



Appeal Decision

Site visit made on 1 July 2025

by **A J Sutton BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 July 2025

Appeal Ref: APP/V1260/D/25/3363551

1 The Capstans, 25 Lagoon Road, Poole BH14 8JT

- 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 and Mrs Ventham against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/24/00835/F.
 - The development proposed is alterations, extensions and contemporary remodel of existing dwelling. (Consisting of fenestration changes, front single storey extension with balcony above, and formation of new second floor with associated balcony).
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Decision

1. The appeal is allowed, and planning permission is granted for the alterations, extensions and contemporary remodel of existing dwelling. (Consisting of fenestration changes, front single storey extension with balcony above, and formation of new second floor with associated balcony) at 1 The Capstans, 25 Lagoon Road, Poole BH14 8JT, in accordance with the terms of the application, Ref APP/24/00835/F, and subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposal on the:
 - character and appearance of the area; and
 - the living conditions of the occupants of 2 The Capstans having particular regard to sun and daylight and outlook.

Reasons

Character

3. The appeal property is one of four units in a small cul-de-sac development. The built form comprising The Capstans is somewhat irregular, with two units linked by garages (which include the appeal property) and two other detached properties. Their style, while traditional in part, also have some contemporary references, with A-symmetrical roof forms. With these irregularities in style and layout, rhythm and consistency are not defining characteristics of this small development and coherency is largely derived by use of materials.
4. While both the appeal property and 4 The Capstans (No 4) face Lagoon Road, there is a bend in this part of the road and vegetation significantly screens the front of No 4. However, unlike No 4, the appeal property, with only a small garden at this elevation has a strong visual relationship with properties in this part of Lagoon Road.

5. Dwellings in Lagoon Road, near the appeal property, vary considerably in style, from modest traditional forms to striking modern structures. The character of this residential area is therefore mixed.
6. The proposal comprises an upward extension resulting in a three storey dwelling. However, with a flat roof, the plans show the extended dwelling would not be considerably higher than the roof ridge of the linked dwelling at 2 The Capstans (No 2), or the apex of the roof at No 4. Also, when viewed from Lagoon Road, it would be a similar height and form to the dwelling at neighbouring 24 Lagoon Road (No 24). In this regard the additional height resulting from this proposal would not be out of keeping with the height of structures that already characterise this immediate setting.
7. Focusing on the visual effect in the cul-de-sac, proposed windows on this east elevation would be in a similar position to those existing on the ground and first floor of No 1. The new windows would be larger than the current windows on this side of the appeal property. However, the plans show the scale of these openings would remain modest. While there would be an aperture at the new second floor level, this feature would be largely screened in the cul-de-sac by angled louvres.
8. The footprint of the dwelling would increase, but only by a small amount that would largely be limited to the west elevation that overlooks Lagoon Road. The proposal would add mass to the dwelling, and most of this would be through the creation of a second floor. However, this addition would be stepped in, and when viewed from The Capstans this feature would minimise its appearance at this height so that it would not appear unduly bulky from this aspect.
9. The proposed flat roof would contrast with the sloping roof plans of the three other dwellings in the cul-de-sac. Individually those original features already have a contemporary staggered appearance, and they do not align given the irregular layout of this small development. With this lack of uniformity, the variation proposed in this case would not harmfully disrupt any existing positive sense of symmetry or significant rhythm in this small development. Moreover, in a development where modern roof styles already prevail, this contemporary addition, although different to existing, would integrate into this mixed context without visual discordancy occurring.
10. There is concern that the proposal would introduce materials not common in the area. However, the plans show that most of the external surfaces would be constructed in materials that match other dwellings in The Capstans. Moreover, although some aluminium would be used, this would be sparingly, such that it would not be an overwhelming feature and, in my view, this detail would add interest rather than appearing incongruent in this varied setting.
11. The new structure would appear more box like than its predecessor when viewed from the west elevation of linked No 2. But as outlined, there is already some contemporary features in The Capstans and modern structures are not uncommon in the wider area. As such, this form would not appear out of keeping when viewed from this localised aspect. With these sensitive design details set out above, the proposed alterations at No 1 would not harmfully erode positive features and would assimilate well into this small development.
12. Turning to the wider area, the fenestration would change on the west elevation, with large floor to ceiling windows and balconies at the upper floors proposed. However, this would be similar to the extensive openings that already exist on the front elevation of neighbouring No 24. Moreover, the proposed height and decisive contemporary form would be very similar to the mass and shape of that existing neighbouring dwelling. Indeed, this distinct contemporary aesthetic would not be out of keeping with other modern dwellings that characterise the wider

