

# Notice of Planning Committee

Date: Thursday, 17 June 2021 at 1.00 pm

Venue: Committee Suite, Civic Centre, Poole BH15 2RU



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## Membership:

### Chairman:

Cllr D Kelsey

### Vice Chairman:

Cllr T Johnson

Cllr S Baron  
Cllr S Bartlett  
Cllr S Bull  
Cllr M Davies  
Cllr N Decent

Cllr B Dion  
Cllr G Farquhar  
Cllr P R A Hall  
Cllr P Hilliard  
Cllr M Le Poidevin

Cllr S McCormack  
Cllr T O'Neill  
Cllr A M Stribley

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All Members of the Planning Committee are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to view the live stream of this meeting at the following link:

<https://democracy.bcpCouncil.gov.uk/ieListDocuments.aspx?MId=4691>

If you would like any further information on the items to be considered at the meeting please contact: Democratic Services or email [democratic.services@bcpCouncil.gov.uk](mailto:democratic.services@bcpCouncil.gov.uk)

Press enquiries should be directed to the Press Office: Tel: 01202 454668 or email [press.office@bcpCouncil.gov.uk](mailto:press.office@bcpCouncil.gov.uk)

This notice and all the papers mentioned within it are available at [democracy.bcpCouncil.gov.uk](https://democracy.bcpCouncil.gov.uk)

GRAHAM FARRANT  
CHIEF EXECUTIVE

9 June 2021



Available online and  
on the Mod.gov app



## Maintaining and promoting high standards of conduct

### Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests

Do any matters being discussed at the meeting relate to your registered interests?

Disclosable Pecuniary Interest

Yes

Declare the nature of the interest

Do NOT participate in the item at the meeting. Do NOT speak or vote on the item EXCEPT where you hold a dispensation

You are advised to leave the room during the debate

Local Interest

Yes

Declare the nature of the interest

Applying the bias and pre-determination tests means you may need to refrain from speaking and voting

You may also need to leave the meeting. Please seek advice from the Monitoring Officer

No

Do you have a personal interest in the matter?

Yes

Consider the bias and pre-determination tests

You may need to refrain from speaking & voting

You may also need to leave the meeting. Please seek advice

No

You can take part in the meeting speak and vote

What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

#### Bias Test

In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased?

#### Predetermination Test

At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact the Monitoring Officer  
([susan.zeiss@bcpcouncil.gov.uk](mailto:susan.zeiss@bcpcouncil.gov.uk))

### Selflessness

Councillors should act solely in terms of the public interest

### Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships

### Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

### Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

### Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing

### Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

### Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

# AGENDA

Items to be considered while the meeting is open to the public

<b>1. Apologies</b>	F_PRO
To receive any apologies for absence from Members.	
<b>2. Substitute Members</b>	F_PRO
To receive information on any changes in the membership of the Committee.	
Note – When a member of a Committee is unable to attend a meeting of a Committee or Sub-Committee, the relevant Political Group Leader (or their nominated representative) may, by notice to the Monitoring Officer (or their nominated representative) prior to the meeting, appoint a substitute member from within the same Political Group. The contact details on the front of this agenda should be used for notifications.	
<b>3. Declarations of Interests</b>	F_PRO
Councillors are requested to declare any interests on items included in this agenda. Please refer to the workflow on the preceding page for guidance. Declarations received will be reported at the meeting.	
<b>4. Confirmation of Minutes</b>	F_PRO
To confirm and sign as a correct record the minutes of the Meeting held on 20 May 2021.	
<b>5. Protocol for Public Statements at Planning Committee</b>	F_PRO
The Committee is asked to delegate authority to the Head of Planning to agree, in consultation with the Chair and Vice-Chair and other key officers, to the use of an updated Protocol for Public Statements at Planning Committee. The protocol requires updating to appropriately and effectively allow public participation at meetings in line with any and all future changes in Covid restrictions.	
<b>6. Public Issues</b>	F_PRO
To receive any requests to speak on planning applications which the Planning Committee is considering at this meeting.	
Requests should be submitted to Democratic Services using the contact details on the front of this agenda.	
Further information about how public speaking is managed at virtual meetings is contained in the Protocol for Public Speaking at Planning Committee which can be found here:	
<a href="https://democracy.bcpccouncil.gov.uk/documents/s26378/Updated%20Protocol%20for%20Public%20Statements%20at%20Planning%20Committee%20-%20May%202021.pdf">https://democracy.bcpccouncil.gov.uk/documents/s26378/Updated%20Protocol%20for%20Public%20Statements%20at%20Planning%20Committee%20-%20May%202021.pdf</a>	

Note: The public speaking procedure is separate from and is not intended to replicate or replace the procedure for submitting a written representation on a planning application to the Planning Offices during the consultation period.

## **7. Schedule of Planning Applications**

F\_PRO

To consider the planning applications as listed below.

See planning application reports circulated at 7a-7d, as updated by the agenda addendum sheet to be published on Wednesday, 16 June 2021.

Councillors are requested where possible to submit any technical questions on planning applications to the Case Officer at least 48 hours before the meeting to ensure this information can be provided at the meeting.

The running order in which planning applications will be considered will be as listed on this agenda sheet.

The Chairman retains discretion to propose an amendment to the running order at the meeting if it is considered expedient to do so.

Members will appreciate that the copy drawings attached to planning application reports are reduced from the applicants' original and detail, in some cases, may be difficult to read. The submitted drawings can be viewed by using the relevant planning register for this meeting, online at:

<https://planning.christchurchandeastdorset.gov.uk/search.aspx?auth=1&AspxAutoDetectCookieSupport=1>

<https://www.bournemouth.gov.uk/planningbuilding/CurrentPlanningApplications/PlanningApplicationRegister.aspx>

<https://www.poole.gov.uk/planning-and-building-control/planning/planning-applications/find-a-planning-application/>

Councillors are advised that if they wish to refer to specific drawings or plans which are not included in these papers, they should contact the Case Officer at least 48 hours before the meeting to ensure that these can be made available.

Development Plans for the BCP Council area are available to view online at:

<https://www.bournemouth.gov.uk/planningbuilding/PlanningPolicy/Local-Plan-Documents/Local-Plan-Documents.aspx>

<https://www.poole.gov.uk/planning-and-building-control/planning-policy-and-guidance/>

<https://www.christchurch.gov.uk/planning-buildings-land/planning-policy/christchurch/christchurch-borough-council-local-plan.aspx>

a)	<p><b>47 Compton Avenue, Poole, BH14 8PU</b> (Canford Cliffs)</p> <p>APP/21/00156/F</p> <p>Demolition of the existing house and the erection of 2 detached dwellings with associated access and parking.</p>	F_PRO
b)	<p><b>19 Kingswell Road, Bournemouth, BH10 5DF</b> (Redhill and Northbourne)</p> <p>7-2020-3029-I</p> <p>Erection of a dwellinghouse and formation of new vehicular access and parking spaces with car port.</p>	F_PRO
c)	<p><b>15 Vale Road, Poole, BH14 8PU</b> (Penn Hill)</p> <p>APP/21/00319/F</p> <p>Retrospective erection of rear and side extension including balcony on the rear extension.</p>	F_PRO
d)	<p><b>49 Parkway Drive, Bournemouth, BH8 9JS</b> (Queen's Park)</p> <p>7-2021-27839-A</p> <p>Alterations and single storey extension to dwellinghouse.</p>	F_PRO

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**BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL**  
**PLANNING COMMITTEE**

Minutes of the Meeting held on 20 May 2021 at 1.00 pm

Present:-

Cllr D Kelsey – Chairman  
Cllr S McCormack – Vice-Chairman

Present: Cllr S Baron, Cllr S Bartlett, Cllr S Bull, Cllr M Davies, Cllr B Dion,  
Cllr B Dunlop, Cllr G Farquhar, Cllr P R A Hall, Cllr P Hilliard,  
Cllr T Johnson, Cllr M Le Poidevin, Cllr T O'Neill and Cllr A M Stribley

134. Apologies

Apologies were received from Cllr N Decent.

135. Substitute Members

Cllr B Dunlop substituted for Cllr N Decent for this meeting.

136. Election of Chair of the Planning Committee

**RESOLVED that Cllr D Kelsey be elected Chair of the Planning Committee for the 2021/22 Municipal Year.**

No other nominations were received and so a secret ballot was not required.

137. Election of Vice-Chair of the Planning Committee

**RESOLVED that Cllr T Johnson be elected Vice-Chair of the Planning Committee for the 2021/22 Municipal Year.**

No other nominations were received and so a secret ballot was not required.

138. Declarations of Interests

There were no declarations of interest.

139. Confirmation of Minutes

The minutes of the meeting held on 22 April 2021 were approved as a correct record.

140. Protocol for Public Statements at Planning Committee

**RESOLVED that the Committee agreed to the use of the revised Protocol for Public Statements.**

Voting: Unanimous.

141. Public Issues

There was a public statement received on a planning application considered by the Planning Committee. In accordance with the Protocol for Public Speaking and in agreement with the individual who submitted said statement the Democratic Services Officer read out the written statement.

142. Schedule of Planning Applications

The Committee considered planning application reports, copies of which had been circulated and which appear as Appendices A – B to these minutes in the Minute Book. The update sheet in relation to the applications appears as Appendix C to these minutes. The Committee considered the planning applications as set out below:

142.1 **Arndale House, 243 High Street North and 1-17 Kingland Road, Poole**

(Poole Town)

APP/18/00494/F

Demolish existing buildings and erect mixed-use development comprising 128 residential apartments (Use Class C3) together with nine ground floor commercial units (Use Classes A1, A3 or B1a) and associated ancillary works including car and cycle parking.

Public Statements:

- IN OBJECTION  
None.
- IN SUPPORT  
None.
- WARD COUNCILLORS:  
None.

**RESOLVED that the application be granted planning permission, in accordance with the recommendation set out in the report, as amended by the addendum sheet.**

Voting:

For – 12                      Against – 2                      Abstentions – 1

143. Richmond Gardens car park, Richmond Gardens, Bournemouth, BH1 1JE

(Bournemouth Central)



7-2019-1179-BG

Erection of a mixed-use residential development comprising four blocks (211 flats) on the north and east side of existing car park, ranging in height up to 12 storeys (plus lower ground levels) and a flexible Class A1/A3/Sui Generis (mixed A1/A3 Coffee Shop) unit at ground level. Realignment works to existing service access road from Richmond Gardens, cycle parking, disabled parking, associated refuse/recycling storage, public realm improvement works and landscaping (inc. removal/works to existing trees). Alterations to existing public car park including alteration to existing vehicular access to car park and addition of cladding to the eastern elevation.

Public Statements:

- IN OBJECTION  
None.
- IN SUPPORT  
Henry Courtier of Pegasus Group & Stuart Black of Summix Capital.
- WARD COUNCILLORS:  
None.

**RESOLVED that the application be granted planning permission, in accordance with the recommendation set out in the report, with the addition of an overage clause.**

Voting:

For – 14 (unanimous)      Against – 0      Abstentions – 0

The meeting ended at 3.20 pm

CHAIRMAN

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## Planning Committee

Application Address	47 Compton Avenue, Poole, BH14 8PU
Proposal	Demolition of the existing house and the erection of 2 detached dwellings with associated access and parking.
Application Number	APP/21/00156/F
Applicant	Charlew Developments
Agent	Pure Town Planning
Date Application Valid	18 February, 2021
Decision Due Time	30 April, 2021
Extension of Time date (if applicable)	30 April, 2021
Ward	Penn Hill
Recommendation	<b>Grant</b> subject to conditions which are subject to alteration/addition by the Head of Planning Services provided any alteration/addition does not go to the core of the decision.
Reason for Referral to Planning Committee	This application is brought before committee by Cllr Mrs Haines due to the proposal being contrary to the provisions of Policy PP27 and PP28 of the Poole Local Plan, in respect of its height, bulk and mass, resultant plot sizes and projection beyond the established building line, all of which would be harmful to the residential character of the area.
Planning Officer	Monika Kwiatkowska

### Description of Development

1. Planning consent is sought for a demolition of the existing house and the erection of 2 detached dwellings with associated access and parking. The application was deferred from the Planning Committee on 22 April 2021 to seek amendments to the scheme.

The amendments to the scheme are;

- increase of soft landscaping in the rear gardens in lieu of previously proposed patios;
- submission of bat survey;
- submission of a site plan showing the siting of the existing footprint against the proposed ones.

## **Key Issues**

2. The main considerations involved with this application are:

- Principle of development
- Impact on the character and appearance of the area
- Impact on the neighbouring amenity
- Impact on parking and highway safety
- Impact on trees
- Sustainability considerations
- Biodiversity considerations
- SAMM/CIL compliance
- Other considerations

3. These points will be discussed, as well as other material considerations, below.

## **Planning Policies**

4. Poole Local Plan (Adopted November 2018)

PP01 Presumption in favour of sustainable development  
 PP02 Amount and Broad Location of Development  
 PP27 Design  
 PP28 Flats and Plot Severance  
 PP32 Poole's Nationally, European and Internationally Important Sites  
 PP33 Biodiversity and Geodiversity  
 PP34 Transport strategy  
 PP35 A Safe, Connected and Accessible Transport Network  
 PP37 Building Sustainable Homes and Businesses  
 PP39 Delivering Poole's Infrastructure

5. Supplementary Planning Documents:

BCP Parking Standards SPD (adopted January 2021)  
 The Dorset Heathlands Planning Framework 2020-2025 SPD (Adopted March 2020)  
 Nitrogen Reduction in Poole Harbour SPD  
 Poole Harbour Recreation 2019-2024 Supplementary Planning Document (SPD)

## **6. National Planning Policy Framework (February 2019)**

Chapter 5 - Delivering a sufficient supply of homes

Chapter 11 - Making effective use of land

Chapter 12 - Achieving well-designed places

Chapter 14 - Meeting the challenge of climate change, flooding and coastal change

### **Relevant Planning Applications and Appeals:**

7. None on the application site

8. Other relevant planning history:

40 Compton Avenue

2001 – Planning permission was granted to demolish existing house and erect 2 x 3 storey detached houses with attached double garages – Ref: **APP/01/26389/F**

### **Representations**

9. In addition to letters to neighbouring properties a site notice was posted outside the site on 2 March 2021 with an expiry date for consultation of 27 March 2021.

10. 4 letters of representations have been received, raising objections to the proposal. The issues raised comprise the below concerns:

- a. Issues associated with the ownership of the land within the red line.
- b. The proposal would involve significant excavations on site and give rise to instability of land at No 47 Compton Avenue;
- c. The noise pollution generated by the proposed construction works;
- d. Loss of 4 Monterey cypress trees along the rear boundary of the site and its impact on the visual amenity of the area;
- e. Loss of privacy to No 47 Compton Avenue;
- f. The proposal constitutes an overdevelopment of the plot;
- g. Highway and pedestrian safety dangers associated with the construction vehicles parked near the application site;
- h. Impact on the protected species that may be present on site;
- i. Insufficient natural light provided for the rear gardens of the proposed dwellings, due to their proximity to the trees.

Following the submission of amended plans, an additional consultation period was undertaken. Site notices were posted outside the site on 18 May 2021, with an expiry date of 01 June 2021. Further letters of representations have been received, raising objections to the proposal. The issues raised comprise the below concerns:

- j. The proposal being overdevelopment of the plot;

- k. Detrimental impact on the residential amenity;
- l. Loss of trees;
- m. Loss of bat habitat;
- n. The proposal being harmful to the visual amenity of the area.

## **Consultations**

- 11. BCP Highway Services – supports the proposal, subject to conditions
- 12. BCP Biodiversity Officer – supports the proposal, subject to conditions

## **Constraints**

- 13. The trees on the application site, and the adjacent land, are covered by the Tree Preservation Orders.

## **Planning assessment**

### **Site and Surroundings**

- 14. The application site is occupied by a detached 2-storey house with an attached double garage. There are two vehicle access points to the site and at least 2 off-road parking spaces on the driveway. The area is residential in character with variety of built form, architectural styles and finishing materials. The prevailing form is of substantial detached houses in large plots creating a mature suburban character with trees a prominent feature.
- 15. The site levels are rising towards the rear of the site, with a retaining wall separating the patio from a raised bank occupied by trees.
- 16. The trees on site and the adjacent land are protected by a Tree Preservation Order.

## **Key issues**

### **17. Principle of development:**

- 18. A strategic objective of the Poole Local Plan is to deliver a wide range and mix of homes in the most sustainable locations as detailed in PP01.
- 19. There is a presumption in favour of sustainable development within the NPPF. Paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date, planning permission must be granted unless policies in the Framework provide a clear reason for refusing the development proposals.

20. The Housing Delivery Test for the Poole Local Plan area was published in January 2021. In high level terms, the Housing Delivery Test (HDT) compares the net homes delivered over three years to the homes that should have been built over the same period (the housing requirement). The HDT shows that the total number of homes delivered in Poole compared to those required over a defined 3 year period was 73% which is slightly below the government's threshold of 75% - the number of homes required between 2017 and 2020 was 1,860 whereas the number of homes delivered in that time period was 1,361. This results in a shortfall of 499 dwellings over the Local Plan target for that period. As a reminder the 5-year residential supply and HDT results continue to relate to each legacy area separately until the existing legacy local plans are superseded by a BCP Local Plan.
21. In accordance with NPPF para 11 (footnote 7) there are two ways of dropping into the para 11(d) requirements where the tilted balance applies, namely lack of 5-year housing land supply (HLS) or failure to meet 75% of a local plan housing target over a defined 3-year period. So regardless of whether the Local Plan area can demonstrate a 5-year HLS, the tilted balance is engaged in decision making.
22. It is recognised that as the site is not designated, nor relates to any of the policies as set out in footnote 6 of paragraph 11 of the NPPF (2019), the presumption in favour of sustainable development is engaged and the 'tilted balance' needs to be applied as per the NPPF below;
23. For decision-taking this means:
- (c) Approving development proposals that accord with an up-to-date development plan without delay; or
  - (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date 7, granting permission unless:
    - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed 6; or
    - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
24. Given the shortfall of number of homes delivered, the balance is tilted in favour of sustainable development and granting planning permission except where the benefits are significantly and demonstrably outweighed by the adverse impacts or where specific policies in the NPPF provide a clear reason for refusal. The tilted balance approach forms a material consideration in this case.
25. The proposal is to demolish the existing dwelling at 47 Compton Avenue and erect two new dwellings on site.

26. The Poole Local Plan sets out a spatial planning framework to meet objectively assessed needs to 2033. In accordance with Policy PP01, the Council will take a positive approach when considering development proposals that reflects the presumption in favour of sustainable development contained in the NPPF.
27. In terms of meeting housing needs, a strategic objective of the Poole Local Plan is to deliver a wide range and mix of homes in the most sustainable locations. Policy PP02 identifies the amount and broad locations of development and states that the majority of new housing will be directed to the most accessible locations within Poole, these being the town centre, district and local centres and locations close to the sustainable transport corridors. The intention of this policy is that within these areas the majority of higher density development will place a greater number of people within close walking distance of public transport and a range of services/facilities as a convenient alternative to use of the car.
28. The application site, however, is located outside of the areas that have been identified as the most accessible locations by Policy PP2 of the Poole Local Plan.
29. Nevertheless, in accordance with Policy PP2 (b), there is still a need for development to come forward outside of those areas to contribute towards meeting housing needs. A target of 1900 homes across the Plan period (Policy PP2 p.29) for areas outside the town centre and transport corridors/local centres is set out in the adopted Plan. There will continue to be a need for such development across the Local Plan area and the BCP area as a whole. Policy PP28 does not have any spatial restrictions and paragraph 9.9 of the Local Plan confirms it is applicable across Poole as a component of meeting the target of 1900 homes. The Council encourages the redevelopment of sites in these areas so long as the proposed scheme is capable of delivering sustainable patterns of development, including achieving a policy compliant level of affordable housing.
30. With regards to affordable housing provision, Policy PP11 of the Poole Local Plan states that to meet housing needs the Council will seek to maximise the amount of affordable housing from all housing schemes of 11 or more homes or over 1,000 square metres in floor space. In this instance, the proposed development would be for the delivery of an additional dwelling that would have an overall floor space of less than 1,000 square metres and therefore the thresholds that would trigger the need for the provision of affordable housing would not be met. As such, the proposal would be policy compliant in terms of affordable housing provision.
31. The acceptability of the principle of the proposed development therefore rests with an assessment of whether it delivers a sustainable pattern of development. This is discussed below.
- 32. Impact on the character and appearance of the area:**



33. Policy PP28 states that residential proposals involving plot severances or plot subdivisions will only be permitted where there is sufficient land to enable a type, scale and layout of development, including usable amenity space to be accommodated in a manner which would preserve or enhance the area's residential character.
34. Policy PP28 is reinforced by Policy PP27 of the Poole Local Plan, which also seeks to ensure that development exhibits a high standard of design that will complement or enhance Poole's character and local distinctiveness by respecting the setting and character of the site, surrounding area and adjoining buildings by virtue of function, siting, landscaping and amenity space, scale, massing, height, design details, materials and appearance.
35. The NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area over their lifetime; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are welcoming and distinctive places to live and visit; and create places that are safe, inclusive and accessible (para.127).
36. Compton Avenue is residential in character and predominantly comprises detached dwellings of considerable variation in their appearance and external finishes. The properties are primarily of a traditional style of architecture. The prevailing pattern of development comprises dwellings set within individual plots and addressing the road frontage but set behind front gardens and/or areas of hardstand/off-street parking. The application site is somewhat wider than other plots in the vicinity. There is also noticeable variation to the plot sizes in the immediate vicinity of the application site, due to the development at No 40 Compton Avenue (APP/01/26389/F). As a result, plot subdivisions are present in the area.
37. The resultant plot sizes of the proposed dwellings would be smaller than the majority of the plots in the area, including the plot subdivision at No 40 Compton Avenue opposite. However, the plot width of the site at 24m is identical to the combined width of No.40 – 40a and so the scheme would appear comparable in the streetscene. The key difference is the depth of the application site (31m – 23m max – min) in comparison to No. 40 – 40a (60m – 56m approx.). So whilst this arrangement would not be immediately perceived from the public domain, the proposed rear gardens of both dwellings would be shallower than the prevailing pattern of development, as it is the case with the existing dwelling on site. Nonetheless, the proposed dwellings would sit comfortably within their plots, assembling sufficient land to accommodate a dwelling with an off-road parking provision and adequate recreational amenity space for each plot, without appearing cramped or overdeveloped.
38. The proposed ratio of soft landscape to hard standing has been improved by the proposed removal of the paved areas to the rear of the dwellings. The area of hardstanding to the site's frontage would be still comparable to the existing arrangement. Whilst the proposed dwellings, due to their resultant scale, mass and

design, would appear larger in the street scene than the existing building, they would nonetheless respect the visual amenity of the area and would not appear unduly prominent within their setting.

39. The frontage position of the existing dwellings along this stretch of Compton Avenue is staggered, with dwellings sited at an angle and at different distances to the highway. Whilst the proposed dwellings would be sited closer to the highway than the existing dwelling that currently occupies the site; they would still be sufficiently set back from the highway to respect the established building line along this section of the road and to not appear out of keeping or unduly prominent by virtue of their siting. Whilst some additional projection of the footprint would occur towards the site's frontage, beyond the footprint of the existing dwelling, this would be associated with the single storey elements of the proposed dwellings (the garages), which would not be considered materially harmful to established building line.
40. The footprint of the existing dwelling occupies nearly the full width of the plot. The proposed scheme would be set slightly further off the southern boundary with No.45 but closer to the northern boundary with No.49 with a gap between the proposed dwellings. Nonetheless, it is considered that sufficient separation distance between the built form, comparable to the prevailing pattern of development in the area is retained.
41. With regards to the layout of the proposed development, the proposed scheme would not materially increase the amount of hardstanding on site, associated with the proposed new dwellings and the extended access, parking and turning area to the front of the site. The proposed ratio of hardstanding to soft landscape would remain in keeping with the existing pattern of development in the area.
42. The proposed dwellings, by virtue of their two-storey scale and pitched roof form would respect the visual amenity of the area.
43. The design of the proposed dwellings would be contemporary, with large areas of glazing to front elevations. Whilst dwellings along Compton Avenue are predominantly traditional in design and finishing materials, there are also examples of modern style architecture nearby. As a result, the proposed design and finishing materials would respect the character and appearance of other properties within the surrounding vicinity and be in keeping with the residential character of the area.
44. In conclusion, the proposal would assemble sufficient land to enable a type, scale and layout of development that would respect local patterns of development and neighbouring buildings and preserve the area's residential character. The proposed scheme would therefore make an efficient use of the site in a sustainable location, in accordance with the provisions of Policies PP27 and PP28 of the Poole Local Plan.

