

Planning Committee

Application Address	7 Buccleuch Road, Poole, BH13 6LB
Proposal	Single storey rear extension. Creation of bedroom accommodation within roof space. Extend ridge line. New entrance gates. Alterations to fenestration.
Application Number	APP/21/00521/F
Applicant	Mr H Kahaly
Agent	Mr David Wright – David Wright Architectural Design
Ward and Ward Member(s)	Canford Cliffs; Councillor Mohan Iyengar and Councillor May Haines
Status	Public Report
Meeting Date	20 January 2022
Summary of Recommendation	Grant in accordance with the details set out below
Reason for Referral to Planning Committee	The use of the garage roof as a social terrace has been prohibited by condition in a prior approval. The current application allows for an increase in the number of access points to the terrace – encouraging it's use. The erosion of privacy plus noise and disturbance are of concern to neighbours.
Case Officer	Rebecca Murunga

Executive Summary

The key planning issues for Members to consider are set out below. Members will have to balance all of the planning issues and objectives when making a decision on the application, against policy and other material considerations.

Representations received

Objections were received from 4 individual addresses. A summary of objections has been provided within the consultation section of the report.

Principle of Development

The proposal is for a single storey rear extension. Creation of bedroom accommodation within roof space. Extend ridge line. New entrance gates. Alterations to fenestration. The site lies within a residential area, where there are significantly large plots with detached properties. The proposal would positively contribute towards the character of the street scene of Buccleuch Road in accordance with Poole Local Plan (Policy PP27). Overall, there is no principle objection to the development.

Design, Scale and Appearance

The proposed creation of bedroom accommodation within roof space and extended ridge line would preserve the existing ridge height and due to its scale is considered acceptable. The proposed loft would integrate seamlessly and follow neighbouring development patterns.

The proposal would alter the fenestration of the existing dwellinghouse and erect a new entrance gate. The proposal would contain high quality finishes to the façade with variety of materials to achieve a contemporary design concept. The proposal would enhance the application site and respect the street scene of Buccleuch Road. The overall design approach is considered to be of a high standard.

Impact on Residential Amenity

The development would allow for sufficient separation distances with neighbouring properties surrounding the rear of the application site. The siting of the development would allow for adequate levels of privacy for neighbouring properties. Impacts on daylight and sunlight to neighbouring properties, and overshadowing to neighbouring external amenity spaces, have been assessed and considered acceptable when considering the site locations.

Trees and Landscaping

There are 6 Tree Preservation Order Tree (TPO) within the application site and 1 TPO in the neighbouring site. No trees are to be removed on site. No significant harm has been identified within the Arboricultural Impact Assessment submitted with the application. A detailed Arboricultural method statement and tree protection plan have been submitted and secured by condition.

Summary

In summary, it is considered the proposed scheme would respect local development patterns and neighbouring properties in regard to its design, it is concluded that the proposals would achieve the environmental and social objectives of sustainable development, in compliance with the

adopted policies of the development Plan as a whole and the relevant provisions of the NPPF and should therefore be recommended for approval.

Description of Proposal

1. This application seeks planning permission for a single storey rear extension. Creation of bedroom accommodation within roof space. Extend ridge line. New entrance gates. Alterations to fenestration.

Description of Site and Surroundings

2. This application relates to a detached two storey property on Buccleuch Road. The site has significant changes in level. The dwelling is in a residential area with properties of varying design and houses have large plots with front and rear garden space.

Relevant Planning History:

3. HIST/87/04652 – Approved, 06 Apr 1987 – Erect single storey extension at rear of property and erect an integral garage at side at lower ground floor level.

The historic application includes a condition (#4): “The roof area of the garage hereby permitted shall at no time be brought into use as a balcony, raised patio, etc., without express detailed Planning Permission.

Reason: To prevent any undue overlooking and loss of privacy to the adjacent residential property.”

Constraints

4. Tree Preservation Order Area.

Public Sector Equalities Duty

5. In accordance with section 149 Equality Act 2010, in considering this proposal due regard has been had to the need to —
 - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Consultations

6. Highway Authority - No objection; The proposals do not include any alterations to the position or layout of the access. The proposed automated entrance gates would be permissible in this location and sufficient parking would be retained on site.
7. Tree Officer – Support the proposal; subject to conditions. Following the submission of a Tree Survey, it was observed the proposal will have no significant impact or implications of nearby protected trees. The hedge is not subject to any restrictions.