street scene. The changes would not appear either jarring or harmfully dominating in this mixed street scene.

13. The other appeal decision, referenced by the Council, relates to a dwelling a significant distance from the appeal property. Not only was the site context in that case different to this location, but that proposal involved the replacement of a dwelling which was locally listed. That appeal is not directly comparable to this one and has not altered my findings for this reason.
14. There is concern that this development would set a precedent. However, while I have found no harm in respect of character in this case, each proposal would need to be assessed on its merits. Development which may be acceptable at this site should not justify harmful development elsewhere.
15. In light of the above, I find that the proposal would not have a harmful effect on the character and appearance of the area. In this regard the proposal would accord with Policy PP27 of the Poole Local Plan (Local Plan). This Policy requires a good standard of design in all new developments.

Living Conditions

16. The east elevation of No1 and the west elevation of No 2 face towards each other. However, the linked garages of these properties provides a good degree of separation between these elevations. These sides of the properties serve as the main entrance to the dwellings, but as a consequence of the sideways configuration, they do not have the appearance of a traditional principal elevation and contain just two windows. While there is some intervisibility between the windows on the sides of these houses, this is somewhat limited to one section of the elevations given the positioning of the openings.
17. The proposed changes to the ground and first floor elevation at this aspect of the appeal property would be limited, with new windows in a similar place to existing. These new openings would be larger than currently, but not by a considerable amount. As such, the occupants of No 2 would have an outlook dominated by a brick elevation with two openings, and this is similar to the current outlook from this side of that neighbouring property.
18. Of the more significant changes on the east side elevation of the appeal property, the existing sloped roof would be replaced by a flat aluminium clad overhang, and above this would be an additional storey. The space above the existing roof would therefore be filled, and this would be noticeable as occupants of No 2 look upwards from the two windows on this west side of their property.
19. However, the proposal would not significantly increase the footprint of the appeal property at this part of the building. Therefore, the good degree of separation would remain between these linked dwellings. Moreover, the new storey would be stepped away from the overhang thereby limiting this mass at this aspect. With a reasonable amount of separation and modest addition at the upper floor level, these changes would not appear as an oppressive feature to occupants of No 2 when in their side habitable rooms.
20. The proposal would not result in significant long term changes in the turning area of the cul-de-sac or at the access. Given this and the modest increase in height that would be largely limited to the existing footprint of No 1, occupants using the wider cul-de-sac would not experience an unacceptable sense of being hemmed in.

21. It is asserted that the upper floor addition would have a shading effect on the side windows of No 2 and the window above the front door of that property, that serves a bedroom. In respect of the latter this is the only window for this bedroom.
22. Addressing this matter, although that window is somewhat recessed and therefore already in the shadow of No 1, it is nonetheless south facing. The appellants Daylight Assessment shows that while there would be some loss of day and sun light, as a result of the development, at this window, this would amount to only a very small reduction of light reaching this opening. Given the factors described, and that I observed on site, I see no justification to dispute the findings of the model based Assessment. The favourable orientation would ensure that this bedroom of the neighbouring property would have a reasonable amount of day and sunlight, and this would not harmfully alter as a result of this proposal.
23. The Daylight Assessment shows a more significant change with regards window 2 on the west elevation of No 2. However, it is unclear whether this is the window serving the ground floor study or the bedroom above. In any event the study is already overshadowed, at certain times of the day, by No 1 and this would not significantly change with just one additional storey at the appeal property.
24. A change in the amount of light reaching the bedroom window above the study, may be more noticeable. However, that bedroom is dual aspect. While the second opening for that room may be a dormer, I saw it was a reasonable size. Moreover, that second window has a southern aspect and with this favourable orientation I am content that while there may be a slight loss of light reaching the west facing window, a good amount of day and sunlight, and in turn, solar warmth, would continue to reach this neighbouring bedroom when the additional floor at No 1 is in place.
25. There is also concern that the proposed addition would overshadow the outside space to the west of No 2. However, as already stated, this is the entrance to the property, and there is also a parking space at this location. The private outside space for the linked property is located to the east and would be unaffected by this proposal.
26. Residents have raised concerns about increased noise, particularly when the new balconies would be in use. However, the appeal dwelling already has a balcony, as does No 24, and the properties on the opposite of Lagoon Road. While the proposal would increase the living accommodation at the appeal property, it would remain as a residential unit. The sounds likely to arise would be little different to that which exist already in this residential setting.
27. There is concern that the proposal would harm existing levels of privacy at neighbouring properties. While larger openings at the upper floor level would be a consequence of this development, the existing property already has large windows and a balcony at the first floor and is beside a dwelling that has similar features at first and second floor level. Therefore, the occupants of properties on Lagoon Road, opposite No 1, already experience some overlooking when in their habitable rooms.
28. That said, the road dividing those properties, and the appeal dwelling provides a good amount of separation, such that the current level of overlooking is little different than that which residents would normally expect in a suburban setting. Additional balconies and large windows at the appeal property would not harmfully alter this current situation.
29. There is a screen on the southern side of the existing first floor balcony at the appeal property and this minimises the potential to overlook the private outside space of No 4. To ensure this existing level of privacy for occupants of that neighbouring dwelling is maintained, a similar

feature should be provided on the newly formed balcony at the first floor. Also, the proposed master bedroom, on the second floor, would have a window that wraps around the south elevation. However, the plans show louvres at this part of the elevation, and this would be necessary to protect the privacy of occupants of No 4. These features could be secured by condition.

30. It is suggested that the windows on the proposed north elevation would impact on residents' privacy. However, this elevation would align with and be close to the side elevation of No 24. That side of No 24 has windows at a high level, but these contain obscured glass. Given this factor, and the close proximity of these two elevations, windows in this side of the appeal property would not provide an outlook that would significantly alter the existing privacy level of occupants of neighbouring dwellings.
31. I am referred to two other appeal decisions where harm was found in respect of balconies. However, they relate to sites in East Devon and Surbiton. Subject to conditions, I find for the reasons previously stated that this proposal would not result in harm in this regard. These other appeal decisions, which relate to sites in completely different areas, and therefore are likely to have a different context to the appeal property, have not altered my findings in this case.
32. For the reasons stated above, I find that the proposal would not have a harmful effect on the living conditions of the occupants of 2 The Capstans, with particular regard to sun and daylight and outlook. In this respect the proposal would not be inconsistent with Policy PP27 of the Local Plan which amongst other matters, seeks development that is compatible with surrounding uses and would not result in a harmful impact upon amenity for both local residents and future occupiers.

Other Matters

33. There is concern that scaffolding would restrict access to the cul-de-sac. However, construction would be for a relatively short period given the development proposed. Also, as this is a reasonably wide shared access, there would be space to accommodate some equipment if necessary for a short period without unreasonably restricting access for neighbours' cars and delivery and emergency vehicles.
34. It is suggested that the block plan is misleading. However, matters of landownership are outside the scope of this appeal.
35. Concerns regarding parking spaces have been raised. The property has a garage and parking space at its entrance and neighbouring properties also generally have some off street parking provision. I also saw some on street parking spaces nearby on Lagoon Road. Moreover, while the proposal would increase the size of the dwelling and the parking spaces would remain the same, that space would satisfy the Council's adopted standards on this matter for the size of dwelling that would result from this development. I find no compelling evidence that the proposal would harmfully alter the current parking situation and highway conditions in this area.
36. Concern has also been raised regarding the impact on bats in the area. The Conservation of Habitats and Species Regulations 2017 requires regard to potential impacts on certain species when carrying out functions. This is relevant where any proposal that might lead to the deterioration or destruction of breeding sites and resting places of European Protected Species, which include bats and the places they roost.

37. The appellants have submitted a bat survey finding no evidence of bats and stating that the building has 'negligible potential' for roosting bats. However, the Report goes on to provide advice on this matter and identifies mitigation measures to address the potential for bats commuting across the site. Potential impacts on protected species in this proposal have therefore been considered, and the mitigation identified can be conditioned. On this basis, I am content that the proposal would not have an unacceptable adverse effect on legally protected species.
38. Attention is drawn to the provisions of the National Planning Policy Framework (the Framework), the National Design Guide and Planning Practice Guidance in respect of seeking well-designed places and ensuring a high standard of amenity for existing and future users. Policy PP27 of the Local Plan addresses these matters and is generally consistent with this national guidance. Moreover, for the reasons already outlined the proposal would comprise a good design and would not harmfully affect the current standard of living conditions enjoyed by local residents. The proposal would accord with this national guidance in these regards.

Conditions

39. In addition to the time limit, requiring compliance with approved plans and materials to match those stated on the plans is necessary in the interest of certainty and for the character of the area.
40. Installing privacy screens and louvres is necessary to protect the living conditions of neighbouring residents. Preventing the use of the flat roof as an amenity space is also necessary for this reason.
41. The mitigation identified in the ecology report is necessary in the interest of protected species.

Conclusion

42. For the reasons stated above and having regard to the development plan, the Framework and material considerations the appeal should be allowed.

A J Sutton

INSPECTOR

Appendix

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following plans:
Location and Block Plan - Drawing No. 2418 01A, Proposed Site Plan - Drawing No. 2418 02 , Proposed Ground Floor Plan - Drawing No. 2418 03, Proposed First Floor Plan - Drawing No. 2418 04, Proposed Second Floor and Roof Plan - Drawing No. 2418 05, Proposed Elevations - Drawing No. 2418 06, Proposed Elevations - Drawing No. 2418 07, and Indicative Streetscene - Drawing No. 2418 08A.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on Proposed Elevations - Drawing No. 2418 06 and Proposed Elevations - Drawing No. 2418 07.
- 4) The development, hereby permitted, shall be carried out in accordance with details of the approved Preliminary Roost Assessment and Nesting Birds Report dated 19 August 2024 (ABR Report).
Prior to first occupation of the development hereby permitted, biodiversity mitigation and enhancement measures shall be carried out in accordance with the details specified in Section 4 and Appendix E of the ABR Report, and thereafter these mitigation and enhancement features shall be retained according to these approved details and in good working order.
- 5) Prior to the first use of the balconies, hereby approved, glazed screens will be installed at the north side boundary of the second floor balcony and the south side boundary of the first floor balcony. These glazed screens shall be 1.8 metres in height measured from the floor level of the approved balconies. The screens shall be glazed with obscure glass which conforms to or exceeds Pilkington Texture Glass Privacy Level 3, and these screens shall thereafter be retained as such at these locations.
- 6) Prior to the first use of bedroom 2 on the first floor (as shown on Proposed First Floor Plan Drawing No. 2418 04) and the master bedroom/sitting area and ensuite on the second floor (as shown on Proposed Second Floor and Roof Plan Drawing No. 2418 05), louvres shall be installed at the windows of these rooms in accordance with the details shown on Proposed Elevations - Drawing No. 2418 06 and Proposed Elevations - Drawing No. 2418 07 and louvres shall be retained as such at these windows thereafter.
- 7) The roof area of the development hereby permitted (referenced Roof Plan on Proposed Second Floor and Roof Plan Drawing No. 2418 05) shall not be used as a balcony, roof garden or similar outside amenity area.

End.