



PLANNING COMMITTEE

Application Address	Park View, 3B Turks Lane, Poole, BH14 8EW
Proposal	Front and rear extensions to the existing dwelling.
Application Number	APP/21/00067/F
Applicant	Mr Sanders
Agent	EMPERY + CO LTD
Date Application Valid	15 January, 2021
Decision Due Time	27 April, 2021
Extension of Time date (if applicable)	27 April, 2021
Ward	Parkstone
Recommendation	Grant with Conditions
Reason for Referral to Planning Committee	This application is brought before planning committee by Cllr Stribley due to concerns about the roof of the building being used for recreational purposes, the bulk and mass of the proposed extensions, overlooking and loss of privacy to residents in Pearce Gardens.
Case Officer	Jon Maidman

Description of Development

1. Planning consent is sought for front and rear extensions to the existing dwelling.

Key Issues

2. The main considerations involved with this application are the impact on:

- Local patterns of development and neighbouring buildings
- Neighbour amenity
- Parking / highway safety
- Flooding

Planning Policies

3. Poole Local Plan (Adopted 2018)

PP01 Presumption in favour of sustainable development
PP27 Design
PP34 Transport strategy
PP35 A safe, connected and accessible transport network
PP38 Managing flood risk

4. Supplementary Planning Document

SPD7 Parking Standards SPD (adopted January 2021)

Shoreline Character Areas SPD (adopted June 2004)

5. National Planning Policy Framework (February 2019)

Relevant Planning Applications and Appeals:

6. **2020** - Planning permission was **refused** for front and rear extensions to the existing dwelling and the formation of a new second storey - Ref: **APP/20/00845/F**.

Reason for refusal:

1. The proposed second floor accommodation by virtue of its scale, bulk and height combined with the proposed alterations to the front elevation and the introduction of balconies at first and second floor level would be out of keeping with surrounding properties and result in an overly dominant form of development that would materially harm the character and appearance of the surrounding area when viewed from Turks Lane and Whitecliff Park.

Furthermore the site is relatively small and the proposed increase in the buildings footprint combined with the first and second floor extensions would give the overall scheme the appearance of being cramped and overdeveloped. The proposal is contrary to the provisions of Policy PP27 of the Poole Local Plan (November 2018).

7. **2019** - Planning permission was **refused** to make alterations and additions to the existing dwelling including front and rear extensions and new second floor - Ref: **APP/19/00110/F**.

Reasons for refusal:

1. The proposed second floor accommodation, by virtue of its projection, forward of the existing front elevation of the dwelling, its height, scale and mass, combined with the proposed alterations to the front elevation and the introduction of proposed balconies at first and second floor level, will result in the scheme being an incongruous feature in the street scene, which will appear unduly prominent when viewed from Turks Lane and the adjacent Whitecliff Park, harmful to their character and appearance and contrary to Policy PP27 of Poole Local Plan (November 2018).

2. The proposed first floor rear extension, due to its projection, height and proximity to the rear elevation windows of No 3A Turks Lane will appear overbearing to that neighbour, detrimental to their outlook and contrary to Policy PP27 of the Poole Local Plan (November 2018).

Representations

8. In addition to letters to neighbouring properties a site notice was posted outside the site on 25 January, 2021 with an expiry date for consultation of 18 February, 2021.

Eight representations have been received, all raising objection; The issues raised can be summarised as:

- Inappropriate bulk and mass which would appear dominating and harm the character and appearance of the area

- Overdevelopment
- Overbearing to neighbouring properties
- Loss of privacy / overlooking
- Concerns about access to the roof of the building and it being used as a terrace / outdoor amenity space

The following issues were also raised in some representations however they are not material planning considerations:

- Precedent
- Presence of a covenant

Consultations

9. Natural England: No objection.

10. BCP Highway Authority: Support the proposals advising that they will have no adverse impact on highway safety.

Constraints

11. The site is identified as being within an area at risk of future flooding (Poole's SFRA Level 2 200 Year Flood Extent).

Planning assessment

Site and Surroundings

12. The site is occupied by a detached, two storey house on the south-east side of Turks Lane which is a narrow road running alongside Whitecliff Park.

13. Dwellings overlook the park. The application property is in a row of similar style contemporary dwellings of flat roof design which were erected following consents for plot sub-divisions in the recent past.

14. A public footpath runs alongside the south-western boundary linking Turks Lane and Pearce Avenue.

15. A number of nearby trees are subject to Preservation Orders. There are however no trees on the application site or in the immediate vicinity which would be impacted by the proposals.

16. The site is within an area identified to be at risk of future flooding.

Key issues

17. As detailed in the planning history, two recent planning applications have been refused which proposed additions and alterations to the existing building and the erection of an additional storey.

18. This current application is seeking permission to erect front and rear extensions to the existing dwelling but no additional storey.

Local patterns of development and neighbouring buildings

19. Turks Lane has a mixture of dwellings of a variety of scales and designs. The character of the Lane has changed considerably in recent times. The immediate street scene now predominately comprises of two storey, flat roofed dwellings of contemporary design. No. 3B is reflective of this and sited between dwellings of a similar design and scale. Due to the changing topography of the area and the higher finished floor levels of the neighbouring replacement dwellings, the height of No. 3B is lower than that of the four recently constructed houses on what was No.5 Turks Lane.

20. The site is located close to the Coastal Zone and Shoreline Character Area around the edge of Poole Harbour. The proposed scheme by virtue of its siting behind the mature tree line along the edge of the park means the property would not be readily visible from the harbour or significantly impact upon the character of the shoreline.

21. The existing house is however readily visible from numerous viewpoints within Whitecliff Park despite the presence of mature trees along the edge of the open space.

22. The proposed front extension reflects the design of the existing building and neighbouring buildings. It would not appear overly prominent or dominating when viewed from Turks Lane and Whitecliff Park.

23. The proposed rear extensions at ground and first floor level would not be visible from Turks Lane and they would have no impact on the character and appearance of the road or the adjacent Whitecliff Park.

24. Due to the changing topography of the area, the rear extensions would be visible from neighbouring rear gardens, including those of Pearce Gardens. The proposed ground floor extension would be largely screened from view by the tall hedging however the proposed first floor element would be readily visible from neighbouring gardens and the footpath which links Turks Lane and Pearce Avenue.

25. Whilst the proposals would increase the footprint and bulk of the building, it is not judged that the enlargements would result in any material harm to the prevailing character and appearance of the area. The form of the building would remain similar to the existing and the design of the proposals reflect the design of the existing building. Materials are appropriate and reflect the contemporary design of the property.

26. It is concluded that the proposals comply with the thrust of PP27 - Design of the Local Plan and Section 12 - Achieving well-designed places of the NPPF.

Neighbour amenity

27. The proposals, by virtue of their scale, height, positioning and proximity to the side boundaries would give rise to some loss of light to the neighbouring dwellings. The impact however is not judged to be demonstrably harmful.

28. The proposed front facing elevation windows and the new first floor balcony would predominately permit views towards Whitecliff Park. A condition is however considered necessary to require a privacy screen to be installed on the side of the balcony nearest to No.3A (north-eastern side of the balcony). This is to prevent materially harmful overlooking / loss of privacy from the balcony into the closest first floor window of No.3A.

29. As part of the works, a large window is proposed to be installed into the north-eastern (side) elevation. The submitted floor plans indicate that this will be obscure glazed. Whilst it would not directly overlook any habitable rooms in the side elevation of No.3A, it would be large and afford oblique views towards the rear garden of this property. Given the size of the window, there would be a noticeable perception of being overlooked therefore a condition will ensure the window is obscured glazed (and suitable restrictions placed on its opening arrangements).

30. Proposed first floor rear elevation windows would allow views towards the rear garden of the application site and some views beyond towards the rear gardens of dwellings fronting onto Pearce Gardens. Many of the objections are predominately from occupiers of properties in Pearce Gardens who can see the application site from rear facing windows and their rear gardens. Many of the objectors specifically object to the first floor rear extension raising concerns about overlooking, loss of privacy and the overbearing impact of this part of the development.

31. It is judged that the first floor extension would mostly impact on the adjacent property to the south-west (it is unclear if this is No.5 or No.5A Turks Lane) and No.6 Pearce Gardens as the application site directly backs onto this site.

32. With regard to the impact on the adjacent property in Turks Lane, there is potential for overlooking / loss of privacy to the rear garden of this property from the side facing window which would serve bedroom 3. The submitted floor plan indicates that this will be obscure glazed. Given the positioning of the window and the relatively short distance to the garden of this neighbouring property in Turks Lane, a condition will be imposed. This will require the window to be obscured glazed (and suitable restrictions placed on its opening arrangements).

33. The first floor extension would also impact on neighbouring properties in Pearce Gardens, in particular No.6. This property has been enlarged since it was originally built, most notably by the addition of a relatively large rear conservatory. Given the positioning of buildings in relatively close proximity to one another, a mutual degree of overlooking is inevitable and already exists. The proposed first floor extension will undoubtedly change the situation when compared with this existing however this would result in a relationship which is not considered unusual in an urban location such as this. The proposals would not be demonstrably harmful to this or any other neighbours in Pearce Gardens.

34. The proposed scheme would introduce additional flat roofed areas to the building. A number of objectors have raised strong concerns that the roof of the building will be used as a terrace and these concerns have been heightened by the proposed introduction of two skylights above the stairway at first floor level. The

applicant's agent has reiterated that these skylights are simply to assist with lighting the stairwell and first floor. The agent has also confirmed in writing that the stairs will not lead up to the roof (i.e. they will only lead up from ground to first floor as they do currently) therefore the only way up to get onto the roof of the property would be via a ladder. The submitted roof plan is also clearly annotated with the words "FLAT ROOF - ACCESS FOR MAINTENANCE ONLY".

35. For the avoidance of any doubt, a condition is recommended which will state that the roof of the building shall not be used as an amenity space at any time and this is to protect the privacy of the neighbours.

Parking / highway safety

36. Whilst the dwelling would be enlarged, it would remain a single dwelling.

37. Sufficient off-road parking provision for a dwelling of this scale would remain.

38. Access to the site would remain unchanged. The development would not be detrimental to highway safety.

Flooding

39. The site is identified as being within an area at risk of future flooding.

40. Given that the proposal involves similar extensions to those proposed previously, the same conclusion is reached as the previous applications. There would not be a greater risk than existing.

41. A condition can ensure that all new or replacement ground hard surfaces shall either be made of porous materials, or provision made to direct run-off water from the hard surface to a permeable or porous area or surface within the site. This will ensure that surface water is dealt with on site and does not result in run-off and potential problems elsewhere.

Section 106 Agreement/CIL compliance

42. N/A.

Summary

43. In conclusion:

- The development would preserve the character and appearance of the surrounding area
- Subject to the imposition of conditions, the development would not be demonstrably harmful to any neighbours
- Parking provision would be sufficient and the development would not be detrimental to highway safety
- There would be no greater risk from flooding than existing

Planning balance

44. The scheme would preserve the area's residential character without materially harming the residential amenities of neighbours.

45. The proposals achieve the objectives of sustainable development in line with the adopted local policies and the provisions of the NPPF, and the application is therefore recommended for approval.

RECOMMENDATION

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:

PA02 No.1 (Location, Block, Topographical + Site Plan) received 15/01/2021

PA02 No.3 (Proposed Floor Plans) received 15/01/2021

PA02 No.4 (Proposed Elevations) received 15/01/2021

Reason -

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

3. GN040 (Match Materials to the Existing Building)

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

4. GN080 (Screening to Balcony)

Prior to the construction of the extension on the front (north-western) elevation hereby approved, details of an obscure glazed screen of at least 1.8 metres in height to be erected along the side of the balcony (i.e. alongside 3A Turks Lane) shall be submitted to, and approved in writing by, the Local Planning Authority. The screen shall be erected in accordance with the approved details prior to the first use of the balcony, hereby permitted, and shall thereafter be permanently retained as such.

Reason -

To protect the amenity and privacy of a neighbouring property and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

5. GN070 (Remove Use as Balcony)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning Act 1990 or any subsequent re-enactments thereof, no part of the roof of the enlarged building shall be used as a balcony, roof garden or similar amenity area at any time.

Reason -

To protect the amenity and privacy of neighbouring residential properties and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

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

Both in the first instance and upon all subsequent occasions, the window on the north-eastern (side) elevation facing towards No. 3A Turks Lane and shown on the approved plan to serve the landing/stairway at ground and first floor levels shall be glazed with obscure glass in a form sufficient to prevent external views 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.

Reason -

To protect the amenity and privacy of a neighbouring property and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

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

Both in the first instance and upon all subsequent occasions, the south-west facing window in the first floor rear extension (shown on the approved plan to serve bedroom 3) shall be glazed with obscure glass in a form sufficient to prevent external views 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.

Reason -

To protect the amenity and privacy of a neighbouring property and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

8. HW230 (Permeable surfacing condition)

All new or replacement 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).

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.