Representations

8. In addition to letters to neighbouring properties a site notice was posted outside the site on 12th May 2021 with an expiry date for consultation of 1st June 2021.
9. **Four objecting** representations have been received. The objection comments are summarised below;
- Planning permission in 1987 (Ref: 11485/1) condition no.4 states the garage roof cannot be used as a balcony, raised patio etc. to prevent overlooking and loss of privacy for neighbouring property.
 - Trees will be lost, and evergreen hedge affected “will turn brown and die with lack of sunlight”.
 - Plans are misleading.
 - Extension will be close to the boundary, resulting to loss of character and appearance of the local area.
 - Proposed wall will rise above hedge leading to loss of light and overbearing impact.
 - The proposed terraces close to the boundary will cause overlooking and loss of privacy for neighbouring properties.
 - Noise disturbance due to the use of the flat roof above the garage.
 - Loss of privacy.
10. The amended plan received 17/11/2021 illustrate the correct site boundary similar to the Title Deed for avoidance of doubt.

Key Issues

11. The key issues involved with this proposal are:
- Impact on the character and visual appearance of the area
 - Impact on neighbouring amenities and privacy
 - Parking Provisions and Highway Safety
 - Impact on Trees

12. These issues will be considered along with other matters relevant to this proposal below.

Policy context

13. Local documents:

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

14. The National Planning Policy Framework (2021)

Section 2 – Achieving Sustainable Development

Paragraph 11 sets out the presumption in favour of sustainable development. 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.

Section 12 Achieving well-designed places.

Planning Assessment

Impact on the character and visual appearance of the area

15. The proposal to erect a single storey rear extension would not be readily visible to the street scene of Buccleuch Road. The proposed rear extension would be 2.8m in height and protrude 3.3m from the south elevation wall, maintaining 1.5m distance from the hedge on the south boundary treatment. The proposed extension, due to its sitting, scale and design would preserve the character and appearance of the street scene.
16. The proposal to create accommodation within the roof space and extend the ridge line, would result to a rear dormer and the roof form would change from pitched to gable end. The existing ridge height would be maintained. The proposed loft conversion and extended ridge line, due to its acceptable scale, size, and design it would not have a significant impact on the appearance of the dwellinghouse.
17. The proposed alterations to fenestration and new entrance gate are of a suitable design, scale, and appearance, the developments would enhance and respect the appearance of the existing house without diminishing the character of the street scene.
18. The existing flat roof above the garage would be retained to preserve the structure of the house and the amended plan (drawing no. 22118/01 Rev D) demonstrates there would not be any alterations to this area, therefore respecting the appearance of the dwelling.
19. The proposed developments would respect the character and appearance of the street scene of Buccleuch Road and surrounding area, the proposal is therefore acceptable in accordance with Policy PP27 of the adopted Poole Local Plan (2018).

Impact on neighbouring amenities and privacy

20. The proposed rear extension, due to its single storey scale and flat roof design would not have any material impact on the amenities of neighbouring properties in terms of overshadowing, loss of outlook, loss of sunlight/daylight and would not appear overbearing.

21. The proposed loft conversion and extended ridge line would not have any detrimental harm to the amenities of the neighbouring properties in terms of outlook, overshadowing, loss of natural light and would not be overbearing, by virtue of its sitting, scale and height.
22. The proposed south elevation window to the extension on the upper ground floor, would not result to undue overlooking due to its acceptable size and given there are existing large windows to the south elevation on the upper ground floor. The existing hedge to the south boundary treatment would provide additional screening and preserve neighbouring privacy and outlook.
23. The dormer to the east elevation to accommodate for the proposed accommodation within the roof space would offer views of the rear garden, given the garden is on a high elevation there would not be any harmful rise to overlooking or impact on the privacy of the neighbouring properties.
24. The new window to the south elevation on the proposed loft floor, would be of obscure glazed secured by condition (#4) to ensure privacy for the neighbouring property no. 9.
25. There is currently one door to the existing flat roof to be replaced and an additional door to be erected on the proposed extension to provide access for maintenance purposes. The additional access to the flat roof would not result in material impact to the amenities or privacy of the neighbouring properties.
26. The existing flat roof area above the garage was conditioned under application ref: HIST/87/04652 to not be used as a terrace or for leisure purposes (see paragraph 3), to prevent undue overlooking or loss of privacy. However, this condition is not going to be added to this application, due to the topography of the site and the inability to cause detrimental overlooking to the neighbouring property. The flat roof is on the upper ground floor sits at the same level as the garden of the neighbouring property no.9 and as such would not give rise to significant overlooking or loss to privacy to the adjacent residential property. Neighbouring objections have raised concerns about noise however, due to the same level of amenity space this would not give rise to any noise increase.
27. The proposed developments would preserve the privacy and amenities of the neighbouring properties and is therefore acceptable in accordance with Policy PP27 of the adopted Poole Local Plan (2018).