Impact on the neighbouring amenity:

45. PP27 states that development will be permitted where it is compatible with surrounding uses and would not result in a harmful impact on amenity for local residents and future occupiers in terms of sunlight, daylight, privacy, noise and whether it would be overbearing/ oppressive; and provides satisfactory external and internal amenity space for existing and future occupants. The NPPF states that planning decisions should provide attractive, welcoming and distinctive places to live and visit; create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (para.127).
46. Due to the orientation of the site, the proposed development would give rise to some loss of light and shading to the side elevation of No 49 Compton Avenue throughout the day.
47. However, due to the proposed dwellings being set at a lower level, the proposed scale, mass and siting of the new dwellings and the presence of the intervening boundary treatment and separation distance to the side elevation of No 49 Compton Avenue, the proposed new dwellings would not give rise to any further material loss of light or outlook to the occupants of No 49 Compton Avenue than it is currently experienced from the existing dwelling on the application site.
48. To the south, the new dwelling would be set slightly further from No.45 but would be taller than the current garage wing to this side. However, overall this is not considered to result in an overbearing impact or significant loss of outlook to this neighbour. Similarly, for the above reasons, the proposed dwellings would not have an overbearing presence towards their immediate neighbours.
49. With regards to the overlooking, the majority of the windows of the proposed dwellings would allow views towards the public domain or the rear garden of the application site. As such, this arrangement would not affect the neighbouring privacy, due to the presence of the outbuildings and mature vegetation along the shared boundaries.
50. The proposed side elevation windows at ground and first floor levels of both dwellings would serve bathrooms or would be secondary windows to the habitable accommodation within. The proposed ground floor windows would be sited behind the tall boundary treatment, respecting the privacy of the neighbours.
51. It is noted that both dwellings adjacent to the site (No 45 and 49 Compton Avenue) have habitable windows in the side elevations (including the dormer windows). To avoid direct overlooking, and to protect the privacy of the prospective occupiers, the proposed first floor bathroom windows of both proposed dwellings, facing the side elevations of the respective neighbouring dwellings, could be reasonably obscure glazed, secured by condition.

52. The proposed front balconies at first floor level would allow views towards the public domain, contributing to the established mutual overlooking in the area.
53. The proposed rear elevation windows, due to the separation distance to the dwellings along Blake Hill Crescent and the rising topography of the area and the mature vegetation along the rear boundary of the site, would not give rise to any materially harmful loss of privacy to the occupants of these dwellings.
54. With regards to the living conditions of the prospective occupiers of the proposed dwellings, it is considered that the proposal would provide adequate external amenity space for all of the dwellings on site to ensure the proposal would meet the reasonable needs of the occupants. All habitable rooms of the proposed dwellings would also benefit from sufficient natural light and outlook.
55. Some shadowing would occur to the rear garden of the proposed dwellings, due to the presence of the mature trees along the rear boundary of the site and their subsequent replacements; however it is considered that the rear gardens would receive sufficient amount of sunlight through the day to ensure the proposed external amenity areas would meet the reasonable needs of the prospective occupiers.
56. Whilst the rear gardens of the proposed dwellings could be overlooked by the side elevation windows of Nos 45 and 49 Compton Avenue, this relationship is already existing and it would not be materially increased to the degree that would warrant the refusal of the proposed scheme.
57. The direct overlooking could occur between the side elevation windows at ground and first floor level of the proposed dwellings. To ensure the privacy of the prospective occupiers is protected, the ground floor bathroom window of Unit 1 within the northern elevation and the first floor bathroom windows in side elevations of both Units facing each other, could be obscure glazed, secured by condition.
58. Some mutual overlooking between the proposed dwellings would also occur from the rear elevation windows at first floor level, however this degree of overlooking is not an unusual relationship in an urban setting and therefore it would not be materially harmful to the privacy of the prospective occupiers of the proposed dwellings.

Impact on parking and highway safety:

59. The proposal is to demolish the existing dwelling and construct two detached houses on site. The existing dual access vehicular arrangement on site allows the vehicles to enter onto the highway in a forward gear. The proposed scheme would create two separate accesses, to serve each dwelling independently.

60. The proposed access and parking layout would allow drivers to enter and exit the site in a forward gear, which is a requirement, given that Compton Avenue is a classified road. The proposed scheme would also provide sufficient pedestrian visibility splays at each entrance, ensuring the highway and pedestrian safety in the vicinity of the site. In terms of the proposed parking provision, the proposed integral garages would be below the current requirements of 7m x 3.3m to be considered as parking spaces, as set out within the BCP Parking Standards, however, two surface spaces each are proposed for the development and this meets the requirements within the BCP Parking Standards.
61. Each dwelling would need to provide secure and covered cycle parking for a minimum of 4 bikes. A condition (#5) is proposed to secure this. The Parking Standards SPD (adopted 5th January 2021) outlines requirements for Electric Vehicle Charging in new development. Under the Parking Standards SPD, at least one “active” EV charging point would be required each new dwelling. This is proposed to be secured by way of planning condition (#7) as well.
62. Overall, subject to the retention of the proposed parking provision, access and visibility splays arrangement and the above conditions for cycle parking and electric vehicle charging points, the Council's Transportation Officer supports the scheme.

Impact on trees:

63. There are several protected trees on the site and on the adjoining land. Whilst these trees are set well back into the site, they nevertheless form an important contribution towards the setting of site and to the amenity and sylvan character of the street scene and surrounding area.
64. The proposal would result in the loss of the group of Monterey Cyprus trees (T2g) along the rear boundary of the site and the loss of a sweet gum tree (T1) to the site's frontage. The trees on site have been inspected by the Council's Arboricultural Officer who raised no objection to their proposed felling due to their poor health and limited lifespan.
65. It is accepted that the trees (T2g) have a number of defects throughout their crowns that require immediate remedial attention. The species are prone to branch failure during inclement weather conditions and it is foreseeable that remedial action is likely to be required on a piecework basis. This will see the slow deterioration of their visual amenity over the next 10-20 years.
66. The proposed development presents a landscape opportunity for the provision of new trees and enhanced amenity of the area. The proposed scheme includes the planting of 6 additional trees that would supplement the retained trees within the site and provide future tree cover and amenity contribution to the proposed

development and the wider surrounding area. The provision of native species of suitable size within the revised Arboricultural Method Statement will be secured by condition. Furthermore, details of the proposed landscape planting scheme on site can be secured by condition.

67. The application has been also supported by a Tree Protection Plan, which identifies that the proposed development, with the associated excavations, could be erected without causing direct harm to the protected trees that are to be retained within the site. The compliance with the submitted Tree Protection Plan can be secured by condition.
68. In terms of the post-development phase, the proposed scheme would not result in a direct or indirect impact to the retained or newly planted trees. Whilst the proposed dwellings would be sited close to the trees, it is considered by the Council's Arboricultural Officer that this relationship would not result in pressure from the future occupants for the pruning or felling of these trees due to excessive shading. Subject to the above conditions, the Council's Arboricultural Officer supports the proposed scheme, in line with provisions PP27 of the Poole Local Plan.

#### Sustainability considerations:

69. Being a new build development, it would be readily possible to deliver an energy efficient and sustainable development in accordance with the requirements of the latest Building Regulations. The proposal has been supported by Energy and Resources Statement which commits to the provision of renewable energy sources to meet this requirement. It is therefore appropriate to impose a condition to secure details of the measures that are to be implemented to achieve 10% of the energy needs of the proposed dwellings through renewable energy sources.
70. Permeable surfacing could be secured by condition to ensure there would be no increase in surface water run-off from the site as soft landscaped areas would be replaced with hard standing.

#### Biodiversity considerations:

71. The proposal would result in the demolition of the existing dwelling. The application is supported by an Ecological Report. No evidence of roosting bats was found on site and the existing dwelling was classed as having negligible potential for bats. These findings are acceptable to the Council's Biodiversity Officer.
72. Additional biodiversity enhancement on site can be secured by condition in a form of a 1no. bat tube and 1no. swift box per dwelling, as advised by the Council's Biodiversity Officer and in line with the suggested biodiversity enhancement within the submitted Ecological Report. Furthermore, the provision of native planting on site would contribute to the biodiversity enhancement on site. This provision would

be proportionate and appropriate to the scale of the proposed scheme, and in accordance with Policy PP33 of the Poole Local Plan and the NPPF.

73. Subject to the above conditions, the Council's Biodiversity Officer supports the proposal.

Other considerations:

74. The concerns about structural impact of the proposal on the adjacent homes are noted but there is no evidence to demonstrate that the site cannot accommodate the proposed development in a manner that would not lead to the instability of the land or of adjacent land.
75. Concerns were also raised with regards to the location of the boundary between Nos 47 and 49 Compton Avenue. The application is supported by a red line plan which confirms the land within the ownership of the applicant. This issue has been discussed between the landowners at Nos 45 and 47 Compton Avenue and the red line plan has been subsequently revised to exclude the land that was in dispute. It is understood that the land belongs to No 45 Compton Avenue and there is no intention to sell it to the applicant, despite the initial suggestion. The Local Planning Authority is therefore satisfied that the land within the red line belongs to the applicant only.
76. It is within the rights of the adjoining landowners, under common law or under the Party Wall Act 1996, to draft a legal agreement outlining the responsibilities for the maintenance of the shared boundaries or any other issues that may arise between the neighbours. The assessment of any planning applications would not alter or impinge upon these rights. It is however noted that the Party Wall Agreement is a legal document and therefore can be drafted when required and cannot be secured by planning conditions.
77. The likely levels of disturbance or nuisance associated with building works of this scale would not justify conditions intended to address the stated areas of concern, whilst the issues of access to the site to allow erection of scaffolding or any future maintenance of the proposed dwellings are civil matters and not material to the consideration of this application.

SAMM/CIL compliance:

<b>Contributions Required</b>	Dorset Heathland SAMM	Poole Harbour Recreation SAMM
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Houses	Existing	1	@ £394	@140
	Proposed	2		
	Net increase	1	£394	£140
Total Contributions			£394 (plus admin fee)	£140 (plus admin fee)
CIL	Zone A		@ £240.85sq m	

78. Mitigation of the impact of the proposed development on recreational facilities; Dorset Heathlands and Poole Harbour Special Protection Areas; and strategic transport infrastructure is provided for by the Community Infrastructure Levy (CIL) Charging Schedule adopted by the Council in February 2019. In accordance with CIL Regulation 28 (1) this confirms that dwellings are CIL liable development and are required to pay CIL in accordance with the rates set out in the Council's Charging Schedule.
79. The site is within 5km (but not within 400m) of Heathland SSSI and the proposed net increase in dwellings would not be acceptable without appropriate mitigation of their impact upon the Heathland. As part of the Dorset Heathland Planning Framework a contribution is required from all qualifying residential development to fund Strategic Access Management and Monitoring (SAMM) in respect of the internationally important Dorset Heathlands. This proposal requires such a contribution, without which it would not satisfy the appropriate assessment required by the Habitat Regulations.
80. In addition, the proposed net increase in dwellings would not be acceptable without appropriate mitigation of their recreational impact upon the Poole Harbour SPA and Ramsar site. A contribution is required from all qualifying residential development in Poole to fund Strategic Access Management and Monitoring (SAMM) in respect of the internationally important Poole Harbour. This proposal requires such a contribution, without which it would not satisfy the appropriate assessment required by the Habitat Regulations.
81. The applicant has paid the relevant contributions towards Dorset Heathlands and Poole Harbour Recreation SAMM. As such, the proposed scheme complies with Policies PP32 and PP39 of the Poole Local Plan.

## Summary



82. The proposal seeks development within an area supported by the Local Plan, as defined by Policy PP2. The proposed scheme would make an efficient use of the site. The proposal would have acceptable impacts on the prevailing character and layout of the surrounding development in the area. The scale, massing and design of the proposed dwellings, together with their external finishes, would be appropriate to the context of the surrounding built form and enable them to integrate in an acceptable manner within the street scene.
83. The proposed development would have acceptable impacts on the amenities and privacy of the occupants of the neighbouring and nearby properties, subject to conditions. The proposal would provide adequate living conditions for the prospective occupiers of the proposed dwellings.
84. The proposed access and parking arrangements are acceptable and would not be detrimental to highway and pedestrian safety. The proposal would have acceptable impacts on protected trees on site. The provision of additional tree planting and landscaping scheme can be secured by condition. The proposal would not result in any materially harmful loss of biodiversity on site. The scheme is capable of providing an adequate level of biodiversity enhancement, secured by condition.
85. The provision of 10% of the predicted energy consumption of the proposed dwellings through the use of renewable energy sources can be secured by condition. The proposal would mitigate the impact on heathland and harbour recreation through SAMM contributions. The proposal would be CIL liable.

### **Planning balance**

86. Given the shortfall of number of homes delivered in the Local Plan area, the balance is tilted in favour of sustainable development and granting planning permission except where the benefits are significantly and demonstrably outweighed by the adverse impacts or where specific policies in the NPPF provide a clear reason for refusal. The tilted balance approach forms a material consideration in this case.
87. Whilst the site lies outside the most accessible locations in the Borough and it is not within the sustainable transport corridor, as identified by the Policy PP2 of the Poole Local Plan, further development on the site is still supported in principle under PP2. The proposed scheme would be in keeping with the pattern of development in the area.
88. The scheme would also contribute to the Council's demand for new housing and it would achieve social benefits of delivering an additional family unit in an established residential area, in a manner that would preserve the area's residential character and without harming the residential amenities of the neighbours or protected habitat nearby.

89. Having recognised the collective benefits of the proposed scheme and the tilted balance approach, it is concluded that the scheme would achieve the economic, social and environmental objectives of sustainable development, in line with the adopted local policies and the provisions of the NPPF, and is therefore recommended for approval.

## **RECOMMENDATION**

**Grant** subject to conditions which are subject to alteration/addition by the Head of Planning Services provided any alteration/addition does not go to the core of the decision.

1. GN150 (Time Expiry 3 Years (Standard))

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.

Reason: This condition is required to be imposed by the provisions of Section 91 of the Town and Country Planning Act 1990 and amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. AA01 (Non standard Condition)

The materials to be used for the external wall and roof shall be as specified on the approved plans.

Reason: To ensure a satisfactory visual relationship of the new development and that existing and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

3. GN090 (Obscure Glazing of Window(s))

Both in the first instance and upon all subsequent occasions, the ground floor bathroom window in the side (north) elevation of Unit 1, and all first floor bathroom windows in both side elevations of the dwellings hereby permitted (facing Nos 45 and 49 Compton Avenue and also overlooking each other), 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, as shown on the approved plans. These shall all be installed prior to the first occupation of the dwellings hereby permitted and shall thereafter be retained at all times.

Reason: To protect the amenity and privacy of the adjoining properties and the prospective occupiers of the approved dwellings and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

#### 4. HW100 (Parking/Turning Provision)

The access, garaging and vehicle parking shown on the approved plan shall be constructed prior to the first residential occupation of the dwellings hereby permitted, and these shall thereafter be retained and kept available for those purposes at all times.

Reason: In the interests of highway safety and in accordance with Policies PP27, PP34, PP35 and PP36 of the Poole Local Plan (November 2018).

#### 5. HW110 (Cycle Provision)

Prior first occupation, secure cycle parking for 4 bicycles per dwelling shall be provided in accordance with a scheme which shall be submitted to and approved by the local planning authority, and thereafter retained on site for these purposes.

Reason: In order to secure the provisions of appropriate facilities for cyclists and in accordance with Policies PP27, PP34, PP35 and PP36 of the Poole Local Plan (November 2018).

#### 6. HW200 (Provision of Visibility Splays)

Before the development hereby permitted is brought into use and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactment thereof, the land designated as visibility splays, as indicated on the approved plans, shall be cleared of all obstructions over 0.6 metres above the level of the adjoining highway, including the reduction in level of the land if necessary, and nothing over that height shall be permitted to remain, be placed, built, planted or grown on the land so designated at any time.

Reason: In the interests of highway safety and in accordance with the approved plans and Policies PP34, PP35 and PP36 of the Poole Local Plan (November 2018).

#### 7. HW240 (Electric Vehicle Charging Points)

Within 3 months of the commencement of the development hereby permitted, details of the provision of Electric Vehicle Charging Points (1 active point per dwelling) and associated infrastructure shall be submitted to the Local Planning Authority for approval in writing. Those details shall be in accordance with the BCP Council Parking Standards SPD (adopted 5th January 2021). The approved details shall be implemented and brought into operation prior to the occupation of any residential unit hereby approved. Thereafter, the Electric Vehicle Charging Points shall be permanently retained available for use at all times.

Reason: In the interests of promoting sustainable development including sustainable forms of transport in accordance with Policy PP35 of the Poole Local Plan - November 2018.

8. GN162 (Renewable Energy - Residential)

Prior to first occupation of the dwellings hereby permitted, details of measures to provide 10% of the predicted future energy use of each dwelling from on-site renewable sources, shall be submitted to and approved in writing by the local planning authority. These measures must then be implemented before any residential occupation is brought into use, and maintained thereafter.

Reason: In the interests of delivering a sustainable scheme, reducing carbon emissions and reducing reliance on centralised energy supply, and in accordance with Policy PP37 of the Poole Local Plan (November 2018).

9. HW230 (Permeable surfacing condition)

All ground hard surfaces shall either be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the site. The hard surface shall thereafter be retained as such.

Reason: In the interests of delivering development which does not result in unacceptable levels of run-off and in accordance with Policy PP38 of the Poole Local Plan (November 2018).

10. AA01 (Non standard Condition)

The development, hereby approved, shall be carried out in accordance with details of the approved Ecological Report (prepared by ABR Ecology Ltd, v1.0, dated 21/05/21 and received 21/05/21), and shall be supervised by an appropriate ecologist holding a nationally recognised licence.

Prior to the first occupation of any of the dwellings hereby permitted, biodiversity mitigation and enhancement measures, as specified in section 5 and Appendix 5 of the approved Ecological Assessment Report (prepared by ABR Ecology Ltd, v1.0, dated 21/05/21 and received 21/05/21) shall be carried out and installed on site in compliance with the requirements of the Bat Conservation Trust [http://www.bats.org.uk/pages/bat\\_boxes.html](http://www.bats.org.uk/pages/bat_boxes.html) and shall thereafter be retained.

Reason: In the interest of providing necessary biodiversity gain as set out in the National Planning Policy Framework (NPPF) 2019 paragraph 170 'minimising impacts on and providing net gains for biodiversity' and BSI 42020:2013 'Biodiversity - code of practice for planning and development' and in accordance with Policy PP33 of the Poole Local Plan (November 2018).

11. TR070 (Tree Protection - Protective Fencing)

Protective fencing, conforming to specifications in BS5837:2012 'Trees in Relation to Construction', as shown on the approved Tree Protection Plan (Drg.

no: DS/60821/AL, received 01/03/21) shall be erected before any equipment, machinery or materials are brought on to the site and before any ground clearance, tree works, demolition or construction work, including the erection of site huts, is commenced. Such fencing/ground protection shall not be removed or breached during construction operations without prior written approval by the Local Planning Authority, but shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site.

Within the areas so fenced, the existing ground levels shall not be altered and there shall be no development or development-related activity of any description, including trenches or pipe runs for services or drains, the depositing of spoil or the storage of materials. No fires shall be lit within 15 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

Reason: To prevent trees that are to be retained on-site from being damaged during the construction works, in accordance with Policy PP27 of the Poole Local Plan (November 2018).

## 12. Landscaping

No development above DCP (damp proof course) shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include the planting specification for 6 trees of suitable size and species, tree pits, root barriers, irrigation, underground support, installation and after care; hard surfacing materials; means of enclosure; details of boundary planting and treatments, schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate).

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development and the planting carried out in the first planting season following completion of the development or its first occupation, whichever is the sooner. Any planting found damaged, dead or dying in the first five years following their planting are to be duly replaced with appropriate species.

Reason: This information is required prior to above ground work commencing as the long term establishment, maintenance and landscaping of the site is necessary to preserve the amenity of the locality.

## 13. PL01 (Plans Listing)

The development hereby permitted shall be carried out in accordance with the following approved plans:

Location and Block Plans, Drg. no: 001, rev. A, received 02/03/21  
Proposed Street Scene, Drg. no: 200, rev. A, received 02/03/21  
Proposed Site Plan, Drg. no: 002, rev. D, received 30/03/21  
Unit 1- Proposed Floor Plans and Elevations, Drg. no: 100, received 01/02/21  
Unit 2- Proposed Floor Plans and Elevations, Drg. no: 150, received 01/02/21  
Tree Protection Plan, Drg. no: DS/60821/AL, received 01/03/21  
Proposed Site Cross Boundary Section, Drg. no: 400, received 25/03/21  
Proposed Roof Plan Diagram, Drg. no: 500, received 27/04/21  
Reason -  
For the avoidance of doubt and in the interests of proper planning.

## **Informative Notes**

### **1. IN72 (Working with applicants: Approval)**

In accordance with the provisions of paragraphs 38 of the NPPF the Local Planning Authority (LPA) takes a positive and creative approach to development proposals focused on solutions. The LPA work with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service, and
- advising applicants of any issues that may arise during the consideration of their application and, where possible, suggesting solutions.

Also:

- in this case the applicant was advised of issues after the initial site visit
- in this case the applicant was afforded an opportunity to submit amendments to the scheme which addressed issues that had been identified

### **2. IN74 (Community Infrastructure Levy - Approval)**

Part 11 of the Planning Act 2008 and the Community Infrastructure Levy Regulations

The proposed development referred to in this Planning Permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations (amended).

In accordance with CIL Regulation 65, the Local Planning Authority (LPA) will issue a Liability Notice in respect of the chargeable development referred to in this planning permission as soon as practicable after the day on which this Planning Permission first permits development. The Liability Notice will confirm the chargeable amount for the chargeable development referred to in this Planning Permission and will be calculated by the LPA in accordance with CIL Regulation 40 (amended) and in respect of the relevant CIL rates set out in the adopted charging Schedule. Please note that the chargeable amount payable in respect of the chargeable development referred to in this planning permission is a local land charge.

Please be aware that failure to submit a Commencement Notice and pay CIL in accordance with the CIL Regulations and Council's payment procedure upon commencement of the chargeable development referred to in this Planning Permission will result in the Council imposing surcharges and taking

enforcement action. Further details on the Council's CIL process including assuming liability, withdrawing and transferring liability to pay CIL, claiming relief, the payment procedure, consequences of not paying CIL in accordance with the payment procedure and appeals can be found on the Poole website:

<http://www.poole.gov.uk/planning-and-buildings/planning/ldf/community-infrastructure-levycommunity-infrastructure-levy/>

### 3. IN81 (SAMM Approval)

The necessary contributions towards SAMM arising from the proposed development have been secured by a S.111 agreement and have been received.

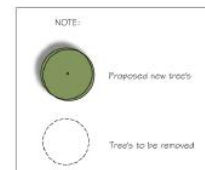
### 4. IN84 (AA passed)

This application is subject to a project level Appropriate Assessment in accordance with the Conservation of Habitats and Species Regulations 2017, concluding that the likely significant effects arising from the development can be mitigated and have been mitigated ensuring there would not be an adverse effect on the identified designated sites of Nature Conservation Interest.

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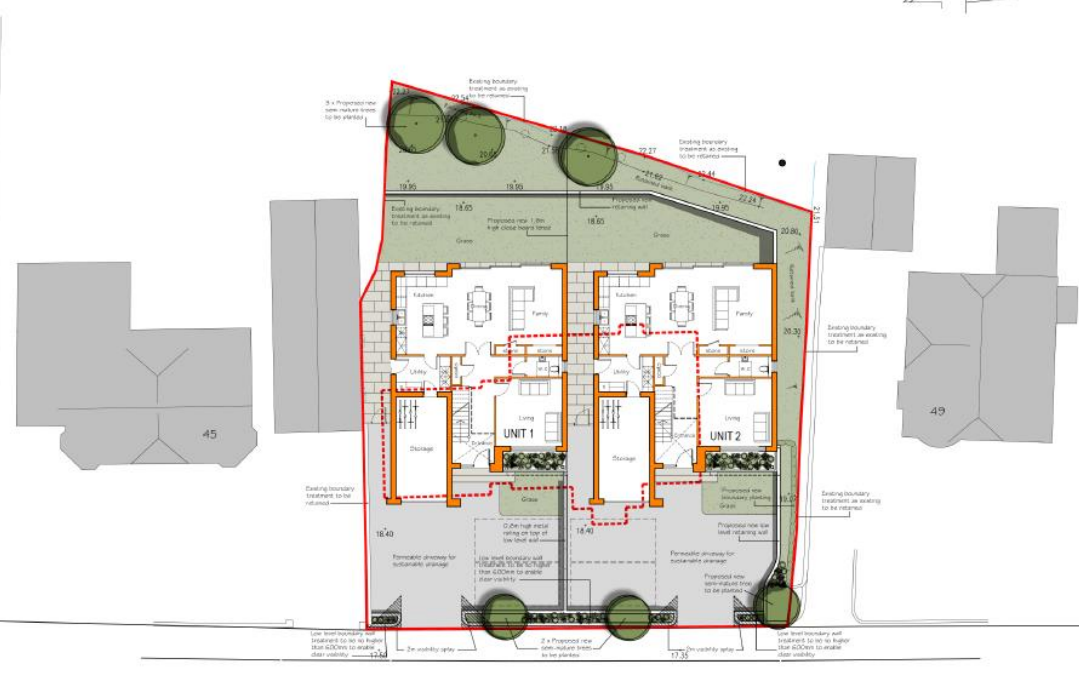
--- Existing building footprint

Item	Details	Area
1	Self-retaining & site access area	100
2	Front boundary wall area	100
3	Internal wall area	100
4	Front boundary wall area	100
5	Internal wall area	100
6	Back boundary wall area	100
7	Internal wall area	100
8	Back boundary wall area	100
9	Internal wall area	100
10	Back boundary wall area	100
11	Internal wall area	100
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99	Internal wall area	100
100	Back boundary wall area	100

**PLANNING APPLICATION**  
Project Name: LMA 20.024  
47 Compton Avenue,  
Poole.

Charlew Developments  
Drawing: Proposed Site Plan  
Scale: 1:200 @A3  
Drawn By: SD  
Date: 12/01/21  
Checked By: SD  
Date: 12/01/21

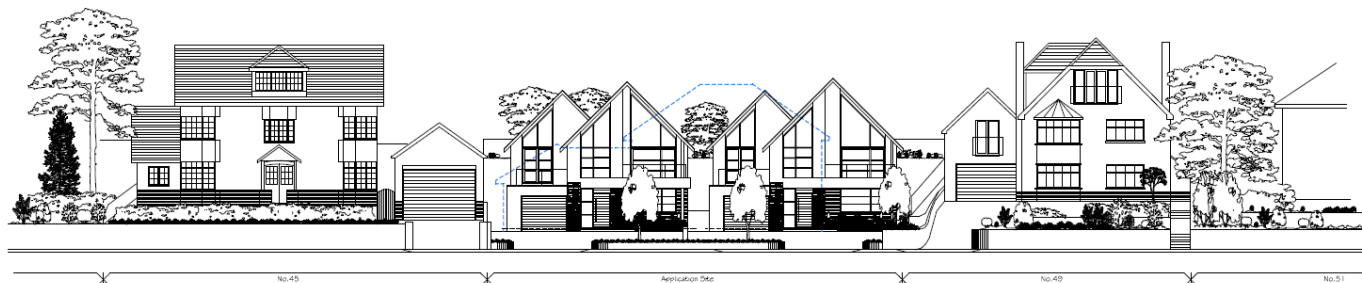
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A. 10/10/10 10/10/10 10/10/10		10/10/10	10/10/10
Rev.	Date	Drawn	Checked
10/10/10			
<b>PLANNING APPLICATION</b>			
Project Name:		Project Ref:	
47 Compton Avenue,		LMA 20.024	
Poole.		Drawn By:	
		DD	
Charlew Developments		Rev:	
Drawing:		A	
Location & Block Plans		Scale:	
		A3	
Drawn By:		Date:	
10/10/10		05/10/10	
Checked By:		Date:	
10/10/10		10/10/10	
Suite 11, Pine Court Business Centre, Gendle Road, Bournemouth, BH1 3EF T: 01202 375818 E: info@jmaarchitects.co.uk www.jmaarchitects.co.uk			
JMA ARCHITECTS		JMA ARCHITECTS	



Existing Building Outline  
 -----

0 20m

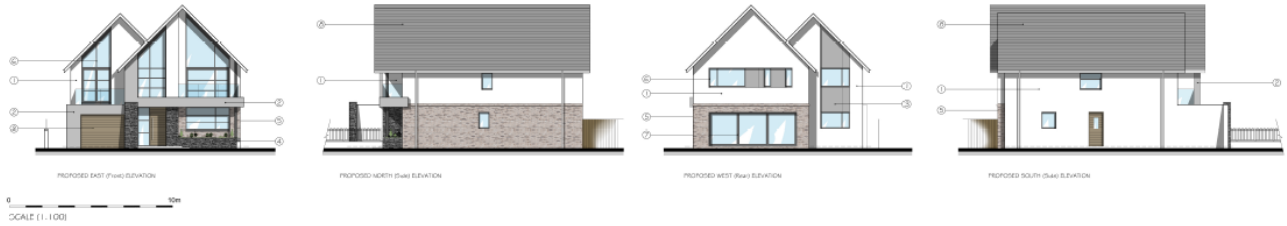
Proposed Street Scene (1:200)

A 00000 Boundary with no other dimensions		B0	
Rev	Date	Drawn	Checked
Issued 10/1			
<b>PLANNING APPLICATION</b>			
Project Client		Project Ref	
47 Compton Avenue, Poole.		LMA.20.024	
Drawn		Drawn	
200		200	
Rev		Rev	
A		A	

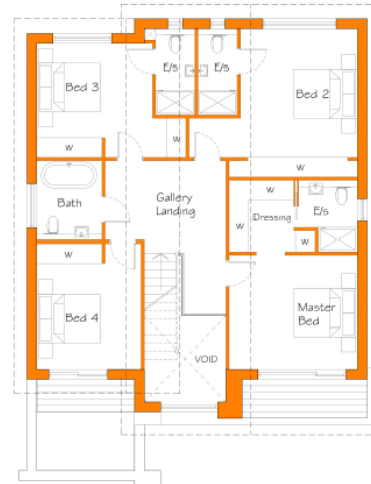
Site 11,  
 Pine Court Business Centre,  
 Gervis Road,  
 Bournemouth,  
 BH1 3EP  
 T01202 375818  
 info@jmaarchitects.co.uk  
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GIA 216m<sup>2</sup>, 2325sqft



0 5m  
SCALE (1:50)

- 1 - White render
- 2 - Grey render
- 3 - Darker render
- 4 - Tan stone cladding
- 5 - Darker stone cladding
- 6 - Grey UPVC windows
- 7 - PVC grey aluminium
- 8 - Stone effect tile

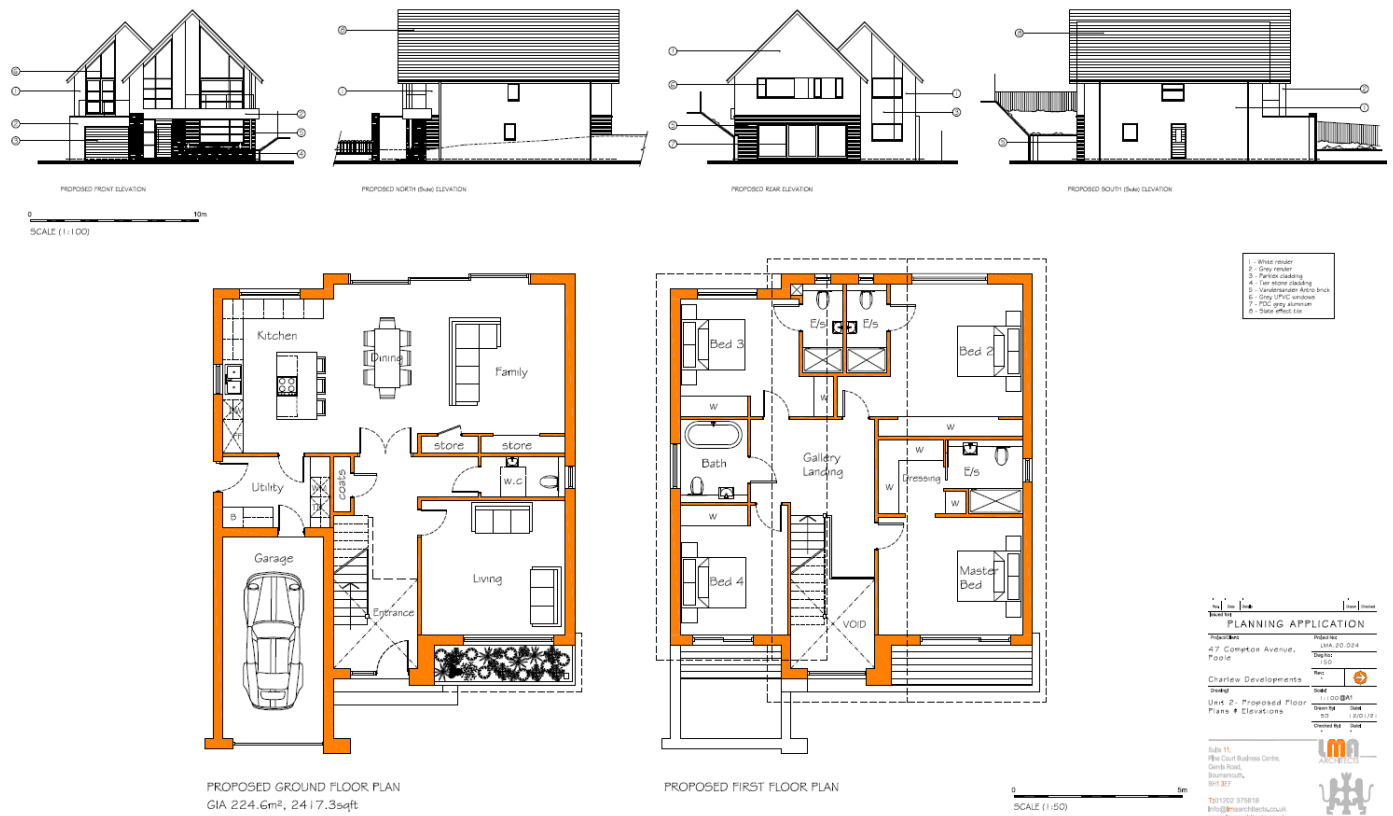
**PLANNING APPLICATION**

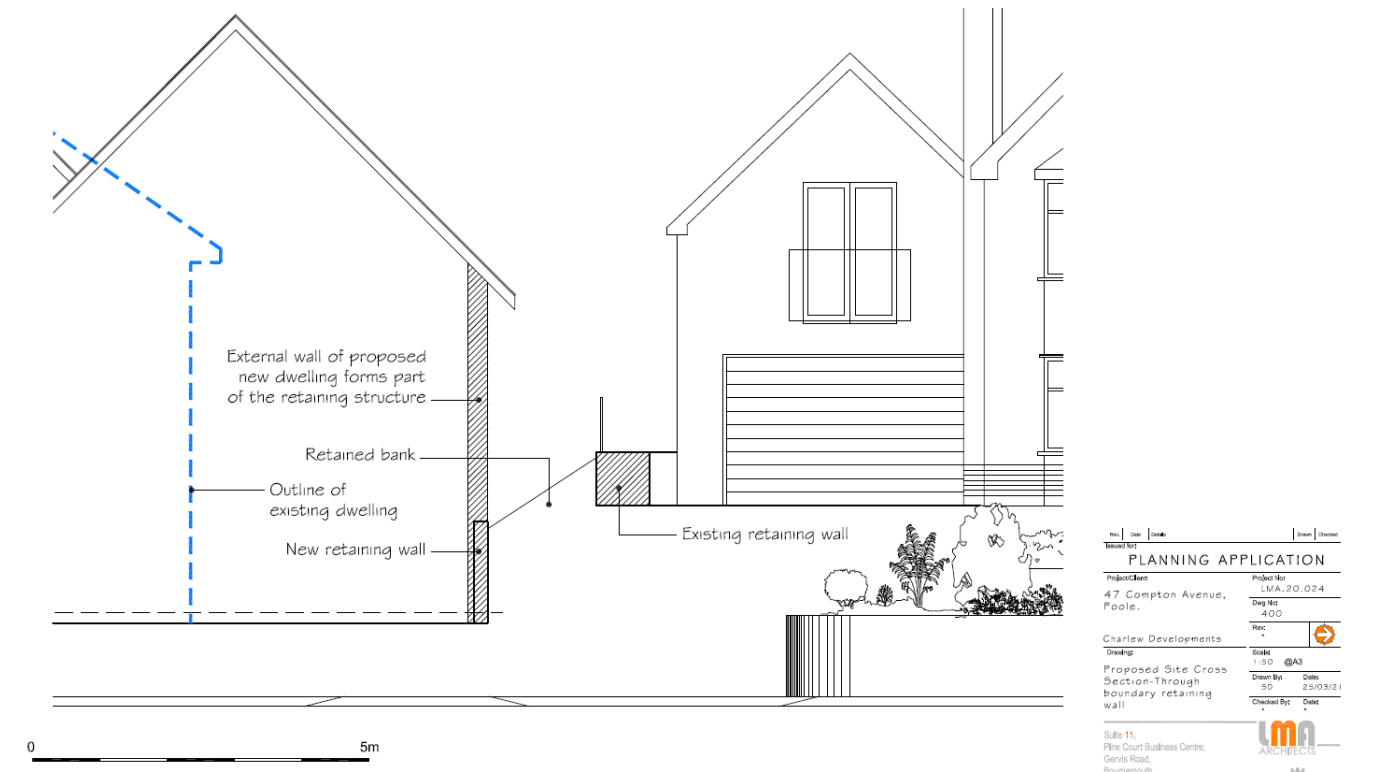
Project No: 15/01/2024  
 Date: 15/01/2024  
 Project: 4 F Complex Avenue, Farnham

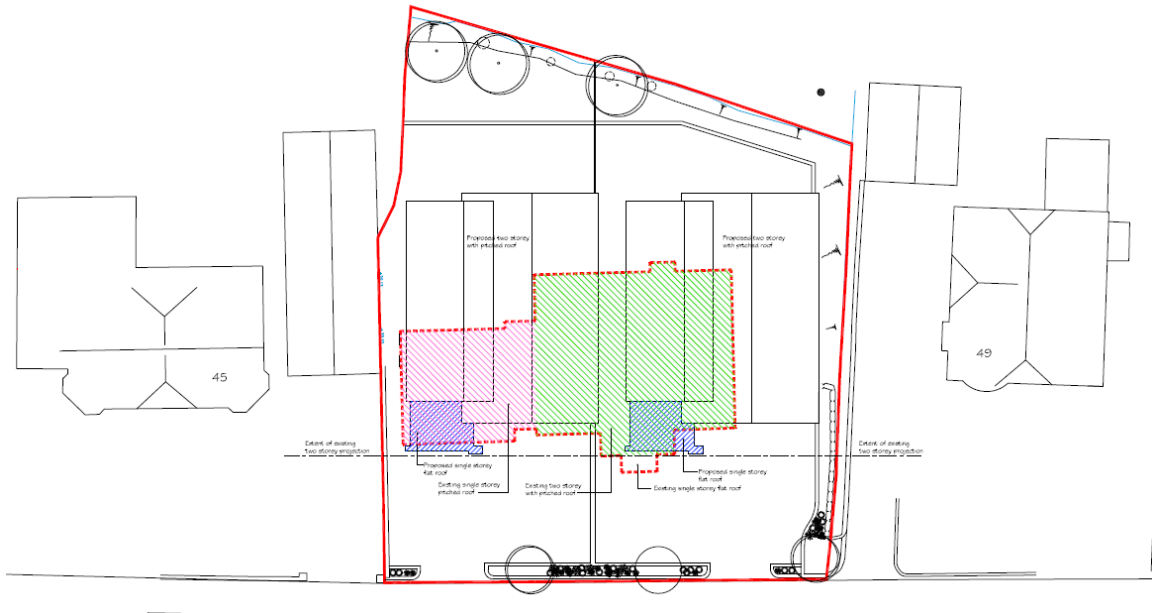
Charter Developments  
 Unit 1 - Proposed Floor Plans & Elevations  
 Date: 15/01/2024  
 Drawn by: [Signature]  
 Checked by: [Signature]

Scale 1:1  
 Plot: 4 F Complex Avenue, Farnham  
 Project: 15/01/2024  
 Date: 15/01/2024

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Rev		Date	Drawn	Checked
<b>PLANNING APPLICATION</b>				
Project Name		Project No		
47 Compton Avenue, Poole.		LMA.20.024		
Drawing No		500		
Client		REC		
Scale		1:200 @A3		
Drawn By		Date		
SD		23/04/21		
Checked By		Date		

Charlew Developments

Roof Plan Diagram

Site 11,  
Pine Court Business Centre,  
Genis Road,

**LMA**  
ARCHITECTS

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# Planning Committee

Application Address	19 Kingswell Road, Bournemouth, BH10 5DF
Proposal	Erection of a dwellinghouse and formation of new vehicular access and parking spaces with car port
Application Number	7-2020-3029-I
Applicant	Merley Design and Construction Ltd
Agent	Martingales Ltd
Date Application Valid	13 October 2020
Decision Due Date	7 December 2020
Extension of Time date (if applicable)	TBC
Ward	Redhill & Northbourne
Report Status	Public
Meeting Date	17 June 2021
<b>Recommendation</b>	<b>Grant in accordance with the details in the recommendation</b>
Reason for Referral to Planning Committee	Called in by Councillor Jackie Edwards (see para. 14)
Case Officer	Charles Raven

## Description of Development

1. Planning consent is sought for the erection of a dwellinghouse and formation of new vehicular access and parking spaces with car port.
2. The applicant has provided the following information:

	Existing	Proposed
Use	1 dwelling	1 additional dwelling
Parking	2 spaces (no.19)	4 spaces
Height	7.8m (no.19) 7.6m (no.15)	7.4m
Depth	9.9m (no.19) 9.1m (no.15)	9.9m
Width	6.7m (no.19) 6.4m (no.15)	5.4m

3. During the consideration of the application, revised plans were submitted which specified the measurements of the proposed dwelling and introduced a car port to the rear parking area.

### **Key Issues**

4. The main considerations involved with this application are:
  - Impact on character and appearance of the area;
  - Impact on residential amenity;
  - Impact on parking and highway safety;
  - Impact on protected heathlands.
5. These points will be discussed as well as other material considerations at paragraphs 17 to 50 below.

### **Planning Policies**

6. **Bournemouth Local Plan: Core Strategy (2012)**

Policy CS4 – Surface Water Flooding  
Policy CS16 – Parking Standards  
Policy CS20 – Encouraging Small Family Dwellinghouses  
Policy CS21 – Housing Distribution across Bournemouth  
Policy CS41 - Design Quality

7. **District Wide Local Plan (2002)**

Policy 6.8 – Infill Development

8. **Supplementary Planning Documents:**

Dorset Heathlands Planning Framework SPD  
Residential Development: A Design Guide – PGN  
Sustainable Urban Drainage Systems (SUDS) - PGN  
Parking Standards – SPD

9. **The National Planning Policy Framework (2019)**

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

### **Relevant Planning Applications and Appeals:**

10. 7-2018-2039-H - Erection of a dwellinghouse and formation of new vehicular access and parking spaces – Refused and Appeal Dismissed

## Reasons for refusal:

*It is considered that the proposed development, by reason of the layout, form, design and siting, would result in a development which would be out of keeping in the locality and which would result in a poor layout and living environment that would be detrimental to the living conditions of the future occupiers of the development. The development is therefore contrary to the aims of saved Policy 6.8 of the Bournemouth District Wide Local Plan (February 2002), Policies CS21 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012), the provisions of the adopted document Residential Development: A Design Guide (September 2008), and the NPPF (particularly paragraphs 117 and 127).*

*Furthermore, it is considered that the proposed unit would be harmful to designated Dorset Heathlands SPA (Special Protection Area), Ramsar Site and Dorset Heaths SAC (Special Area of Conservation). The failure to make an appropriate contribution towards mitigation measures would have an adverse effect on the integrity of the sites and is considered contrary to Policy CS33 of the Bournemouth Local Plan: Core Strategy (October 2012) as well as the provisions of the Dorset Heathlands Planning Framework SPD.*

7-2017-2039-G - Erection of a dwellinghouse and 2 bungalows, formation of access and parking spaces - Revised scheme – Refused and Appeal Dismissed

7-2017-2039-F - Erection of a dwellinghouse and 2 bungalows, formation of access and parking spaces – Refused

7-2003-2039-E - Approval in principle- Erection of a dwellinghouse, garage, formation of new vehicular access and parking spaces – Granted

7-1997-2039-D - Erection of two bungalows and garages and formation of new vehicular access (extension to Hendford Gardens) - Granted

## **Representations**

11. Site notices were posted in the vicinity of the site on 10/11/2020 with an expiry date for consultation of 12/12/2020. Further blue notices were erected on 02/02/2021 with an expiry date for responses of 16/02/2021.

12. 11 representations have been received from separate households, all raising objection. The issues raised comprise the following:-

*Out of character*

*Cramped development*

*Noise and disturbance*

*Pollution*

*Overlooking/Loss of privacy*

*Loss of green space*

*Unusable garden residual spaces*

*Previous Inspector's concerns not overcome*

13. A comment has been received from the Bournemouth Civic Society stating:

*The built footprint would be similar in size to that of adjacent houses and to the rear of the site there would be gardens for no. 19 and no. 17 and a parking area just beyond. The*

*principal façade would encompass a two storey bay window with a prominent hipped roof above. Irrespective of local fears about the lack of privacy, the Society finds what is proposed quite acceptable since what is proposed is no different to what would now be built on this site if normal planning arrangements had been followed when this neighbourhood was originally built. Consequently, we have decided that since this proposal conforms to the townscape policies of the Bournemouth Local Plan, it should be allowed.*

14. The application was called in by Councillor Jackie Edwards on the following grounds:

*The proposed house will be a metre narrower than neighbouring properties thus out of keeping in the street scene. It gives the house a cramped appearance not totally mitigated by just adding grass which of course could at a later date become hard standing.*

*The amenity of a good sized garden has been considerably been compromised by providing parking for four cars and a turning area. Future occupants could have a poor living environment due to the excess part of the rear garden been given over to hard standing.*

*At least 5 neighbouring gardens will be spoilt by the noise, pollution and vehicle manoeuvres at the rear of the property. This will affect the enjoyment of their gardens. No other property in the vicinity has parking at the rear.*

### **Consultations**

15. Highways Officer – no objections following submission of revised plans

### **Constraints**

16. Heathland mitigation buffer zone

### **Planning Assessment**

#### **Site and Surroundings**

17. The area is residential in character and contains mainly two storey detached dwellings of a traditional appearance, although there is some variety in the specific detail of finishes and roof forms with examples of hipped roofs and gable features. There is also evidence of further infill development in the locality. The application site has a wide, almost double width plot. Interestingly, there is no No.17 Kingswell Road, which is an indication that a new dwelling in this position was historically expected. Outline approval has been granted in the past for a two storey dwelling to the side of number 19 Kingswell Road (2003). The principal of additional residential development on the site is not precluded and has previously been accepted.
18. Consent was previously refused by the Planning Board of the former Bournemouth Borough Council and a subsequent Appeal was dismissed. The appeal decision is a material consideration in the consideration of this application, which aims to address the issues raised by the Inspector. A copy of the appeal decision is provided at the end of this report.

## Key Issues

### Impact on character and appearance of the area

19. The 2003 consent, although now expired and not implemented, had a two-storey dwelling sited adjacent to the eastern boundary and of a width and design that was similar to the traditional style of others in the street. It had a central shared driveway to a garage at the rear of the dwellings, which was narrow and would not meet current standards in terms of width of access and turning. However, that application was otherwise very similar overall so the principle of a single dwelling in this location has previously been accepted. The need for adequate width of parking access has dictated the dimensions of the dwelling here. The proposed dwelling would be the same depth as No.19 and a little deeper than No.15 but not excessive or noticeably so. There are examples of properties throughout the area with noticeably deeper footprints.
20. It is clear reading the appeal decision that there was not one determining factor that resulted in the Inspector dismissing the appeal, but that taking all of the minor negative issues collectively, the scheme could not be supported.
21. As with the previous scheme, the current proposal is for a two storey three bedroom house to the street frontage. The proposed house has the same eaves level of adjacent properties and is sited on a similar building line to the front. As with the previous scheme, it is around 1 metre narrower than the others, which would affect its proportions slightly (5.4m wide compared to 6.4m and 6.7m of the properties on each side), and consequently resulting in a marginally lower ridge height as the pitch of the hipped roof is the same as adjacent. The design includes a hipped roof and canted bay windows, which would be in keeping with the original properties in the area. Your officers consider here, as well as under the previous application, that the width of the building would not be cramped or out of character. There are many house types of varying widths throughout Kingswell Road and the surrounding area. There is not one predominant homogeneous building type to dictate what must be acceptable in this location, both in terms of appearance and scale. Whilst a contrary view was taken by Bournemouth Planning Board and the Inspectorate, the narrower form alone is not considered to harm the character and appearance of the area where it would share an otherwise similar design. It would actually be more in keeping than a number of existing dwellings within the area, the closest being No. 21 Kingswell Road, which is a newer property with a different and weaker design. It is maintained that the development would be in keeping with the character and appearance of the area.
22. The current scheme provides a landscaped area to the front of both properties where previously there was a car space proposed. This would soften the impact of the development, would be entirely in keeping with the character of the area and result in a less cramped appearance than previously considered.
23. The applicant provided amended plans during the consideration of the application which provided a car port over the proposed rear parking area. The car port would be of a timber structure with a sedum/green flat roof. The structure would be single storey with a maximum height of 2.7m and would be open sided. The car port would be set in from the side boundaries by 2.5m and from the rear by 4.5m. Whilst the car port is large, providing cover for up to four vehicles, car ports are not uncommon in urban areas. Given the single storey nature of the structure, and its siting set well away from boundaries, there are no planning grounds to object. It should be noted that if the height of the car port were to be 20cm lower, it would likely be permitted development and could be erected without the

need for specific planning permission under the permitted development rights enjoyed by the existing dwelling. Similarly, if it were to be re-designed with a pitched roof and an eaves height of up to 2.5m, the maximum height of that roof could be up to 4m and erected under the permitted development rights of the existing dwelling.

24. Approximately 43% of properties within Kingswell Road have off street car parking facilities located behind the rear elevation of the dwelling, effectively within the rear garden areas. These are a combination of garages, car ports, and open parking areas. In response to a number of comments received, to say that the principle of the car parking proposed to the rear of the two dwellings is uncharacteristic is factually incorrect.
25. The current scheme has addressed the majority of the concerns raised by the Inspector, the only outstanding issue is now the width of the building which was considered to contribute to the overall impression of a cramped appearance. Given that all other issues that had contributed to this impact have been successfully addressed, by reason of the reasoning discussed in para 21 above, it is considered that this revised scheme would not appear cramped or out of character and would not have an adverse impact on the character or appearance of this area.
26. The proposed dwelling is considered to be a small family sized dwellinghouse for the purposes of your Policy CS20, which states that there will be a presumption in favour of the redevelopment of sites for small family dwellinghouses as opposed to other forms of residential development where:
  - the site is capable and suitable for accommodating small family houses; and
  - the resulting development will not be out of character with the local area.
27. As discussed, the site is capable of providing this small family dwelling, which has been shown not to be out of character with the local area. The development is considered to satisfy the requirements of this policy and the provision of family housing should be supported.
28. For the reasons discussed, it is considered that the development would be in keeping with the character and appearance of the area, compliant with the requirements of your Policies CS19, CS21, and CS41 of the Core Strategy, saved Policy 6.8 of the Local Plan, and the provisions of the NPPF.

#### Impact on residential amenity

29. In dismissing the previous appeal, the Inspector cited two issues relating to residential amenity:
30. Firstly, the position of a window serving a bedroom in the east facing flank elevation of the proposed dwelling would result in overlooking and a loss of privacy to the detriment of the future occupiers and also of the occupiers of No.15 Kingswell Road. In response, the current scheme has been amended to only provide secondary windows at first floor level in this elevation, serving a bathroom and an en suite. Both windows serving these rooms would be fitted with obscure glazing and fixed shut. There would therefore be no opportunity for any overlooking and consequently, no loss of privacy. The requirement to provide mechanical ventilation would be dealt with under the Building Regulations and is entirely common in urban areas.

31. Secondly, the narrow gap between Nos. 17 and 19 and the proposed parking layout would have made it difficult to get in and out of vehicles and also result in difficulties moving bins. The Inspector stated that this was not a determinative matter but weighed against the other issues at the time. In response, whilst the access remains as previous, it no longer serves as a parking area, this has been moved to the rear and together with a turning area, will allow vehicles to enter and exit the site in a forward gear. Rear pedestrian access to the two properties would not be compromised, meaning bins can now easily be moved to the frontage on collection days. This issue has been successfully addressed.
32. Whilst the Inspector has considered all other similar issues and not found any additional harm, the impact of the development, and the associated revisions has been assessed as follows:
33. *15 Kingswell Road* - this two storey detached property is directly adjoining to the east of the proposed dwelling, which is sited almost on the boundary line. The proposed house would extend out further at first floor level than this neighbouring property, but only by approximately 1.5 metres. It would be close to the boundary but adjacent to the driveway of this neighbouring property. There are some side windows to number 15, which are likely to include a kitchen window on the ground floor and a bathroom window on the first floor. The separation distance between flank walls will be approximately 2.5 metres, which is considered acceptable in terms of light and outlook to secondary side windows and is a typical residential relationship. As above, all windows on the flank elevation of the proposed dwelling facing the side of this property would serve secondary rooms and be fitted with obscure glazing and fixed shut. This includes a high level ground floor window serving the kitchen area but would also be fixed shut and fitted with obscure glazing. The provision of car parking to the rear of the frontage buildings is a common feature in this area as previously noted. The car port and parking area is sited away from the immediate boundary so the impact could be arguably better than the norm of having vehicles parked tight to the boundary. Given the anticipated use of the parking area serving two households, the level of activity is likely to be commensurate with existing residential uses and therefore acceptable.
34. *19 Kingswell Road* - this two storey detached dwelling is located to the west of the proposed dwelling and forms part of the application site. Windows on the flank elevation of the dwelling facing this property would serve a ground floor hall and stairwell and would be fitted with obscure glazing and fixed shut. As a rule of thumb, an appropriate size of rear garden for a new development would usually be a similar size to the footprint of the dwelling it serves. The proposed block plan provides a residual rear garden size that is similar to the footprint of the dwelling, approximately 75m<sup>2</sup>. This is considered appropriate.
35. *21 Kingswell Road* - this property is located some distance away from the proposed dwelling, and the alterations to the frontage would not have any impact on this neighbouring property. The proposed parking area would not abut the boundary with this property, and whilst the car port may be visible from rear windows, this is not considered harmful. As above, the proposed level of activity is unlikely to result in any harmful impact.
36. *1a Kingswell Close and 8-10 Hendford Gardens* - these properties are all located some distance from the proposed dwelling and would not be affected by the development in a harmful manner. As above, the car port and parking area would be located off the boundaries with surrounding properties so the physical impact of the structure would be reduced and given its single storey height, cannot be considered harmful.

37. There would not be a detrimental impact on any other neighbouring properties in the locality.
38. *Future Occupiers* – the size of property exceeds the minimum requirements as advocated by the technical housing standards. The private garden area is suitable for the size of property proposed. The development provides two off road parking spaces. The development is considered to offer a good standard of accommodation for the future occupiers.

#### Impact on parking and highway safety

39. Your Highways Officer has assessed the proposed development against the requirements of the recently adopted Parking Standards SPD and provided the following comments:
40. This proposal is to build on severed land of the donor property, a 3 bedroom (5 habitable rooms) property with associated 2 car parking spaces and a secure lockable cycle store sited at the rear of the site, and another 2 car parking spaces for the donor property.
41. The BCP Council adopted the new Parking Standards Supplementary Planning Document (SPD) on 5 January 2021, which came into immediate effect. The SPD takes a new zonal approach to parking standards under which the site falls within Zone D. The benchmark parking standards are outlined in the SPD Table 10 C3: Houses: in zone D the car parking benchmark is 2 for 4 or more habitable rooms. The applicant is providing 2 car parking spaces each for the new and donor dwellings and is therefore policy compliant under the new SPD adopted Jan 2021.
42. Revised plans were submitted during the considered of the application to address issues raised by the Highways Officer who confirms that the required pedestrian visibility splays, access, parking areas and the 2x electric charge point are now provided and does not raise any objections.

#### Heathland Mitigation

43. The site is within 5km of a designated Dorset Heathlands SPA (Special Protection Area) and Ramsar Site, and part of the Dorset Heaths candidate SAC (Special Area of Conservation) which covers the whole of Bournemouth. As such, the determination of any application for an additional dwelling(s) resulting in increased population and domestic animals should be undertaken with regard to the requirements of the Habitat Regulations 1994. It is considered that an appropriate assessment could not clearly demonstrate that there would not be an adverse effect on the integrity of the sites, particularly its effect upon bird and reptile habitats within the SSSI.
44. Therefore, as of 17<sup>th</sup> January 2007 all applications received for additional residential accommodation within the borough is subject to a financial contribution towards mitigation measures (SAMM) towards the designated sites. A capital contribution is therefore required and in this instance is £397, plus a £75 administration fee. A signed legal agreement has been drafted to provide this contribution.

#### Community Infrastructure Levy

45. The development is liable for the community infrastructure levy.



## Presumption in Favour of Sustainable Development

46. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development stating that plans and policies should apply a presumption in favour of sustainable development. For decision taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
47. In the Bournemouth area the Core Strategy is greater than five years old and the Council is also unable to demonstrate a five year housing supply, meaning that the 'tilted balance' of Paragraph 11 (d) applies to this proposal. The site is not located within an area identified under sub section (i) so it is (ii) that is applicable here.
48. Any refusal of consent would need to demonstrate that that any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

## Planning Balance

49. The proposal provides a small family sized dwelling in a sustainable location;  
The impact on the character and appearance of the area is considered to be appropriate;  
The impact on residential amenity has been assessed and considered appropriate;  
The level of car parking provision is policy compliant;  
There is no harmful impact on highway safety;  
The impact on heathlands has been mitigated;  
The issues raised by the Inspector, taken as a whole, are considered to have been addressed.
50. Therefore, having considered the appropriate development plan policy and other material considerations, including the NPPF, it is considered that subject to compliance with the conditions attached to this permission, the development would be in accordance with the Development Plan, would not materially harm the character or appearance of the area or the amenities of neighbouring and proposed occupiers and would be acceptable in terms of traffic safety and convenience. The Development Plan Policies considered in reaching this recommendation are set out above.

## Recommendation

51. **GRANT permission with the following conditions, which are subject to alteration/addition by the Head of Planning Services provided any alteration/addition does not go to the core of the decision and the completion of a Section 106 agreement with the following terms:**

## Section 106 terms

Heathland Mitigation (SAMM): £397 plus £75 admin

### Conditions

#### **1. Development to be carried out in accordance with plans as listed**

The development hereby permitted shall be carried out in accordance with the following approved plans: J.37.2020-01, J.37.2020-02, J.37.2020-03a, J.37.2020-04a, J.37.2020.05.

Reason: For the avoidance of doubt and in the interests of proper planning.

#### **2. On site working hours (inc demolition) restricted when implementing permission**

All on-site working, including demolition and deliveries to and from the site, associated with the implementation of this planning permission shall only be carried out between the hours of 8 a.m. and 6 p.m. Monday - Friday, 8 a.m. and 1 p.m. Saturday and not at all on Sunday, Public and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of adjoining and nearby properties and in accordance with Policies CS14 and CS38 of the Bournemouth Local Plan: Core Strategy (October 2012).

#### **3. Surface Water Drainage (SUDS Implementation)**

Before the commencement of development, a scheme for the whole site providing for the disposal of surface water run-off and incorporating sustainable urban drainage systems (SUDS), shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the approved details prior to occupation of the development or in accordance with a timetable to be agreed in writing by the Local Planning Authority. The scheme shall include the following as appropriate:

- a) A scaled plan indicating the extent, position and type of all proposed hard surfacing (e.g. drives, parking areas, paths, patios) and roofed areas.
- b) Details of the method of disposal for all areas including means of treatment or interception for potentially polluted run off.
- c) Scaled drawings including cross section, to illustrate the construction method and materials to be used for the hard surfacing (sample materials and literature demonstrating permeability may be required).

Reason: To provide satisfactory drainage for the development in accordance with Policy CS4 of the Bournemouth Local Plan: Core Strategy (October 2012) and in order to achieve the objectives set out in the Local Planning Authority's Planning Guidance Note on Sustainable Urban Drainage Systems.

#### **4. Drainage Hard surfaced areas**

Any new or replacement hard surfaced area(s) shall either be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To provide satisfactory drainage for the development in accordance with Policy CS4 of the Bournemouth Local Plan: Core Strategy (October 2012) and in order to achieve the objectives set out in the Local Planning Authority's Planning Guidance Note on Sustainable Urban Drainage Systems.

Note: Further guidance in this regard is contained in the Department for Communities and Local Government publication entitled "Guidance on the Permeable Surfacing of Front Gardens" (September 2008).

### **5. Prior Approval of Materials**

Details of the materials to be used on the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any superstructure works on site. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory visual relationship between the existing and the new development in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

### **6. No Permitted Development for Enlargements of the dwelling**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargements of the dwelling shall be constructed without the grant of further specific planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the development of the site in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

### **7. No Permitted Development for Windows, Dormer windows**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be installed or dormer windows shall be constructed without the grant of further specific planning permission from the Local Planning Authority.

Reason: To avoid loss of privacy for adjoining properties in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

### **8. Windows in Flank Elevations to be Glazed with Obscure Glass & non opening**

The proposed window in the east and west facing flank elevation of the dwellinghouse hereby approved shall be glazed with obscure glass to a level equivalent to Pilkington Level 3 or above (or the nearest equivalent standard) and fixed shut and shall be permanently retained as such.

Reason: To protect the amenity and privacy of adjoining properties and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

### **9. Bin Collection**

The bins shall only be moved to the front of the properties on bin collection days or the preceding day. All bins shall be returned to the respective owner's properties following collection on the day of collection.

Reason: To preserve the visual amenities of the locality in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

### **10. Soft and Hard Landscaping**

Within 3 months of the date of commencement of the development, full details of soft and hard landscape proposals shall be submitted in writing to the Local Planning Authority. The details should include where appropriate:

Surfacing materials; Planting plans; Schedule of plants; Implementation timetable; 5 year maintenance plan. No part of the development hereby permitted shall be occupied or used until details of the soft and hard landscape scheme have been approved in writing by the Local Planning Authority and implemented in full. The landscaping shall thereafter be permanently retained and maintained in accordance with the details as approved.

Reason: To ensure that the proposed development includes a properly designed and suitably landscaped amenity area in the interests of visual amenity and to accord with Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002) and Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

#### **11. Boundary /Subdivision Treatment**

Within 3 months of the date of commencement of the development, details of boundary treatment and subdivision shall be submitted to in writing to the Local Planning Authority. Details shall include a plan showing: the positions, height, design, materials. No part of the development hereby permitted shall be occupied or used until details of the boundary treatment and subdivision have been approved in writing by the Local Planning Authority and implemented in full. The boundary treatments shall thereafter permanently retained and maintained in accordance with the details as approved.

Reason: In the interests of amenity and privacy and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

#### **12. Access/Turning/ Parking/Visibility Splays/Cycle Stores**

Prior to the occupation of the development hereby approved the car parking access, layout, cycle stores, pedestrian inter-visibility splays and turning areas shall be laid out and constructed in accordance with the approved plans and shall thereafter be retained, maintained, and kept available for the occupants of the development at all times.

Reason: In the interests of highway safety and in accordance with Policies CS14 and CS16 of the Bournemouth Local Plan: Core Strategy (October 2012).

#### **13. Electric Charging Points**

The Electric Vehicle Charging Points and associated infrastructure details forming part of the planning application submission and indicated on the approved plans shall be implemented and brought into operation prior to the occupation of the residential unit hereby approved. Thereafter the Electric Vehicle Charging Points shall be permanently retained available for use at all times.

Reason: In the interests of highway safety and in accordance with policies CS17 and CS41 of the Bournemouth Local Plan Core Strategy (October 2012).

#### **14. Informative Note: No storage of materials on footway/highway**

INFORMATIVE NOTE: The applicant is advised that there should be no storage of any equipment, machinery or materials on the footway/highway this includes verges and/or shrub borders or beneath the crown spread of Council owned trees.

#### **15. Informative Note: Highway and Surface Water/Loose Material**

INFORMATIVE NOTE: The applicant is advised that in order to avoid contravention of highways legislation, provision shall be made in the design of the access/drive to ensure that no surface water or loose material drains/spills directly from the site onto the highway.

**16. Informative Note: CIL liable development**

INFORMATIVE NOTE: This permission is subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL Liability Notice has been issued with this planning permission that requires a financial payment on commencement of development. Full details are explained in the notice.

**17. Informative Note: Heathland Mitigation**

INFORMATIVE NOTE: This application and planning permission is subject to a requirement that a capital contribution is/has been made towards heathlands mitigation, in accordance with Policy CS33 and the Dorset Heathlands Planning Framework.

**18. Informative Note: Definition of Superstructure**

INFORMATIVE NOTE: The superstructure is the above ground level element of the building.

## **Appeal Decision**

Site visit made on 11 June 2019

by B Bowker Mplan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2019

## **Appeal Ref: APP/G1250/W/18/3212431**

### **Land adjacent to 19 Kingswell Road, Bournemouth BH10 5DF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Merley Design & Construction Limited against the decision of Bournemouth Borough Council.
- The application Ref 7-2018-3029-H, dated 29 May 2018, was refused by notice dated 22 August 2018.
- The development proposed is the erection of a detached dwelling, formation of parking spaces and vehicular access.

## **Decision**

1. The appeal is dismissed.

## **Application for costs**

2. An application for costs was made by Merley Design & Construction Limited against Bournemouth Borough Council. This application is the subject of a separate Decision.

## **Preliminary Matter**

3. Since the submission of the appeal, development for three dwellings at the site has been dismissed at appeal1. As the main parties have had the opportunity to comment on the decision as part of the appeal process, I have taken it into account in my determination of the appeal.

## **Main Issues**

4. Based on the evidence before me, the main issues are:
  - Whether the proposal would result in a satisfactory living environment for future occupants and neighbours residing at 15 Kingswell Road; and,
  - the effect of the proposal on the character and appearance of the surrounding area.

## **Reasons**

### *Living conditions*

5. No 19 Kingswell Road comprises a detached two storey dwelling with rear garden. The proposed dwelling (labelled 'No 17') would be to the side of Nos 19 and No 15. Dwellings here have front elevations that face onto Kingswell Road. The recent appeal at the site included a dwelling of the same design and siting as that proposed in the appeal before me. The Inspector set out a number of concerns in respect of the site layout, including the privacy of future occupants and neighbours residing at No 15.

6. A window serving a first floor bedroom in No 17 would be sited in the east elevation. It would be the only window serving the bedroom and would be sited relatively high up close to the eaves. A window on the side elevation of No 15 occupies a similar position and would be close to the proposed bedroom window. Thus I agree with the previous Inspector that this arrangement would be harmful to the level or perceived level of privacy for neighbouring and future occupants. As the window would serve a bedroom, a condition to secure obscure glazing would not be appropriate.

7. The remaining width between No 19 and No 17 would be narrow, making it difficult to get in and out of vehicles parked between the dwellings. In addition, on bin collection days, the site's poor layout could present some difficulties for future and neighbouring occupants when moving bins to the front of the site. Whilst bins are often stored within residential curtilages, in the context of the proposed site layout, it has not been demonstrated that this matter could be overcome by use of a planning condition. Overall, the layout proposed would provide future and neighbouring occupants with a poor living environment. Whilst this in itself is not a determinative matter, it nonetheless attracts weight against the proposal. Moreover, in this case the harm identified to the privacy of future and neighbouring occupants at No 15 is decisive.

8. Therefore the proposal would provide an unsatisfactory living environment for future occupants and neighbours residing at 15 Kingswell Road. Consequently the proposal would not meet the requirements of Core Strategy (CS) policies CS21 and CS41, saved Policy 6.8 of the Bournemouth District Wide Local Plan (LP), the Residential Development: A Design Guide (RDG) and paragraph 127 f) of the National Planning Policy Framework which are of most relevance to this issue. Insofar as they relate to this matter, these require development to provide a high standard of layout and design that ensures adequate privacy and amenity for future and existing occupiers.

#### *Character and appearance*

9. In the previous appeal, the Inspector was critical of the congested and cramped arrangement of No 17 and the extent of hard surfacing to the front part of the site. In this respect, the proposal remains unchanged from that before the previous Inspector. Nos 1-19 Kingswell Road contain similarities in terms of scale, frontage width, design, siting and overall appearance. Although No 21 differs in appearance from properties to the east, its different design, width, and set back frontage give it a stronger visual association with No 23. Conversely, the location of the proposal and its siting and design would give it a strong visual association with Nos 1-19, rather than No 21 or properties at Hendford Gardens. As such, the proposal is located in a street scene where an ordered character prevails. This is a positive attribute of the area.

10. Based on the measurements contained within the Planning Board Report (not disputed), the width of the front elevation would be 1m narrower than adjacent houses. However, and despite the design, height and siting of the dwelling proposed, when viewed as part of Nos 1-19, the reduced width would be obvious by its proportions and fenestration detailing, giving the proposal a cramped appearance. In addition, the dominant use of hard standing at the front part of the site would further emphasise the cramped appearance of the proposal, which would not be fully mitigated by additional landscaping. The difficulties future occupants would have accessing parked vehicles on the driveway and bin storage identified above are particularly indicative of a cramped design.

11. Drawing the above together, and in the absence of any compelling reasons to the contrary, the concerns of the previous Inspector remain and the proposal would have a cramped appearance in contrast to the ordered character of the street scene and would fail to provide a high standard of design. The expired 2003 outline permission at the site does not alter this conclusion.

12. Therefore the proposal would have a harmful effect on the character and appearance of the surrounding area and would be contrary to CS Policy CS41, saved LP Policy 6.8, the RDG and paragraph 127 (a-d) of the Framework which are of most relevance to this issue. Insofar as they relate to this matter, they seek to ensure that development is of a high quality design that enhances and complements the character of neighbouring development, that will function well and add to the overall quality of the area.

#### *Other Matters*

13. The Council's decision notice refers to the failure to provide mitigation measures in respect of the Dorset Heathlands Special Protection Area, Ramsar Site and Dorset Heaths Special Area of Conservation. However, based on the harm identified above, the provision of such mitigation would not have altered the outcome of the appeal. As such I have not pursued this matter further.

14. A number of benefits are associated with the proposal, which include its contribution of a family home towards housing supply, in a location that has access to services and facilities. The proposal would also support construction employment, local services and facilities, and make efficient use of land.

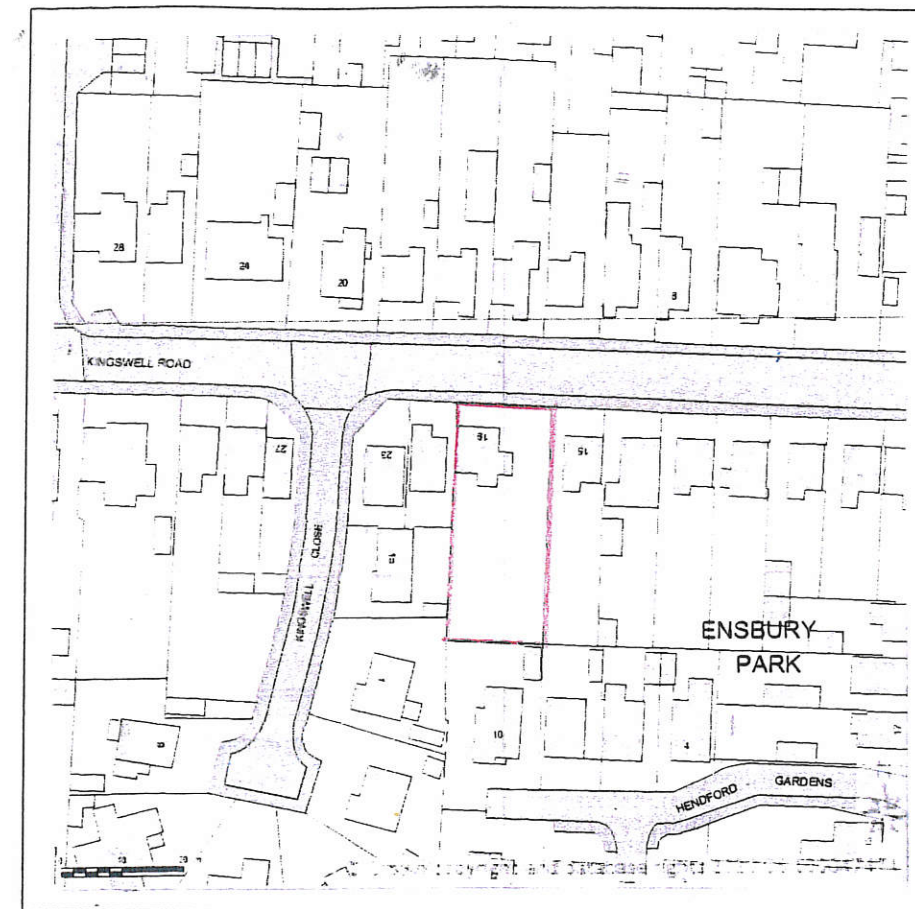
15. Following changes to the Framework and the Planning Practice Guidance, the Council set out that they are unlikely to be able to demonstrate a 5 year supply of housing land. However, the evidence submitted in respect of housing land supply is not conclusive. In any event, even if I were to conclude there is a shortfall in 5 year supply and that relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission identified above would significantly and demonstrably outweigh the modest benefits associated with the proposal. Nor does the support from the Council's planning officers alter the outcome of the appeal.

## **Conclusion**

16. For the reasons given above, the proposal would not accord with the development plan and the Framework when taken as a whole and no considerations are before me that would alter this finding. As such, the appeal is dismissed.

B Bowker  
INSPECTOR

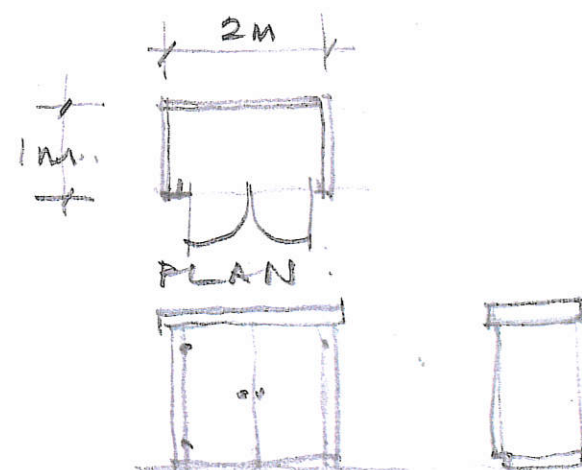
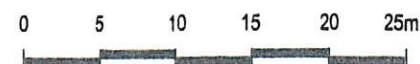




Location Plan 1:1250



Block Plan 1:500

ELEVATIONS.  
SECURE LOCKABLE CYCLE ST.

CLIENT MERLEY DESIGN & CONSTRUCTION LTD.  
PROJECT PLOT 19 KINGSWELL ROAD.  
DWG TITLE BLOCK & LOCATION PLAN.

**BARRY J MILLS LTD**

Tel : 01202 290469 barryjmillsltd@hotmail.co.uk

Wessex House  
St. Leonards Road  
Bournemouth BH8 8QS

DATE

A3 size SCALE

Architectural & Planning Consultant

DWG NO. 37.2020.1.



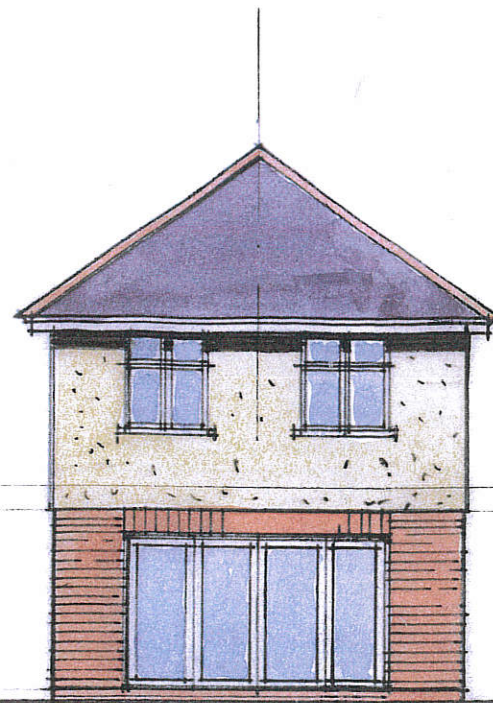
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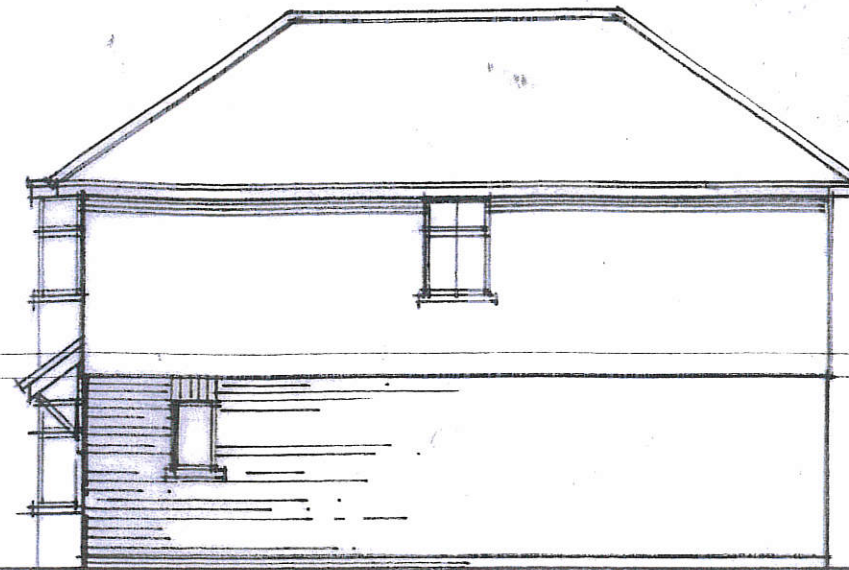
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NORTH.



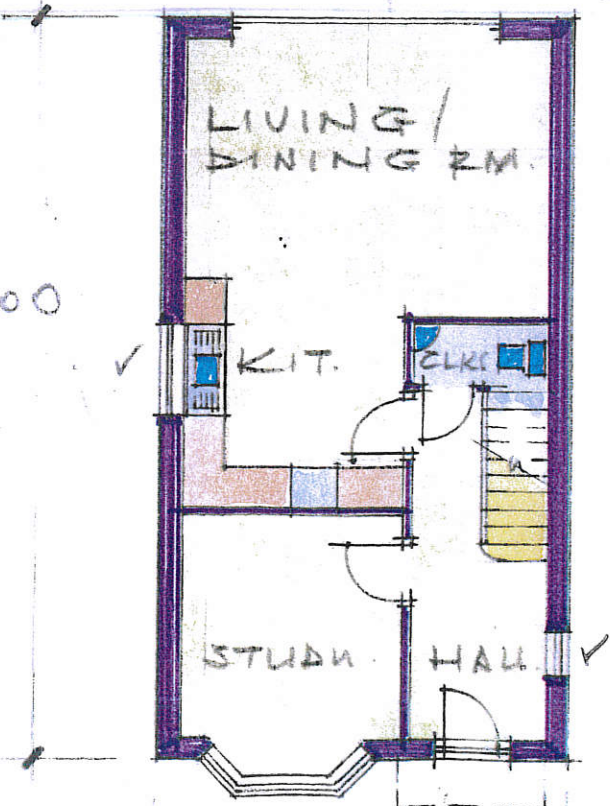
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WEST.

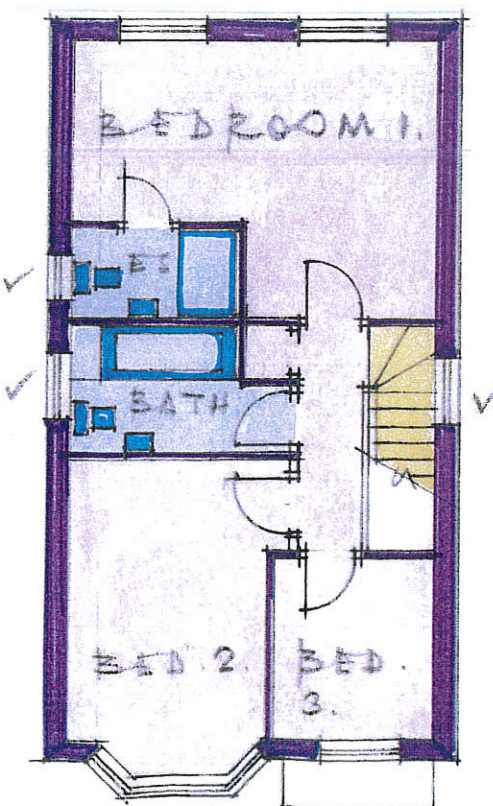
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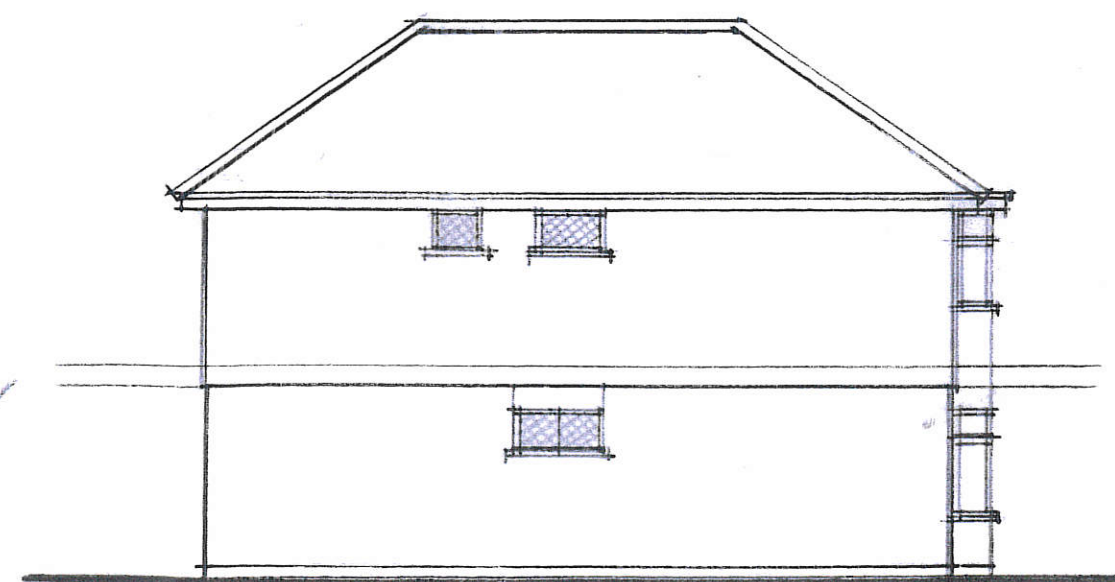
GROUND FLOOR.

SCALE 1:100



FIRST FLOOR.

0 1 2 3 4 5m



EAST.

✓ WINDOWS GLAZED  
WITH OBSCURE  
GLASS AND FIXED  
SHUT.

CLIENT MERLEY DESIGN & CONSTRUCTION LTD.  
PROJECT PLOT ADJ 19 KINGSWELL RD.  
DWG TITLE FLOORPLANS & ELEVATIONS.

**BARRY J MILLS LTD**

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DATE

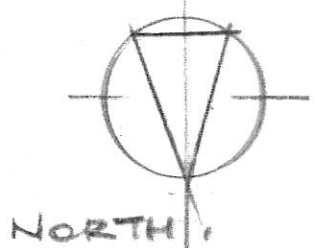
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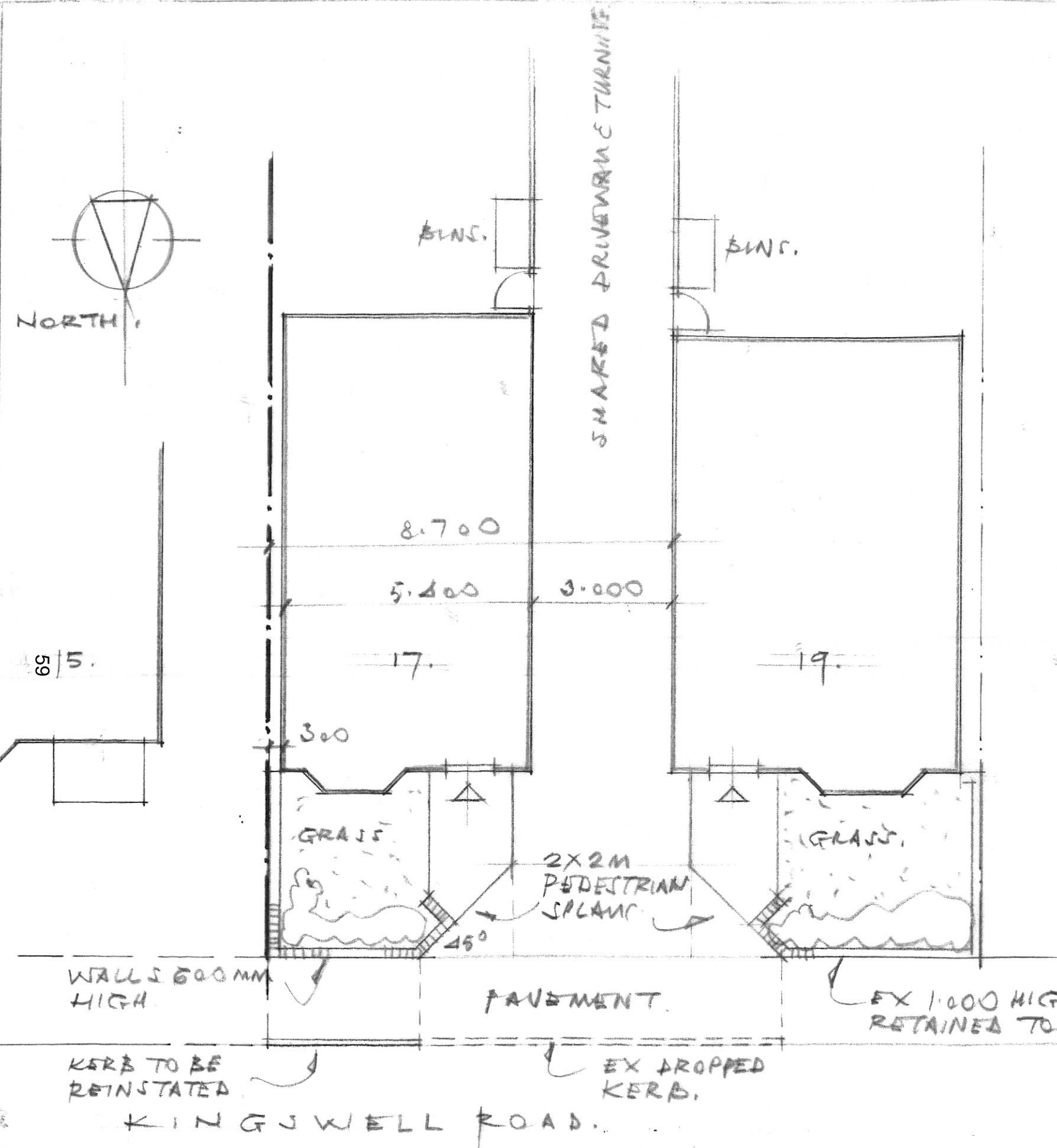
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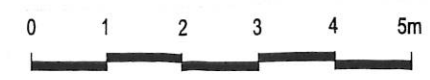
REVA. MINOR AMENDMENTS.

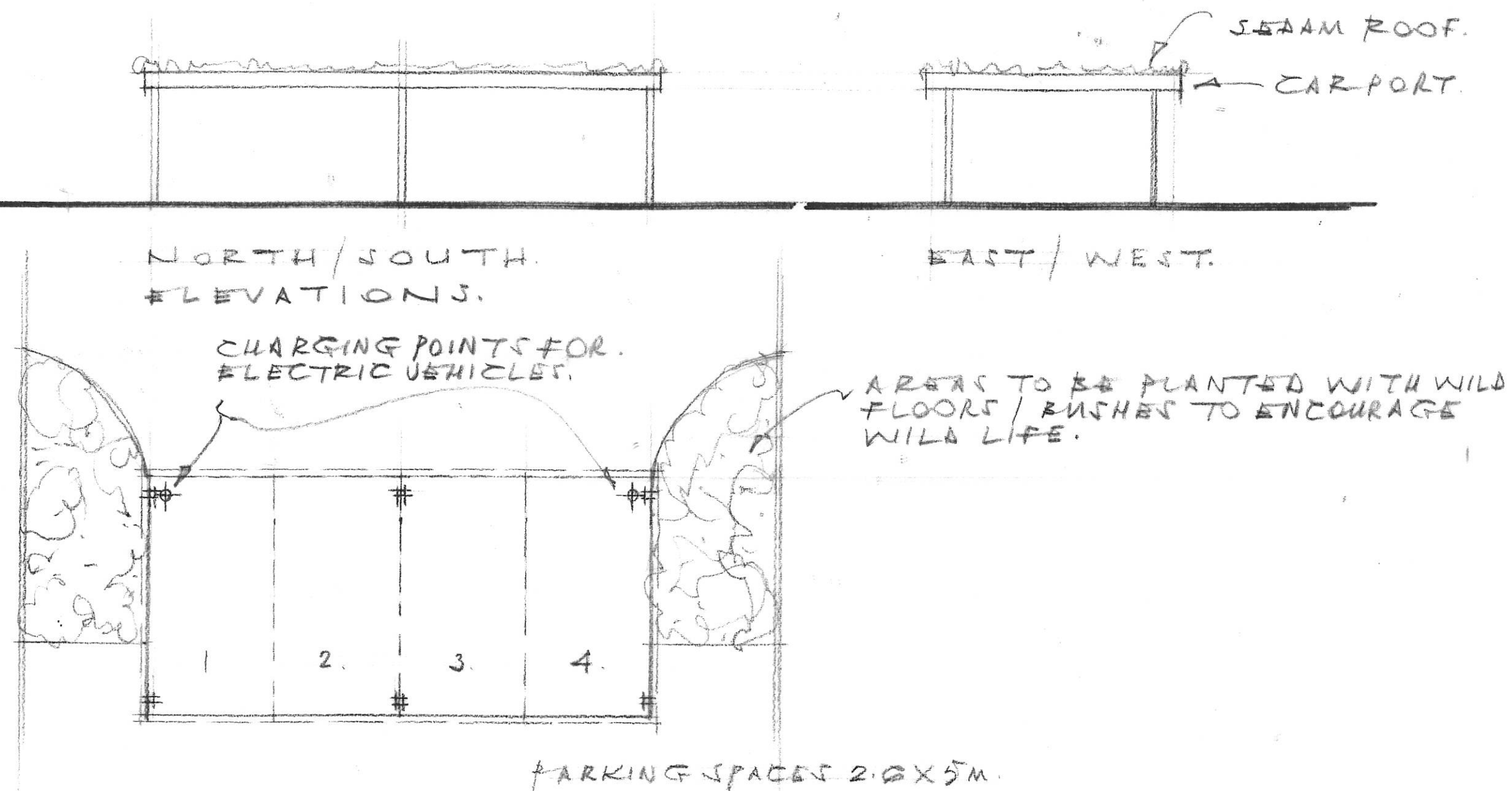
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PROJECT: PLOT ADJ 19 KINGSWELL ROAD.  
DWG TITLE: SITE LAYOUT.

<b>BARRY J MILLS LTD</b>		Wessex House St. Leonards Road Bournemouth BH8 8QS
Tel : 01202 290469    barryjmillsld@hotmail.co.uk		
DATE	A3 size    SCALE	
Architectural & Planning Consultant		DWG NO J.37.2020.3.A.

SITE LAYOUT.

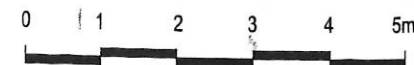
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PLAN LAYOUT.

SCALE 1:100



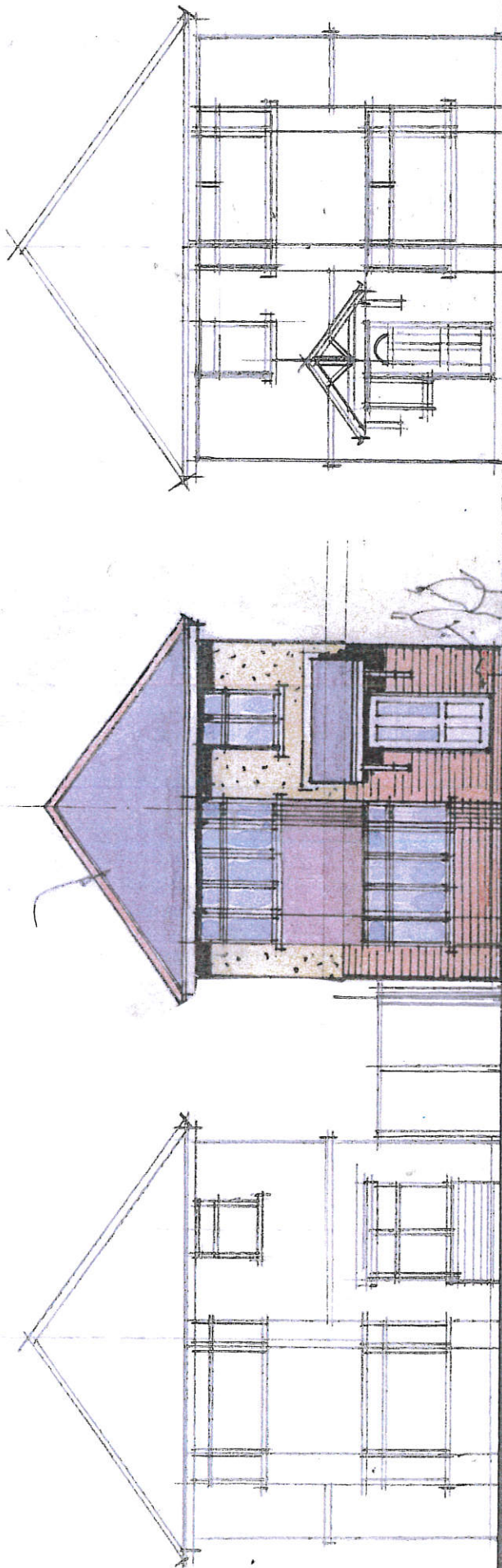
MERLEY DESIGN & CONSTRUCTION LTD.

PLOT ADJ 19 KINGSWELL ROAD.

DETAILS OF CAR PORT.

DRWG No.

J. 37. 2020. 5.



NO 15.

300

5.400

3.000

NO 19.

STREET SCENE. (NORTH.) DATA DIMENSIONS ADDED.

SCALE. 1:100



CLIENT MERLEY DESIGN & CONSTRUCTION LTD  
PROJECT PLOT ADJ 19 KINGSWELL RD.  
DWG TITLE STREET SCENE.

**BARRY J MILLS LTD**

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Wessex House  
St. Leonards Road  
Bournemouth BH8 8QS

DATE

A3 size

SCALE

Architectural & Planning Consultant

DWG NO J.37.2020.4.A

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## Planning Committee

Application Address	15 Vale Road, Poole, BH14 9AT
Proposal	Retrospective erection of rear and side extension including balcony on the rear extension
Application Number	APP/21/00319/F
Applicant	Mr & Mrs Smalley
Agent	Chapman Lily Planning Ltd
Ward and Ward Member(s)	Penn Hill
Meeting Date	20 <sup>th</sup> May 2021
Recommendation	Grant with Conditions
Reason for Referral to Planning Committee	Referral by Cllr O'Neil as it goes against policy PP27 - loss of light
Case Officer	Dominika Gec

### Description of Proposal

- 1 Planning consent is sought for the retrospective erection of rear and side extensions including a balcony on the rear extension

### Description of Site and Surroundings

- 2 The application site is a two-storey detached house on the southern side of Vale Road, a wholly residential street. Ground levels rise steeply within the rear gardens away from the rear elevations of no. 15 and adjacent homes towards their rear boundaries. There is a single storey extension to the rear and side. The proposals are currently under construction.

### Relevant Planning History:

- 3 **2019:** Rear extension with flat roof which would extend beyond the rear wall of the original detached dwelling house by 4m for which the maximum height would be 2.93m and for which the height at the eaves would be 2.41m. **Withdrawn** prior to being determined (APP/19/00027/F)
- 4 **2020:** Retrospective erection of rear and side extension including terrace on the rear extension. **Refused** (APP/20/00178/F)  
*Reason of refusal: The proposed terrace over the ground floor extension would cause material harm to amenity and privacy of the neighbours.*
- 5 **Appeal:** APP/V1260/D/20/3259811 – dismissed.  
*Reason: loss of privacy, outlook and light and overbearing impact on the neighbours.*



## **Constraints**

6 None

## **Consultations**

7 None

## **Representations**

- 8 In addition to letters to neighbouring properties a site notice was posted outside the site on 19 March 2021 with an expiry date for consultation of 12 April 2021.
- 9 3 representations have been received raising objection. The issues raised comprise the following:
- Loss of privacy to nos. 13 and 17 and loss of light to no. 13
  - Noise and disturbance

## **Key Issues**

- 10 The key issues involved with this proposal are:
- Impact on the character and appearance of the area
  - Impact on the amenity and privacy of neighbours
- 11 These issues will be considered along with other matters relevant to this proposal below.

## **Policy context**

### **Poole Local Plan (Adopted 2018)**

PP01 Presumption in favour of sustainable development  
PP27 Design

### **National Planning Policy Framework (February 2019)**

Section 2 – Achieving Sustainable Development

Paragraph 11 –

“Plans and decisions should apply a presumption in favour of sustainable development.

For **decision-taking** this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.”



## **Planning Assessment**

- 12 The current proposal is a revised version of the previously refused by the Planning Committee in July 2020 (APP/20/00178/F). A subsequent appeal against the refusal of this application was dismissed by the Planning Inspectorate on 18.12.20, the Inspector concluding the scheme would unacceptably impact on the privacy of No.17 to the west and the outlook of No.13 to the east. All other aspects of the scheme were considered to be acceptable. On the current application before members, the balcony over the rear extension has been reduced in size and now protrudes beyond the rear elevation by 1.5m.

### **Impact on the character and appearance of the area**

- 13 Similar to the previous scheme, the proposed changes to the front elevation and proposed flat roof over the single-storey side extension would complement the existing house and preserve the existing character appearance of the area. The single-storey rear extension and terrace over it would not be visible from the street and would preserve the residential character of the area.

It is noted that the Inspector concluded the scheme had acceptable impacts on the character and appearance of the area. The impacts on the streetscene are considered to be acceptable. The scheme is considered to comply with the test in Policy PP27 to reflect or enhance local patterns of development and neighbouring buildings.

### **Impact on the neighbouring amenity and privacy**

- 14 The proposed single-storey extensions to the side and rear would not give rise to any material loss of outlook or privacy to neighbouring properties and this is consistent with the conclusions of the Inspector on the previous appeal. The proposed 1.8m screen to the eastern side of the balcony to the rear would be 1.5m wide and inset from the side boundary by approximately 1.85m. It is considered this would not have an adverse impact on outlook from no. 13 as this neighbour has a canopy roof over the kitchen door that already causes some loss of light and outlook. The screen proposed to the western side of the rear balcony is 1.6m in height and would be inset by approximately 4m from the west boundary, thereby limiting the impact on the living conditions of no. 17 in terms of loss of sunlight or daylight, outlook or overbearing impact.
- 15 The currently proposed new window arrangement to the front, the single storey side and rear extensions are as per the previous application and would have acceptable impacts on neighbouring living conditions. The proposed 1.8m high screen to the eastern side of the balcony over the rear extension would be set in from the eastern boundary by approximately 1.85m and would consequently screen any potential views towards the immediate rear garden of no. 13, acceptably preserving privacy to this area. The screen to the western side of the balcony would be 1.6m high. However, the 4m distance from the boundary with no. 17 is considered acceptable to limit views towards this neighbour's immediate rear garden. Both screens could be secured by condition (#4) to protect privacy of the neighbours. Any noise from the typical residential use of the proposed balcony is considered to be compatible with neighbouring living conditions.
- 16 The current application has sought to address the reasons which caused the Inspector to dismiss the earlier appeal. The reduced depth of the proposed balcony, coupled with the proposed screens is now considered to have acceptable impacts on the privacy of No.17 to the west and the outlook of No.13 to the east. The scheme is considered to comply with the test in Policy PP27 to be compatible with surrounding uses and not result in a harmful

impact upon amenity for local residents.

## **Planning Balance**

- 17 The proposal would preserve the appearance of the area and have an acceptable impact on the Vale Road streetscene. The extensions to the side and rear, given their single storey scale would have acceptable impact on the living conditions of neighbours. The balcony proposed to the rear would also have acceptable impacts on neighbouring privacy and the screens to the sides are not considered to be harmful for neighbouring amenities in terms of loss of sunlight or daylight, outlook and would not appear overbearing.
18. The scheme therefore has acceptable environmental impacts and its social and economic impacts are neutral. The scheme therefore complies with Policy PP27 and the development plan and is recommended for approval.

## **RECOMMENDATION**

- 19 GRANT permission with the following conditions, which are subject to alteration/addition by the Head of Planning Services provided any alteration/addition does not go to the core of the decision.

### **Conditions**

1. GN150 (Time Expiry 3 Years (Standard))

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.

Reason -

This condition is required to be imposed by the provisions of Section 91 of the Town and Country Planning Act 1990 and amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. PL01 (Plans Listing)

The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. 19189 01A Location & Block Plan + Topographical Survey received 26/02/2021

Drawing no. 19189 63 C Proposed Elevations received 26/02/2021

Drawing no. 19189 62 B Proposed Floor Plans received 26/02/2021

Reason -

For the avoidance of doubt and in the interests of proper planning.

3. AA01 (Non standard Condition)

The materials and finishes to be employed on the external faces of the development hereby permitted shall be as specified on the approved plans.

Reason -

To ensure that the external appearance of the building is satisfactory and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

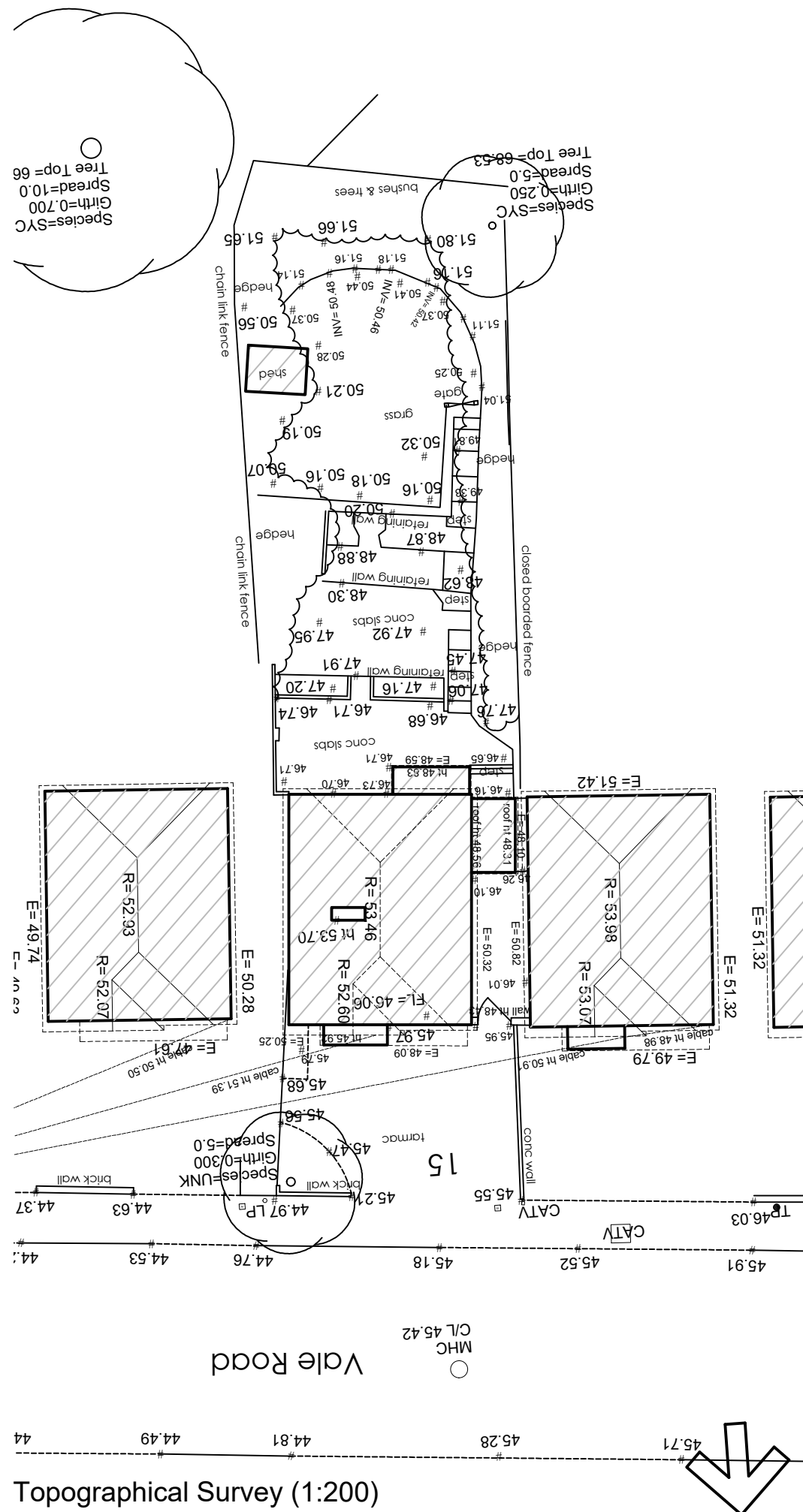
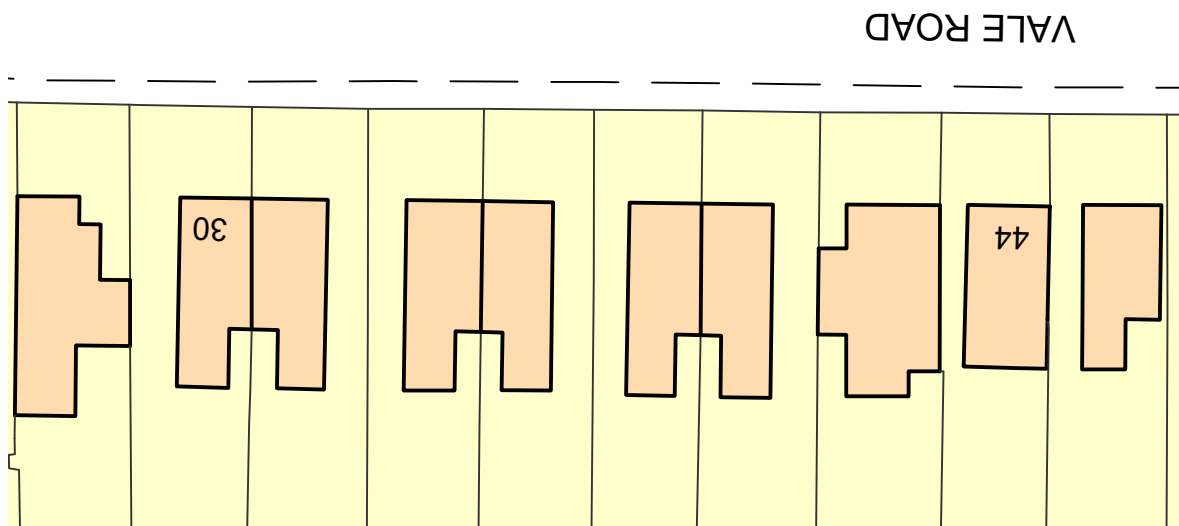
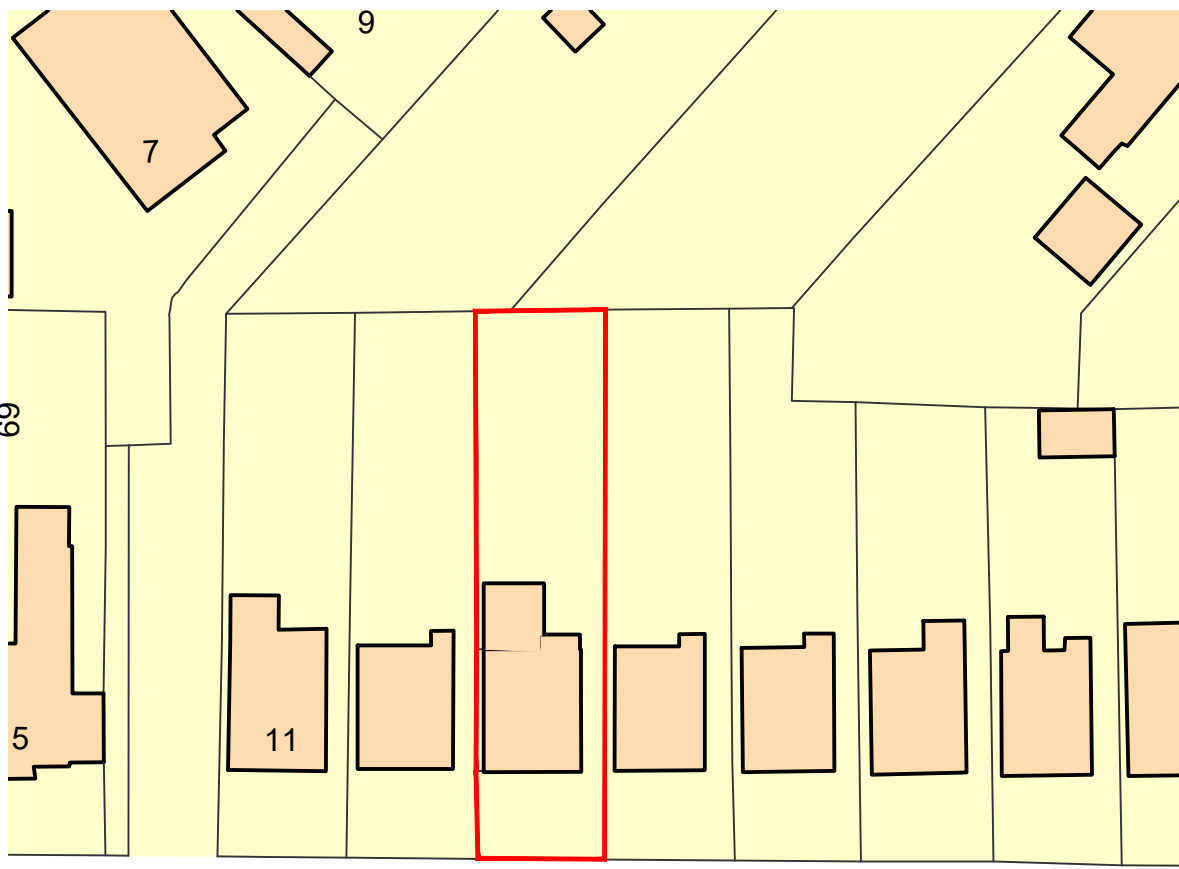
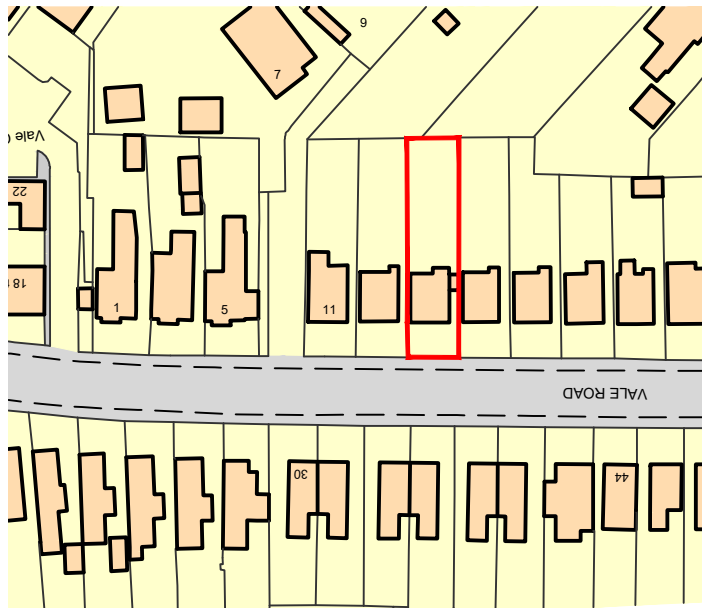
#### 4. GN170 (Screening to Balcony - General)

An obscure glazed privacy screen at least 1.8 metres in height and glazed with glass which conforms to or exceeds Pilkingtons Texture Glass Privacy Level 3 shall be erected along the eastern side of the roof terrace and 1.6 metres in height and glazed with glass which conforms to or exceeds Pilkingtons Texture Glass Privacy Level 3 along the western side as shown on the approved plan. The screens shall be erected prior to the commencement of the use of the balcony hereby permitted, and shall thereafter be permanently retained as such.

#### Reason -

In the interests of privacy and amenity of the neighbouring properties and in accordance with PP27 of the Poole Local Plan (November) 2018.

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drawing no: Plot 1. 19- 180, dated 12th November 2019

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LOCH ROAD, POOLE  
DORSET, BH14 9EX

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T: 01202 461586  
E: [hello@wattsholt.com](mailto:hello@wattsholt.com)

Scale 100mm @ A3

A	Side extension revised	31.01.20	JB
No.	Revision.	Date	By

Project

15 Vale Road, Poole

Client / Brand

Mr & Mrs J Smalley

Drawing Title

## Location & Block Plan + Topographical Survey

scale @ A3 as shown

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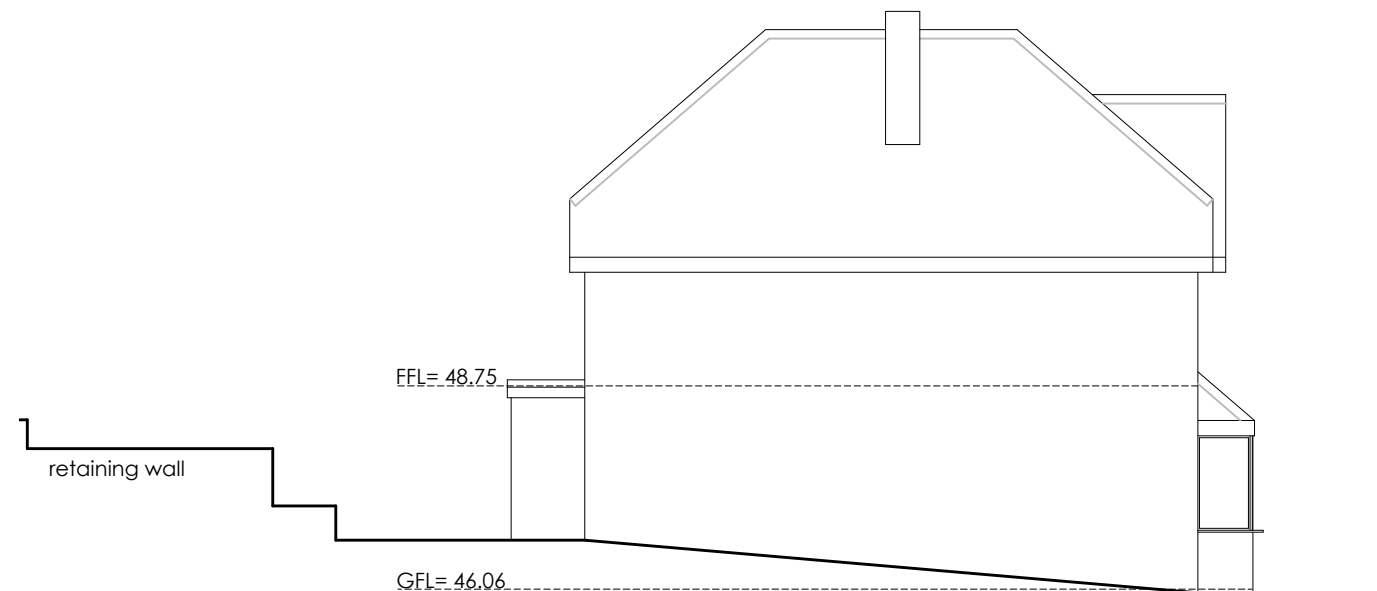
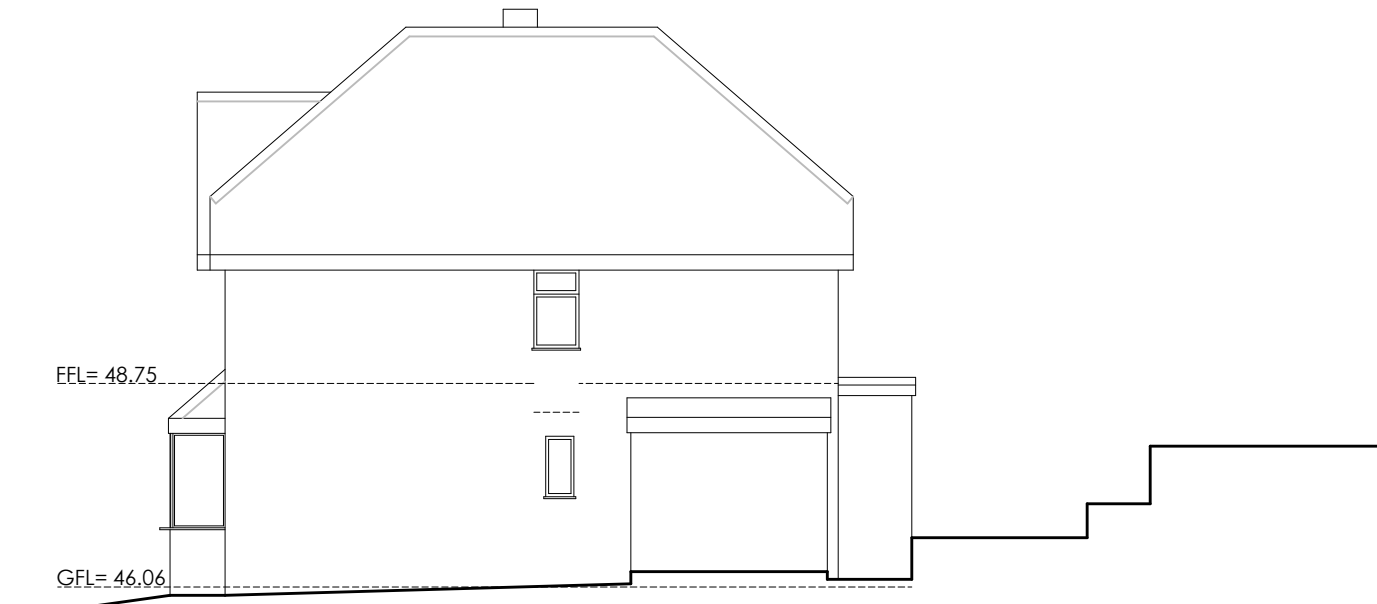
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**Proposed Materials:**

Roof	Concrete roof tiles
	Bitumen felt
Walls	Painted textured render
	Faux stone
Windows	White upvc
Rainwater goods	White upvc

Datum 45.00

### West Elevation

71

FFL= 48.75

~~GFL-46.06~~

Datum 45.00

### South Elevation

FFL= 48.75

GFL= 46.06

Datum 45.00

### East Elevation

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No.	Revision.	Date	By
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Project

15 Vale Road, Poole

Client / Brand

Mr & Mrs J Smalley

Drawing Title

### Existing Elevations

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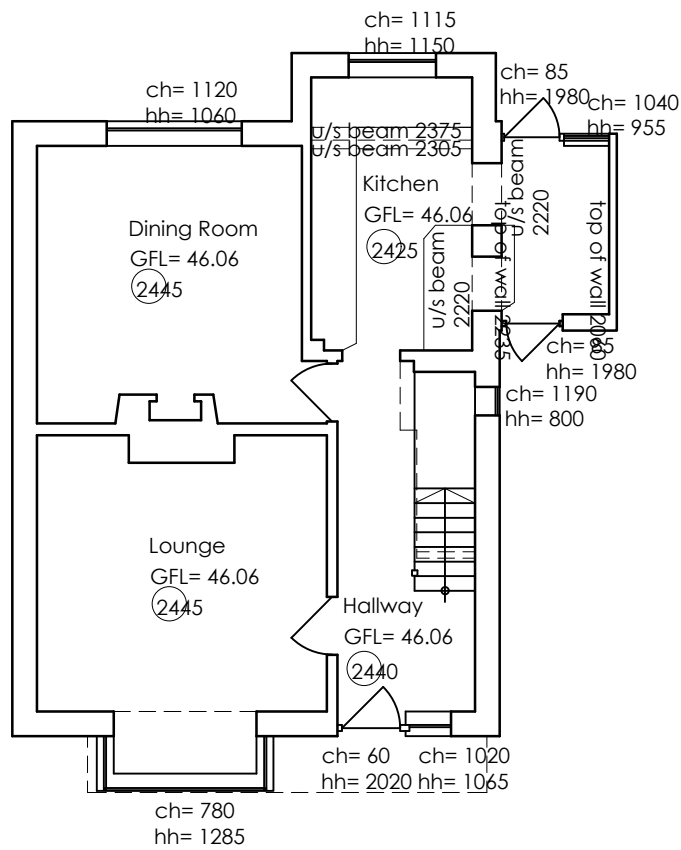
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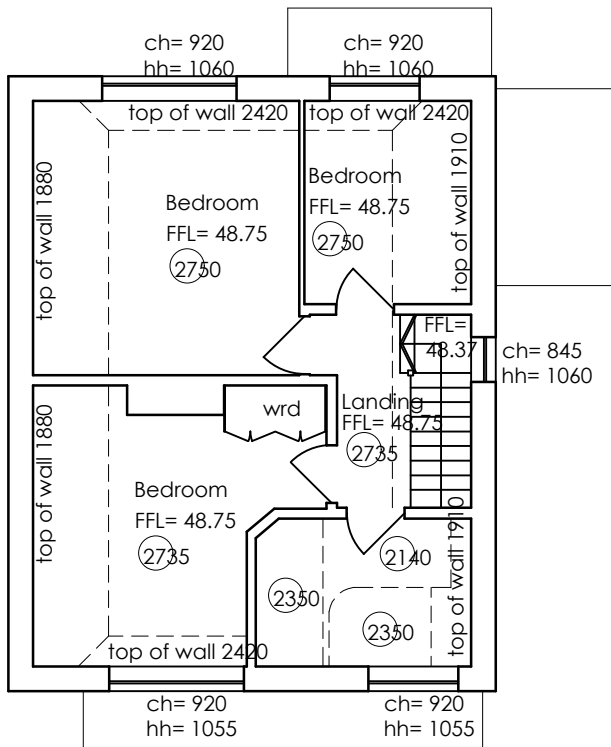

Mr & Mrs J Smalley  
15 Vale Road, Poole

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Ground Floor Plan



First Floor Plan

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No.	Revision.	Date	By
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Project  
15 Vale Road, Poole

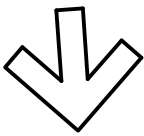
Client / Brand  
Mr & Mrs J Smalley

Drawing Title  
Existing Floor Plans

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date Nov '19	drawn JB

19189 03


Mr & Mrs J Smalley  
15 Vale Road, Poole



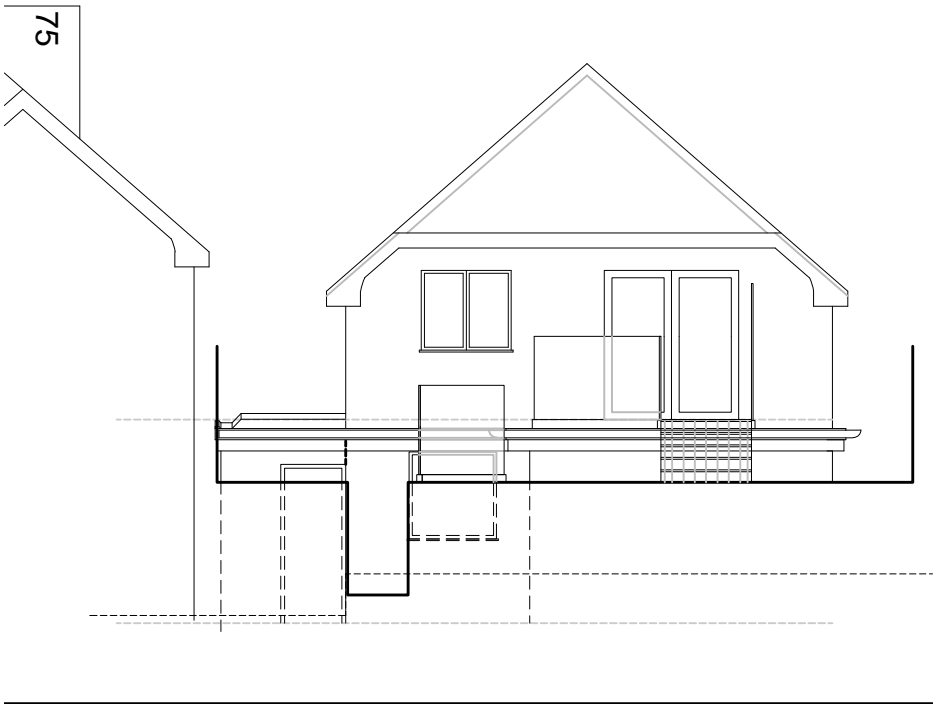
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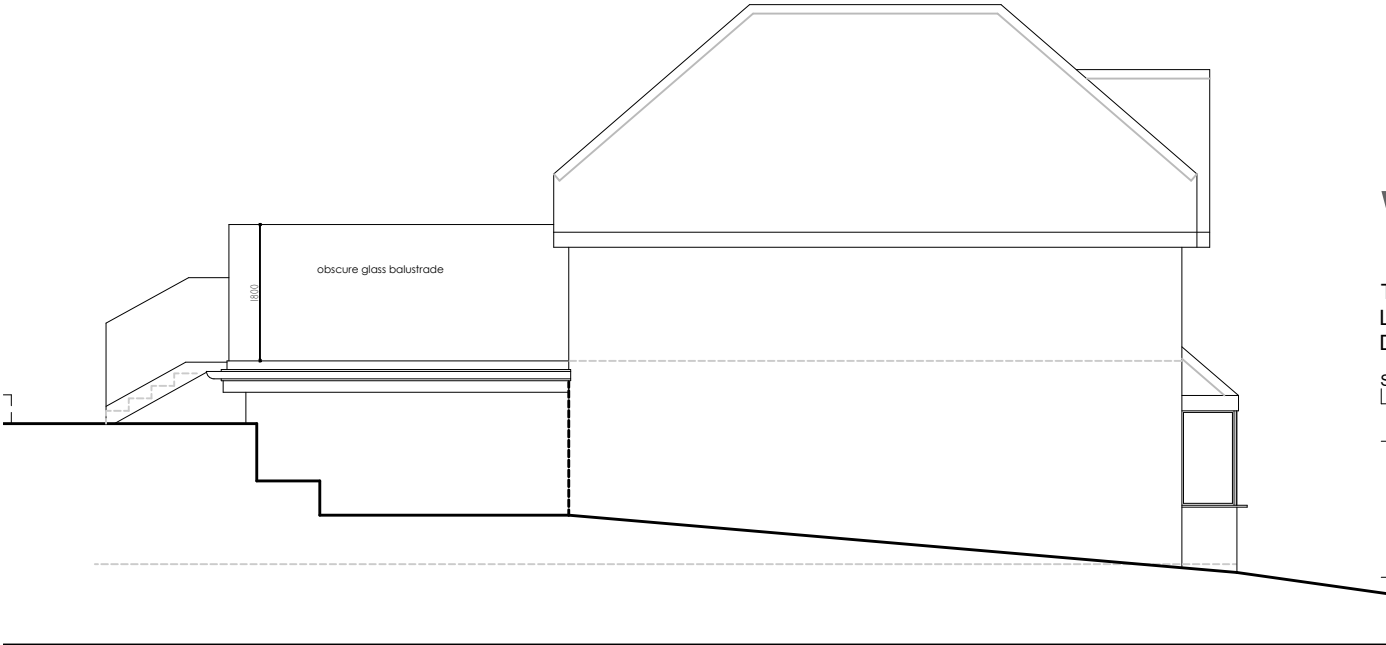
North Elevation



West Elevation



South Elevation



East Elevation

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drawing no: Plot 1. 19- 180, dated 12th November 2019

**Proposed Materials:**  
Roof Concrete roof tiles  
Single ply membrane  
Walls Painted render  
Windows White upvc  
Rainwater goods White upvc

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No.	Revision.	Date	By
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Project  
15 Vale Road, Poole

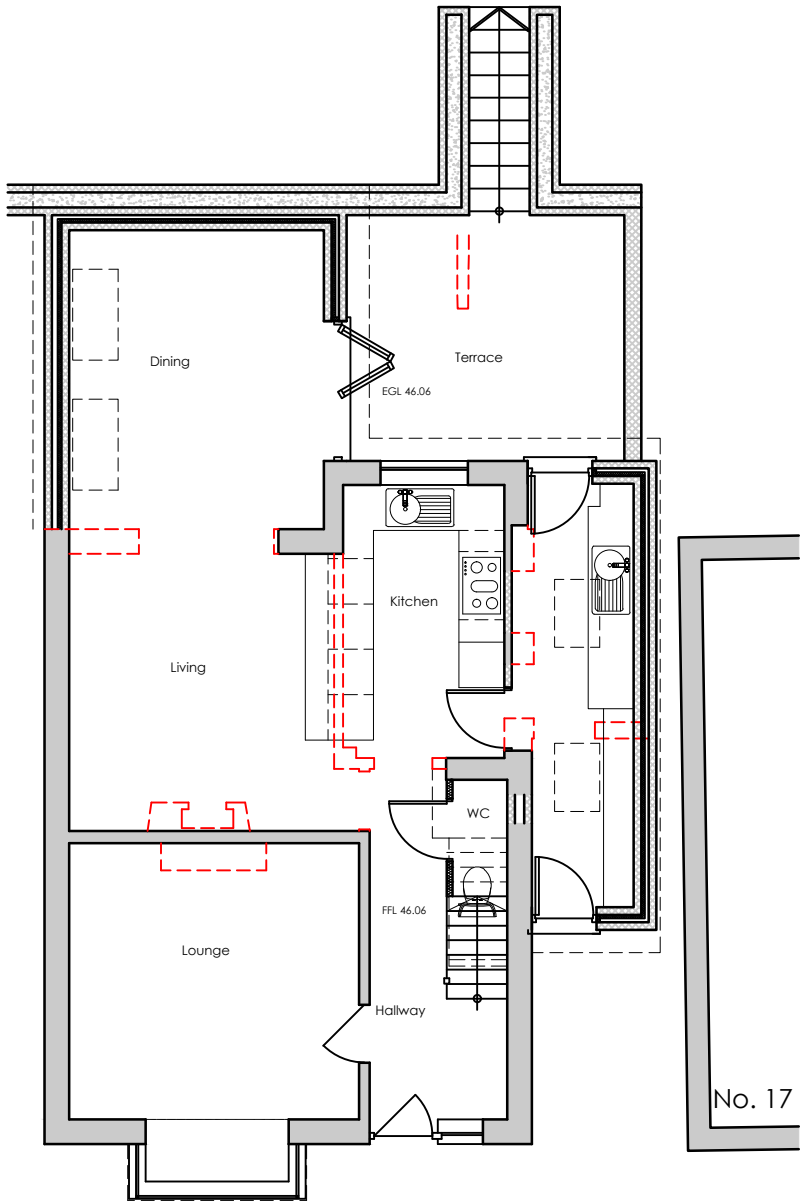
Client / Brand  
Mr & Mrs J Smalley

Drawing Title  
Proposed Elevations

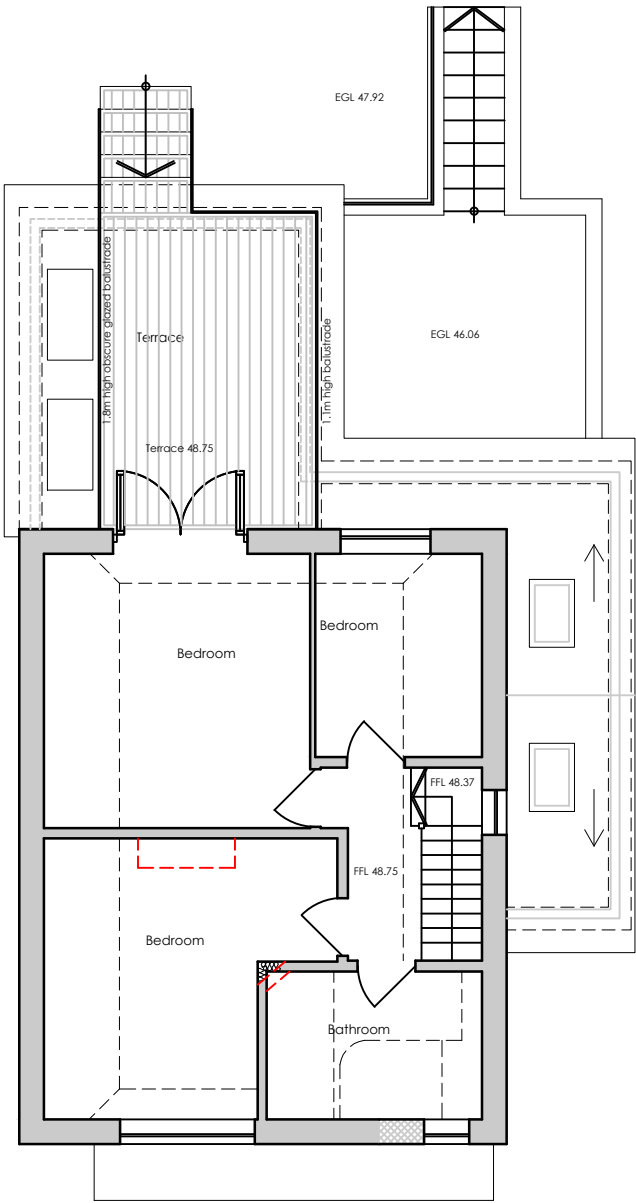
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date Nov '19	drawn JB

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Ground Floor Plan



First Floor Plan

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drawing no: Plot 1. 19- 180, dated 12th November 2019

Key:

Existing construction

Demolished construction

Proposed construction

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Project

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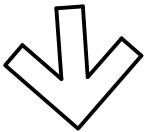
Mr & Mrs J Smalley

Drawing Title

Proposed Floor Plans

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date Nov '19	drawn JB

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Key:



Retained structure



Removed structure



Proposed structure


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Project

15 Vale Road, Poole

Client / Brand

Mr & Mrs J Smalley

Drawing Title

## Proposed Site Plan

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date	Nov '19	drawn	JB
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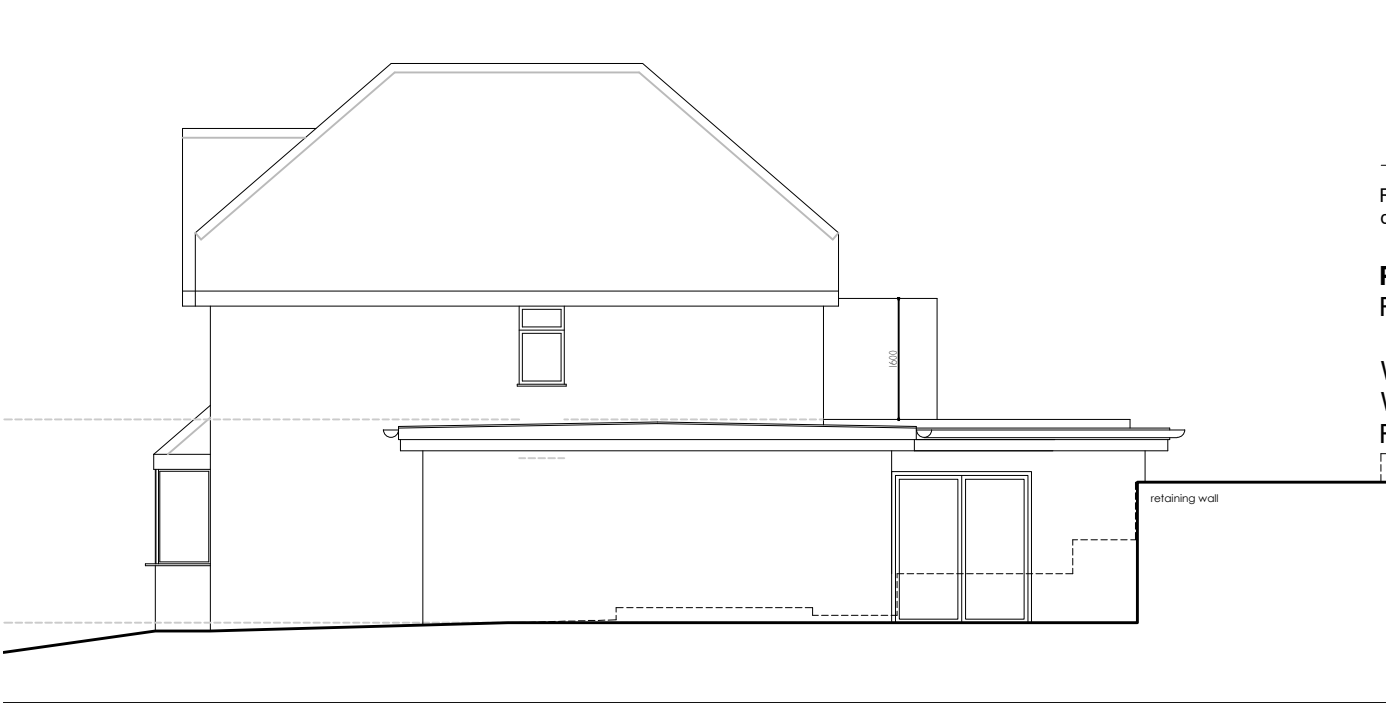
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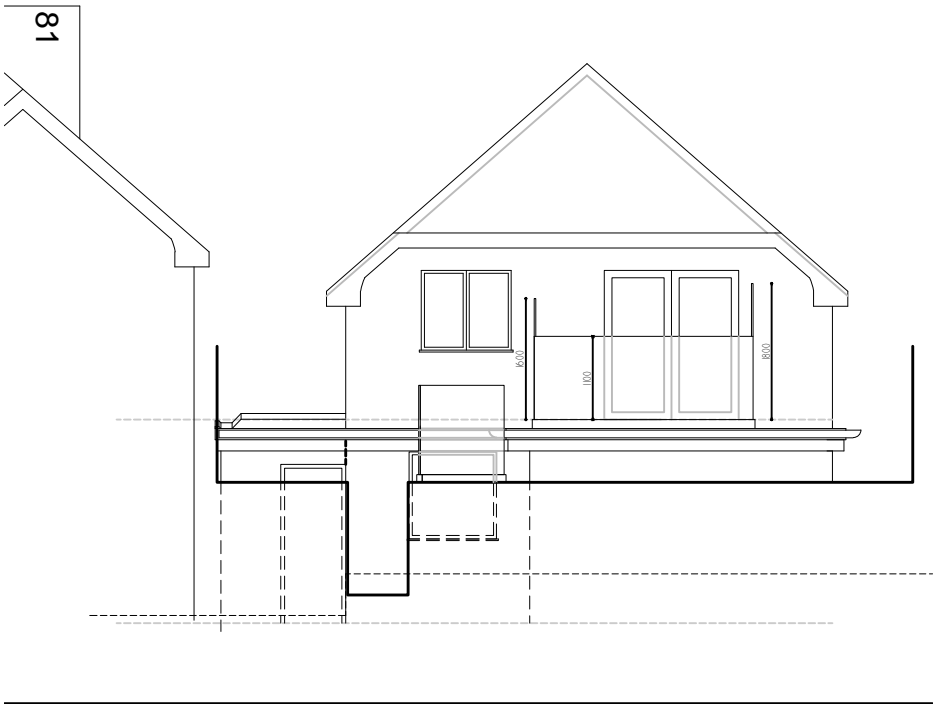




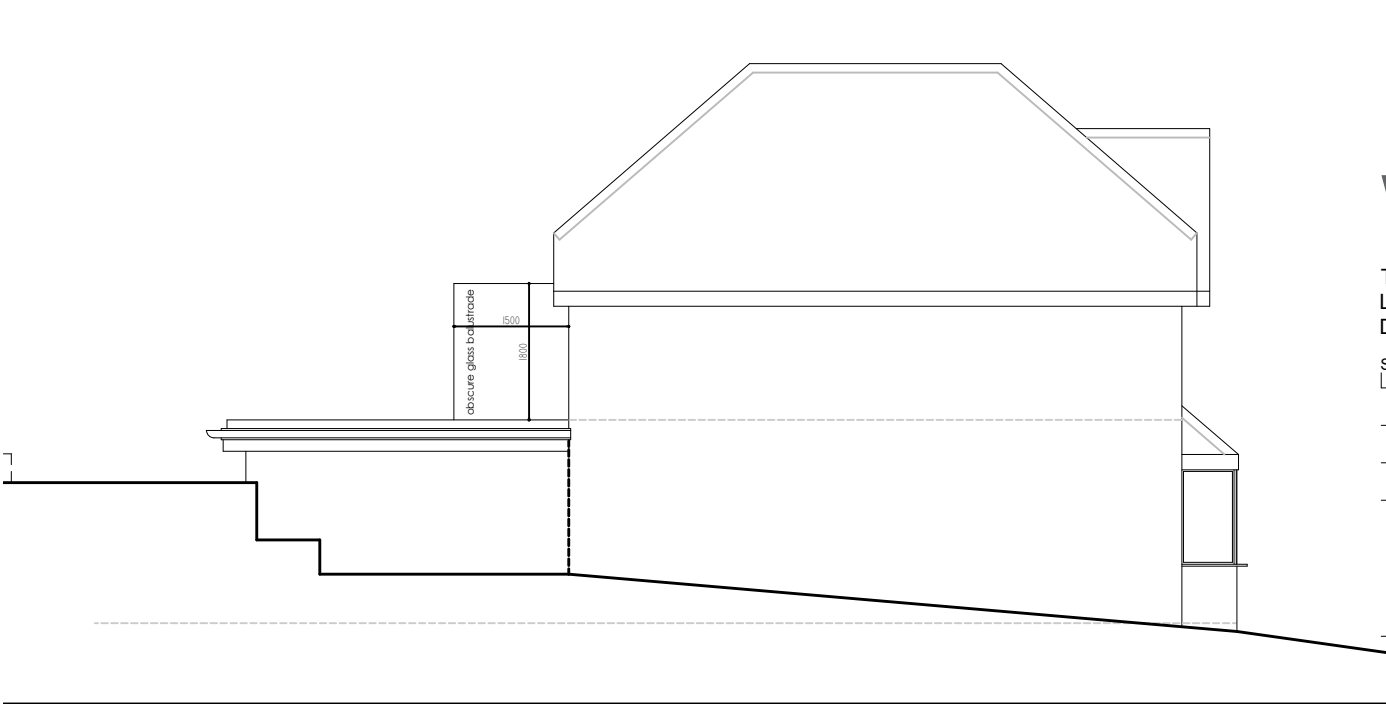
North Elevation



West Elevation



South Elevation



East Elevation

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B	Revised balcony	25.01.21	JB
A	Revised balcony	25.01.21	JB
No.	Revision.	Date	By

Project

15 Vale Road, Poole

Client / Brand

Mr & Mrs J Smalley

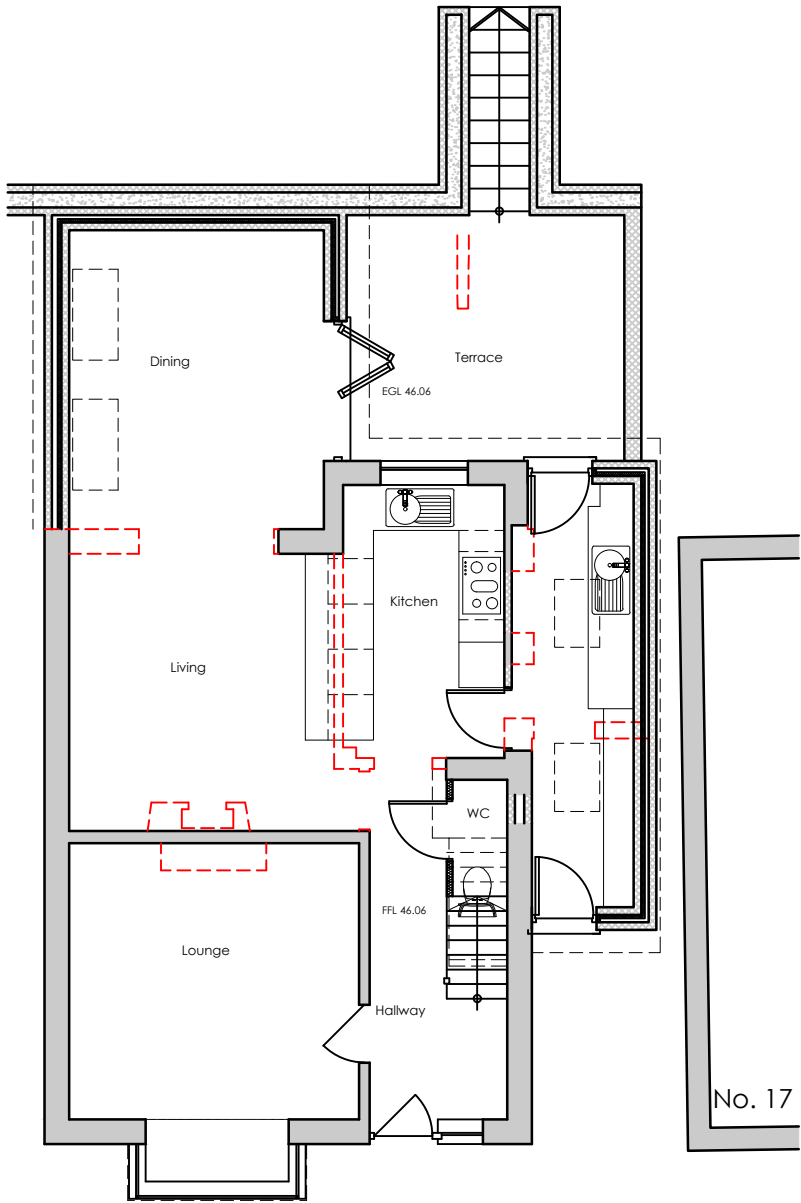
Drawing Title

Proposed Elevations

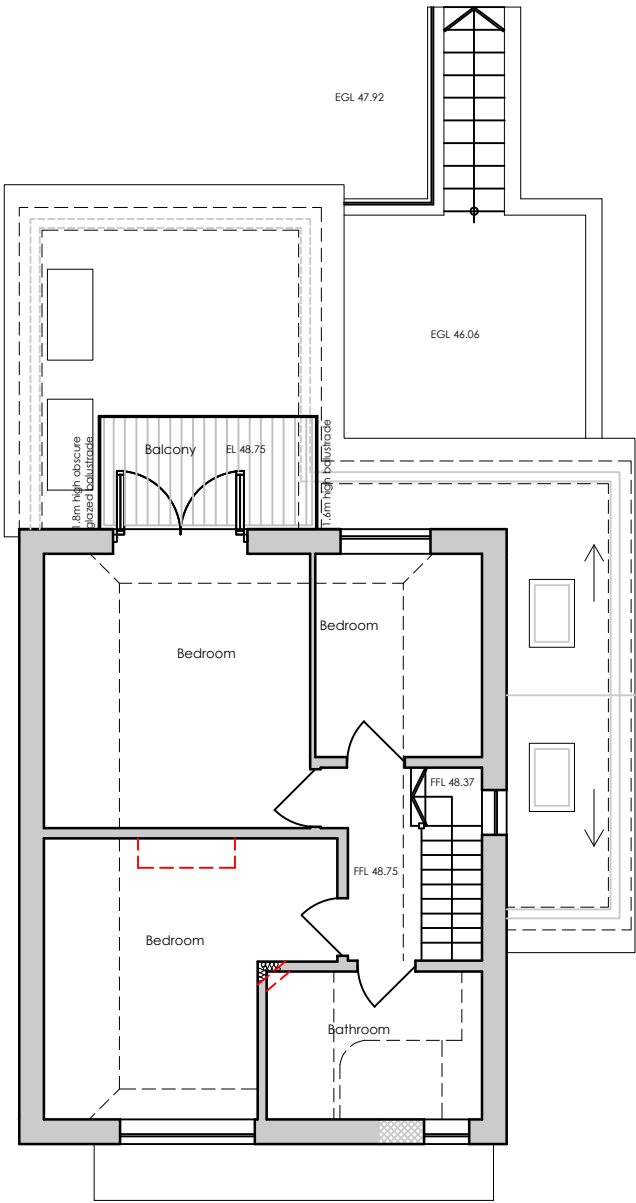
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date Nov '19	drawn JB

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Ground Floor Plan



First Floor Plan

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A	Revised balcony	25.01.21	JB
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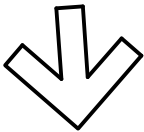
Project  
15 Vale Road, Poole

Client / Brand  
Mr & Mrs J Smalley

Drawing Title  
Proposed Floor Plans

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date Nov '19	drawn JB

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# Planning Committee

Application Address	49 Parkway Drive, Bournemouth, BH8 9JS
Proposal	Alterations and single storey extension to dwellinghouse
Application Number	7-2021-27839-A
Applicant	Mr Hunt
Agent	Samways Surveying Ltd
Date Application Valid	11 February 2021
Decision Due Date	7 April 2021
Extension of Time date (if applicable)	24 June 2021
Ward	Queen's Park
Report Status	Public
Meeting Date	17 June 2021
<b>Recommendation</b>	<b>Grant</b>
Reason for Referral to Planning Committee	<p>This application is brought before the committee at the request of Councillor Anderson, for the following reasons:</p> <ul style="list-style-type: none"> <li>• Layout</li> <li>• Privacy</li> <li>• Design</li> <li>• Traffic</li> </ul>
Case Officer	Katie Lasham

## Description of Development

1. Planning consent is sought for alterations and single storey extension to dwellinghouse.

## Key Issues

2. The main considerations involved with this application are:
  - Impact on character and appearance of the area
  - Impact on residential amenity
  - Impact on trees
  - Impact on highways

- Impact on SUDS
3. These points will be discussed as well as other material considerations at para 11 to 31 below.

## **Planning Policies**

4. The following planning policies are relevant:

### **Core Strategy (2012)**

CS16: Parking Standards

CS41: Design Quality

### **Supplementary Planning Documents:**

Residential Extensions: A Design Guide for Householders – PGN (2008)

Sustainable Urban Drainage Systems (SUDS) - PGN

### **The National Planning Policy Framework (2019)**

Paragraph 11 sets out the presumption in favour of sustainable development. Plans and policies should apply a presumption in favour of sustainable development. For decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

## **Relevant Planning Applications and Appeals:**

5. 7-2020-27839: Planning consent for alterations and extensions to dwellinghouse. Refused on 22 October 2020:
- Ridge height increase and front extension out of keeping with the street scene and harmful to the character of the area
  - Materials out of keeping
  - Impact on number 47 Parkway Drive due to scale of extensions and overlooking
6. No.47 Parkway Drive: 7-2011-12441-B: Alterations and single storey extension to dwellinghouse. Granted on 01 November 2011.

## **Representations**

7. Site notices were posted in the vicinity of the site on 12/03/2021 with an expiry date for consultation of 02/04/2021.

8. Two representations have been received: two raising objection, none in support and no comments. The issues raised comprise the following, which will be considered in the relevant sections of the report except where mentioned: -

*Design*

*Overbearing*

*Loss of privacy / overlooking*

*Loss of light*

*Trees*

*SUDS*

*Traffic*

*Hedge inaccurately represented on plan*

*Construction impact creating noise/dust/disturbance/extra vehicles*

Response: This is not a material planning issue. Notwithstanding this, an informative note has been added to ensure that no vehicles park unsafely within an immediate proximity of the junction.

*New en-suites proposed must have obscure glazing*

Response: A condition has been added with the recommendation to grant (Condition 3).

*Potential balcony and bedroom at first floor over flat roof could be subsequently proposed*

Response: The application does not propose these alterations. If this was proposed this would be appropriately considered in a separate planning application.

*Conservatory turned to utility room without plans showing materials*

Response: The application has a condition attached stating that materials need to match those as existing (Condition 2). Therefore, if the materials are to alter, this would be materials aligned with the host building. Furthermore, the application form states proposed materials are render, this would be an acceptable alteration which is in keeping with the existing dwelling.

## **Consultations**

9. None

## **Constraints**

10. Located within a Queens Park TPO area

## **Planning Assessment**

### **Site and Surroundings**

11. The application site is located within the Queens Park ward of Bournemouth and is residential in character. The immediate vicinity of the application site on Parkway Drive

comprises what appear to be bungalows from the front elevation but are two-storey properties to the rear of the property due the change in levels. Levels are of importance on this road as Parkway Drive is on a slope. Properties on this road respect the slope and are designed around it whereby ridge heights of bungalows drop as the road slopes downhill. Properties have a similar front building line and are similar in architectural style and design, with very few signs of development visible from the road. Properties mostly comprise hipped or ridged roofs but there are some examples of partial gabled front elevations. As buildings are set back from the front curtilage of the properties and appear single storey, this provides an open and spacious appearance to the street scene.

12. No.49 is located directly opposite a junction where Parkway Drive meets Copsewood Avenue and therefore the front elevation is prominently visible from the street scene. No.49 is a detached dwellinghouse, which is single-storey level to the front of the building and two-storeys to the rear of the site. As existing, the roof scale and height of no.49 is well proportioned in relation to its two neighbouring properties at no.51 and no.47 in accordance with the slope. Due to the levels in the area, the garden is very steep and therefore there are different levels of height to the gardens on this road. An existing, decking seating area is provided to the rear of the property with grassed areas further down the slope.

## Key Issues

### Impact on character and appearance of the area

13. This planning application proposes alterations and single storey extension to the dwellinghouse. A previous planning application, reference number 7-2020-27839, was refused for the following reasoning, which this proposal seeks to overcome:

*“It is considered that the proposed roof alterations, the changes to the front elevation, the ridge height increase and front extension would form large and unsympathetic alterations which would be out of keeping with the design of the property and the other similar single storey bungalows in the street scene in this part of Parkway Drive. The materials proposed further remove the relationship of this building with neighbouring properties, and as such it would be an incongruous development of poor design which would be harmful to the character and appearance of the area. Furthermore, the proposal is considered to be materially harmful and overbearing to the residential amenity of neighbouring properties, particularly of no.47 Parkway Drive, which as existing is at a lower level than no.49, by reason of the scale of extensions and the two windows to the side elevation at first floor level within such a small distance to the side building line of no.47 creating a perceived level of overlooking and loss of privacy. For these reasons the proposal is considered contrary to Policy CS41 of the adopted Bournemouth Local Plan: Core Strategy (2012) as well as the provisions of the Residential Design Guide (2008) and the NPPF (2019)”.*

14. In order to provide an acceptable planning application, the proposal must overcome these issues.
15. This proposal has now removed all alterations that are visible from the street scene, with the roof height retained as existing, no roof alterations or dormers proposed and no change in material palette to the frontage. As all development proposed under this application are solely related to the rear of the site, there is no harmful impact on the street scene, with the rear elevation not visible from any street scene viewpoints.
16. The single storey rear extension is appropriate in scale and design for the original property. The materials match that of the host building, whilst the flat roof doesn't accord with the



host dwelling, as this entirely screened from view of the street scene, this is deemed acceptable. Accordingly, the character and appearance of the area is considered acceptable and is in accordance with policy CS41 – Quality Design of the Core Strategy and Section 3.1 of the “Residential Extensions. A Design Guide”.

#### Impact on residential amenity

17. Residential amenity of all neighbours except no.47 Parkway Drive were considered acceptable under the previous scheme. The previously refused scheme’s single-storey rear extension was 2.6 metres in length and spanned the full width of the dwellinghouse, with a further 1.4metre of raised decking. This proposal differs from the previous scheme, seeking a deeper 4.3 metre single-storey rear extension with a further 1.4metre area of decking to the rear of the proposed extension. However, unlike the previous scheme, this extension is set in from each side of the property, giving separation distances to the side of no.47 of 3.15 metres, and 2.5 metres from the flank wall of no.51. This single-storey rear extension is a similar length to that of the previously approved (but not built) scheme at 47 Parkway Drive, planning application number 7-2011-12441-B, as is demonstrated on the block plan of this application’s drawing number Ss1097 002 rev F.
18. Due to the steep levels of gardens in the immediate vicinity, there is a general level of overlooking which is accepted as existing, with certain views into neighbouring gardens from no.49 already well established.

#### *No.47 Parkway Drive*

19. No.47 is located to the east of the application site and is set lower down the slope than no.49, with the ridge height of no.49 set higher than no.47 as existing which respects the sloped characteristic of the road. This property is considered to be the potentially most impacted by the proposal due to the levels. Under this scheme there are no alterations to the ridge height and all development is to the rear single-storey extension. The two windows proposed on the facing side elevation on the previous application, reference number 7-2020-27839, have been removed under this proposal; accordingly, the issue of perceived sense of overlooking onto no.47 has been overcome and is therefore acceptable in this regard.
20. Although the total decking and built form does project out 1.6 metres further in length than the previously refused scheme, the rear extension has also been set in 3.1 metres from the side elevation of this neighbouring property and 4 metres from the side boundary, to ensure that the built form is less imposing or overbearing on no.47 which is situated at a lower level than no.49. This set in of built form from the side building line is considered acceptable to not cause undue harm to no.47’s residential amenity or materially impact on loss of light. A small outdoor area that leads to a set of steps is proposed to this side, with 1.8 m privacy screens to ensure there is no harmful impact on loss of privacy or overlooking. This small external decked area to no.47’s side is considered acceptable to not cause undue harm to residential amenity, as compared with the rest of the garden this is more of an entrance to the stairs for the lower levels of the garden.
21. Condition 4 has been added to remove Permitted Development rights for side facing windows of the proposed extension to ensure that no side facing windows can be added without a planning application being made to the Local Planning Authority, that would impact no.47’s residential amenity.

### *No.51 Parkway Drive*

22. No.51 is set naturally at a higher level than no.49 and is separated from no.49 by substantial hedging which will screen some of the built form of the proposed extension. There was a discrepancy raised in a representation about plan heights of the hedge which has been accordingly updated and is accurately reflected on drawing number Ss1097 002 rev F.
23. The decking and single-storey rear extension extends further in length by 1.9 metres from the previously refused scheme, to a total of 4.2 metres. However, unlike the previously refused scheme, which had built form spanning the full width of the property, this scheme sets the extensions in substantially from each of the side elevations. Privacy screens have been placed along this side too to ensure no harmful overlooking, accordingly, neighbouring residential amenity is considered acceptable. Furthermore, whilst the hedging will screen some of the built form, it is recognised the extension will still have a visual impact on no.51, but as this is naturally at a higher level and with softening through natural boundary treatments, this is not considered to have a materially harmful overbearing impact on no.51. Moreover, this development was based on a similar scheme approved in 2011 at no.47 (application number: 7-2011-12441-B), which extended out a very similar distance. Whilst this wasn't built out, the principle of the development was deemed acceptable. It is also noted that although this scheme was approved 10 years ago, relevant planning policy has not altered.
24. No.51 has a glass conservatory to the rear elevation. As the new development is set a sufficient distance from this neighbouring property and the rear extension is primarily glass, the new development is not considered to have any material impact on loss of light of this conservatory or any windows on the property.
25. The previous application proposed the existing conservatory would alter to a utility area that increased in footprint, spanning to the rear building line, which was the built form nearest no.51. The existing conservatory is to be altered to a utility area but does not expand in footprint, accordingly the built form nearest no.51 remains unaltered. Thus, this scheme is considered a betterment to no.51 in this respect with no new built form proposed on their affected side boundary.
26. As previously mentioned, Condition 4 has been added to remove Permitted Development rights for side facing windows of the proposed extension to ensure that no side facing windows can be added without a planning application being made to the Local Planning Authority, that would impact no.51's residential amenity.

### *181 Queens Park Avenue*

27. This neighbouring property is to the rear and set at a much lower level than that of no.49 Parkway Drive. The single-storey extension is set roughly 35metres from the rear building line of no.181 and is screened by substantial foliage and TPO trees, accordingly this is acceptable to not cause undue harm to their residential amenity. Furthermore, the two proposed windows for the en-suite windows at first floor level will not provide any harmful overlooking to this neighbouring property, or any other neighbouring properties, notably as this has been conditioned (condition 3) to be obscure glazed and fixed shut below 1.7metres from finished floor level, for both the occupants benefits of privacy and the neighbouring residents.

28. Accordingly, in respect of residential amenity this development is considered in accordance with CS41 of the Core Strategy and with section 3.1 of the “Residential Extensions. A Design Guide”.

#### Impact on trees

29. The tree officer was consulted on this proposal due to the proximity of TPO trees to the application site. The tree officer has assessed the proposals and immediate context of the TPO trees, which are located to the rear of the garden at the bottom of the slope, set at a much lower level than that of the host dwellinghouse. Due to the differing levels of the tree and the dwellinghouse, meaning the roots are much lower down than that of the proposed development and the distance of the trees from the proposed development, the tree officer required no details for tree information. Accordingly, the proposal is acceptable to not cause harm to the TPO trees.

#### Highway Safety

30. As the property remains a dwellinghouse with no material changes to occupancy levels and proposes a single-storey extension only, the property will not materially impact on highway safety. The application does not propose any changes to the existing parking and garaging at the front and would not have an adverse impact on traffic or highway safety. The proposal is therefore in accordance with Policy CS16 and CS41 of the Core Strategy.

#### Impact on drainage (SUDS)

31. The application proposes significant extensions to the property. Drainage information has been submitted for this proposal to show the alterations have appropriately considered SUDS requirements. This is deemed acceptable and in accordance with Policy CS4.

#### Summary

32. It is considered that:

- Impact on character and appearance of the area is acceptable.
- Impact on residential amenity is acceptable.
- There are no tree impacts
- There are no highway impacts
- Impact on SUDS is acceptable

#### Planning Balance

33. The development is considered to have no material impact on the character and appearance of the area. It is also not considered to have a materially harmful impact on residential amenity. Whilst its recognised due to the changes in levels, this will have a slight visual impact on neighbouring residents, it's not considered so unduly harmful that it would be unacceptable. Therefore, having considered the appropriate development plan policy and other material considerations, including the NPPF, it is considered that subject to compliance with the conditions attached to this permission, the development would be in accordance with the Development Plan, would not materially harm the character or appearance of the area or the amenities of neighbouring and proposed occupiers. The Development Plan Policies considered in reaching this decision are set out above.

## **Recommendation**

- 34. GRANT permission with the following conditions, which are subject to alteration/addition by the Head of Planning Services provided any alteration/addition does not go to the core of the decision.**

### **Conditions**

#### **1. Development to be carried out in accordance with plans as listed**

The development hereby permitted shall be carried out in accordance with the following approved plans: Ss1097 001 rev C, Ss1097 002 rev F.

Reason: For the avoidance of doubt and in the interests of proper planning.

#### **2. Materials to Match**

Notwithstanding the details included on the application form the materials and colours to be used in the construction of the external surfaces of the development hereby permitted shall match the elevation(s) to which the extension is to be added and such work shall be completed prior to occupation of the development granted by this permission.

Reason: To ensure a satisfactory visual relationship between the existing and the new development in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

#### **3. Windows in South Elevation serving en-suites to be Glazed with Obscure Glass & non opening below 1.7metres from finished floor level**

The proposed windows at first-floor level in the south elevation of the building serving the proposed en-suites shall be glazed with obscure glass to a level equivalent to Pilkington Level 3 or above (or the nearest equivalent standard) and fixed shut below 1.7metres from finished floor level and shall be permanently retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity and privacy of adjoining properties and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

#### **4. No Permitted Development for Windows.**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows to the east and west elevation of the single-storey rear extension shall be installed without the grant of further specific planning permission from the Local Planning Authority.

Reason: To avoid loss of privacy for adjoining properties in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

#### **5. Privacy Screens**

Prior to occupation, the proposed ground floor raised decking area on the east and west side elevation shall be provided with 1.8m high privacy screens in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The privacy screens shall be sited on the outer side (east and west side) elevations facing onto no.47 Parkway Drive and no.51 respectively, before the decking area hereby approved is first used in full or in part, and thereafter maintained and retained for that purpose.

Reason: To protect the privacy of occupiers of the adjoining dwelling in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

**6. Informative Note: TPO on site**

INFORMATIVE NOTE: The applicant's attention is drawn to the existence of a Tree Preservation Order affecting this site.

**7. Informative Note: Highway and Surface Water/Loose Material**

INFORMATIVE NOTE: The applicant is advised that in order to avoid contravention of highways legislation, provision shall be made in the design of the access/drive to ensure that no surface water or loose material drains/spills directly from the site onto the highway, and that no vehicles park unsafely on the yellow lines outside the property, due to the immediate proximity of the junction.

**8. Statement required by National Planning Policy Framework (APPROVALS)**

In accordance with paragraph 38 of the revised NPPF the Council, as Local Planning Authority, takes a positive and proactive approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this instance: The applicant was provided with pre-application advice. The applicant/agent was updated of any issues after the initial site visit. The applicant was provided with the opportunity to address issues identified by the case officer and permission was granted.

**Background Documents:**

**Case File – ref 7-2021-27839-A**

NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

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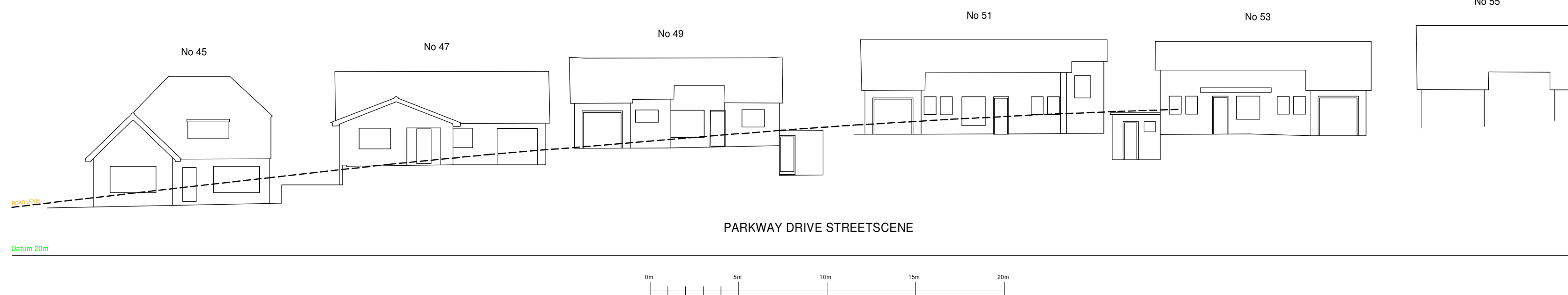
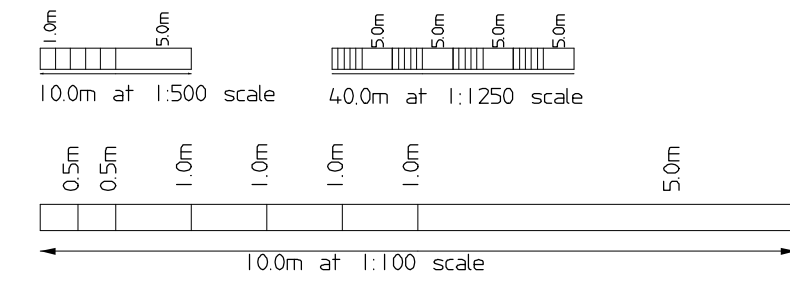
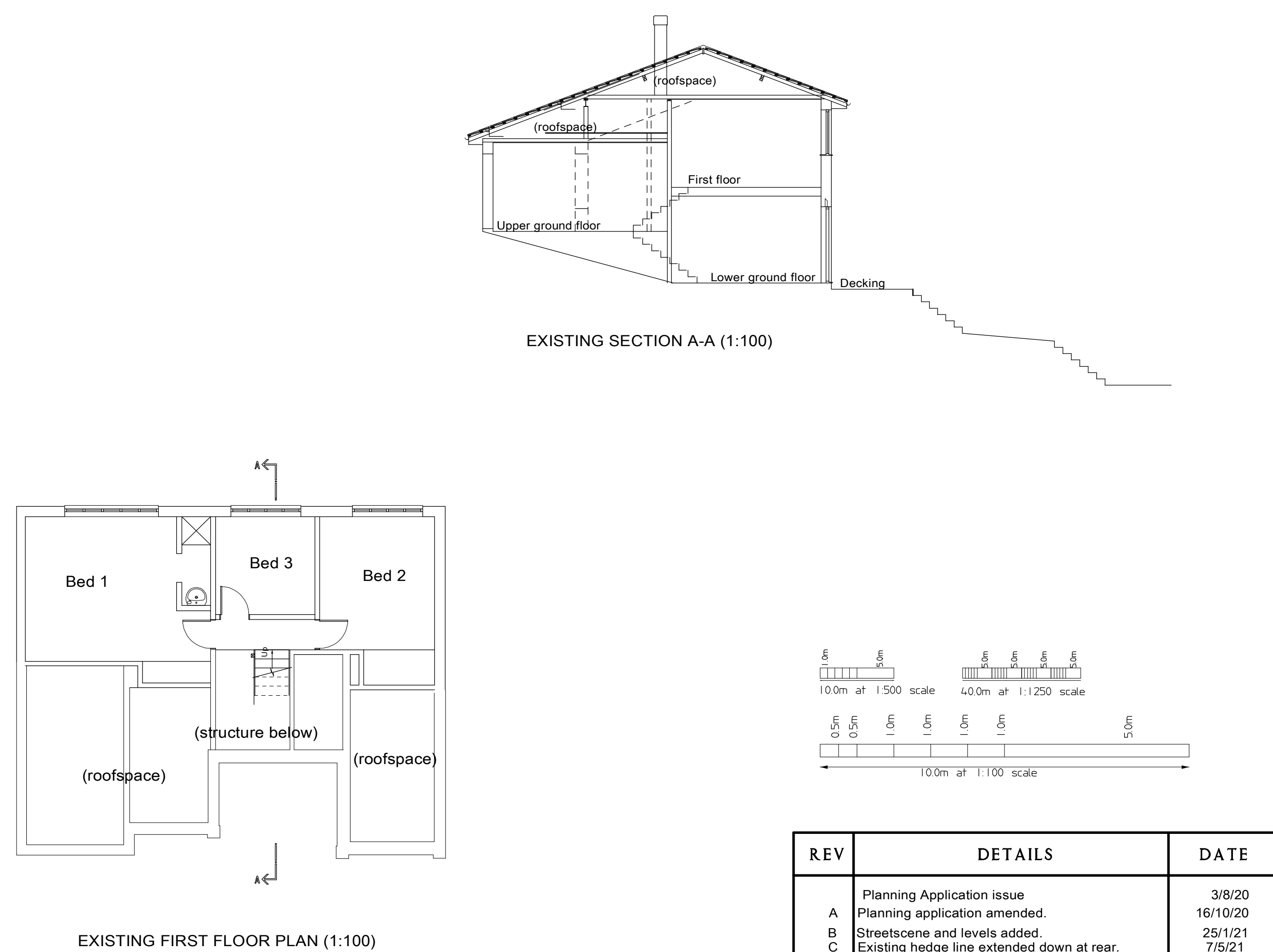
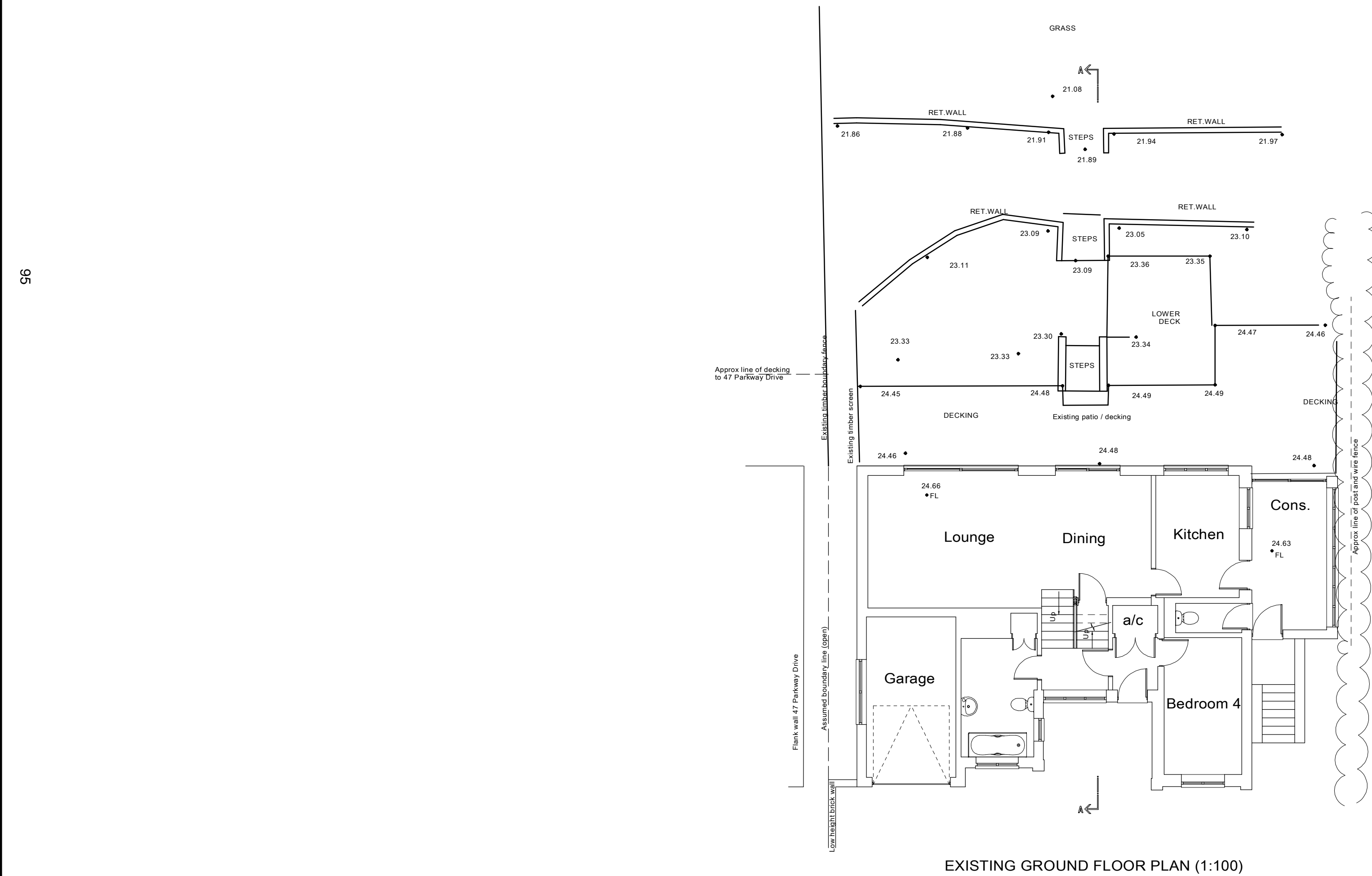
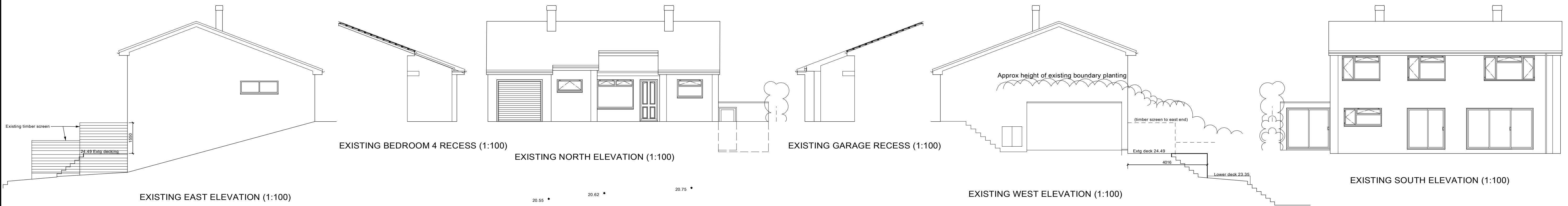
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REV	DETAILS	DATE
	Planning Application issue	3/8/20
A	Planning application amended.	16/10/20
B	Streetscene and levels added.	25/1/21
C	Existing hedge line extended down at rear.	7/5/21

PROJECT	49 PARKWAY DRIVE	BH8 9JS
CLIENT	MR D HUNT	
DRAWING TITLE	EXISTING PLANS AND ELEVATIONS	

JOB NO	SS1097	DATE	15 7 20
DRAWING NO	OOI	SCALE	AS SHOWN
DRAWN BY	RS		

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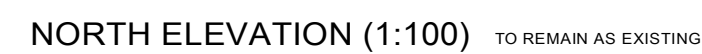
 **RICS**

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Corsewood Avenue

Parkway Drive

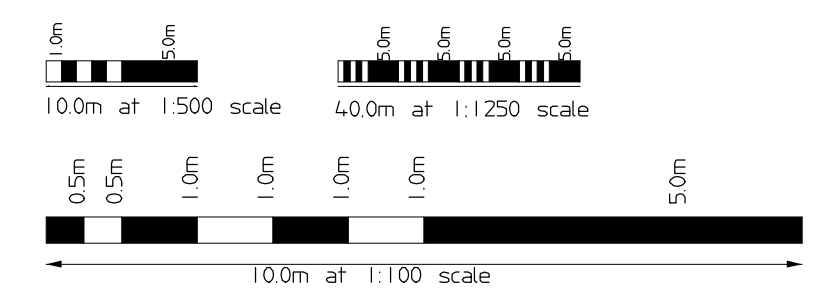
Queens Park Avenue

49

51

LOCATION PLAN (1:1250)

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