proposed units reflects Nos 5 and 11 and would be consistent with the neighbouring dwellings and other buildings in the road.
22. The units have been designed with gaps of 1.5m between the front of the units and the boundaries with Nos 5 and 11 respectively. Although the gap separating the proposed units would narrow towards the rear of unit 7, the two storey face of unit 9 would be at least 1m from the boundary with unit 7. The staggered position of the proposed buildings on the site coupled with the gap between them and the use of pitched roofs on the side elevations, which would provide space between the buildings at first floor level, would prevent the scale of building on the site appearing excessive or intruding unacceptably into the existing pattern of development.
23. As a consequence, for the reasons given, the proposal would not have a harmful effect on the character and appearance of the site and its surroundings. It would comply with PLP policies PP27 criterion (a) and PP28 part (2) in so far as they seek to preserve the area's residential character and permit proposals which reflect local patterns of development.

Other Matters

24. The site is outside 400m but within 5km of the Dorset Heathlands Special Protection Area (SPA), the Dorset Heaths Special Area of Conservation (SAC) and Ramsar site, and within the catchment of Poole Harbour which is a SPA and Ramsar. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates that the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposed development. Therefore, given my conclusions on the first issue, it is not necessary for me to consider this matter in any further detail.

Planning balance

25. For the reasons given, the proposal would result in substantial harm to the living conditions of the occupants of No 11 and would also cause material harm to the occupants of No 5 Salterns Way.
26. The Council can only demonstrate 2.1 years supply of deliverable housing sites which is well below the minimum level required. Consequently, with reference to paragraph 11 d) of the Framework, consideration of the presumption in favour of sustainable development is required.
27. The proposal would result in a net increase of one dwelling in a sustainable location within the town. Given the shortfall in the housing land supply this would be a significant benefit of the proposal which due to its small size attracts moderate weight in favour of the proposal. There would also be the significant benefit of making use of previously developed land which attracts substantial weight. The modest short term economic benefits arising from the construction of the development carry moderate weight in favour of the proposal. The two new dwellings would be designed to modern energy efficiency standards which, whilst a benefit, would be required to satisfy PLP policy PP37 and therefore carries neutral weight.
28. The PLP forms the development plan for the area in which the site is located. The harm which would be caused to the living conditions of the occupants of the adjoining dwellings would conflict with PLP policy PP27 when read as a whole. The Framework seeks to achieve well designed places with a high standard of amenity for existing users. Policy PP27 is therefore consistent with the Framework and conflict with it is given substantial weight in this appeal.
29. Whilst the proposal would accord with other policies of the development plan, the conflict with policy PP27 in so far as it seeks to prevent a harmful impact on the amenity of local residents means that there would be conflict with the development plan when taken as a whole.
30. Applying footnote 7 of paragraph 11d) i. of the Framework, there are no policies in the Framework that protect areas or assets of particular importance relevant to this appeal. In these circumstances, paragraph 11 d) ii. of the Framework is engaged.
31. The substantial harm to No 11 and the harm to No 5 Saltern Way which I have identified conflicts with the development plan. This conflict carries substantial weight against the proposal and would significantly and demonstrably outweigh the benefits identified above.

Conclusion

32. Whilst I have not found conflict with the development plan in respect of the effect of the development on the living conditions of future occupiers or on the character and appearance of the site and its surroundings, the harm I have identified to living conditions of occupiers of Nos 5 and 7 Saltern Way results in conflict with the development plan as a whole. The material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

R Kent

INSPECTOR