Parking Provisions and Highway Safety

28. BCP Highways Authority hold no objections; stating the proposals do not include any alteration to the position or layout of the access. The proposed automated entrance gates would be permissible in this location and sufficient parking would be retained on site.
29. The proposals would not have implications for the parking requirements associated with the dwelling or highway safety. The proposal is therefore acceptable in accordance with Policy PP27 and PP35 of the adopted Poole Local Plan (2018).

Impact on Trees

30. There are seven Tree Protection Order Trees within proximity of the proposed developments, four at the front of the site, two at the rear of the site and one at the neighbouring site no. 9 adjacent to the south east boundary treatment. The Tree Officer supports the proposal, stating it will have no significant impact or implications for nearby protected trees.

31. The submitted Arboricultural Assessment addresses the tree constraints of the site and Tree Protection Plan is acceptable; conditions will be secured to ensure that the development is undertaken in accordance with these details.
32. There is a hedge on the south boundary treatment shared with neighbour no. 9. The neighbouring objections raise concerns on the impact the proposal would have on the hedge, such as the health of the hedge and loss of character. The proposal would retain the hedge and the proposed rear extension would be set 1.5meter from the hedge. The Tree Officer has advised the hedge is not subject to any restrictions and given it has little importance in the wider landscape and as such, it is not considered appropriate to enforce its retention. There would be no condition attached to this application to retain the existing shared hedge.
33. The proposal would preserve the trees within proximity and their root protection zones. The proposal is therefore acceptable in accordance with Policy PP27 of the adopted Poole Local Plan (2018).

Summary

34. The proposal would respect and preserve the character and appearance of the wider area. The neighbouring amenity and privacy would be preserved. The proposal would not have any adverse impact on parking provisions and highway safety. The trees within proximity of the proposed developments would be preserved.

Planning Balance

35. The proposed developments are considered to have no material impact on the character and appearance of the surrounding area. The proposal is considered to respect residential amenities and preserve the privacy of neighbouring properties. It is considered the social leisure use of the existing flat roof above the garage would not result to any significant overlooking or loss of privacy to warrant refusal of the proposal.
36. Therefore, having considered the appropriate development plan policies 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 residents and would retain existing parking provisions. The Development Plan Policies considered in reaching this decision are set out above. Subject to conditions the proposal is acceptable, and according to NPPF paragraph 11(c) development should be approved without delay.

Recommendation

- 37. GRANT permission subject to the following conditions:**

1. Time expiry 3 Years

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. Plans Listing

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

Site Location and Plan (Drg No. 22118/001 Rev C): received 17/11/2021
Streetscene Elevation (Drg No. 22118/002): received 08/10/2021
Proposed Upper Ground Floor Plan – Amended (Drg No. 22118/01 Rev D): received 01/09/2021
Proposed Lower Ground Floor and Loft Plan (Drg No. 22118/02 Rev A): received 01/06/2021
Proposed Elevations – Amended (Drg No. 22118/03 Rev D): received 01/09/2021
Arboricultural Impact Assessment and Method Statement (Ref No. 6274/JC/IMP/09/21; dated 16/09/2021): received 17/09/2021
Tree Protection Plan (Ref No. 6274): received 17/09/2021

Reason –

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

3. Material to match existing building

The materials and finishes to be employed on the external faces shall be as specified in the application form and 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. Obscure glazing of window(s)

Both in the first instance and upon all subsequent occasions, the loft floor window on the approved plan (drawing no. 22118/03 Rev D), south elevation 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 the adjoining properties and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

5. Implementation of Details of Arboricultural Method Statement

All works relating to the ground clearance, tree works, demolition and development with implications for trees shall be carried out as specified in the approved Arboricultural impact assessment and method statement (Ref: 6274/JC/IMP/09/21; dated 16 September 2021 and received 17/09/2021) as prepared by Arboricultural Consultants Limited and shall be supervised by an Arboricultural consultant holding a nationally recognised Arboricultural qualification.

Reason -

To prevent trees on site from being damaged during construction works and in accordance with Policy PP27 of the adopted Poole Local Plan (November 2018).

Informatives:

1. 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 afforded an opportunity to submit amendments to the scheme which addressed issues that had been identified

Background Documents:

Case File: APP/21/00521/F

Documents uploaded to that part of the Council's website that is publicly accessible and specifically relates to the application the subject of this report including all related consultation responses, representations and documents submitted by the applicant in respect of the application.

Notes.

This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972.

Reference to published works is not included.

Case Officer Report Completed

Officer: Rebecca Murunga

Date: 22/12/2021

Agreed by: Artemis Christophi

Date: 30/12/2021

Comment: