

Planning Committee

Application Address	5 Parkstone Heights, Poole, BH14 0QE
Proposal	Demolition of existing bungalow and erection of three dwellings
Application Number	App/22/01073/F
Applicant	Primetower Properties Ltd
Agent	Chapman Lily Planning Ltd
Ward and Ward Member(s)	Newtown and Heatherlands Cllr M Earl Cllr M Le Poidevin Cllr S Mackrow
Summary of Recommendation	Members should note that as there is appeal pending against non-determination Members are requested to indicate how they would have determined the application for the purposes of the appeal process
Reason for Referral to Planning Committee	Referred by the Head of Planning under Part 3, 2.2.3 (f) of the Council's constitution due to a Councillor Call-in by Cllr Earl For the purposes of para 2.4, separate to the exercise of any call in, this is also considered an appropriate matter on which to seek to secure a Member view even though a formal determination cannot be made in view of the history of the matter (see also below re Judicial Review)
Case Officer	Jean Brunning
Is the proposal EIA Development?	No

1. This application has previously been determined under delegated authority. However, in March 2023 the matter was subject to Judicial Review (JR) and that decision quashed for the reasons as set out below. An appeal has now been lodged for non-determination of the application and, as a consequence, the Council no longer has the jurisdiction to determine it. Nevertheless, the matter is now before Committee to enable it to indicate what its decision would be if the Committee was being required to determine the matter. The decision of Planning Committee will be used by officers to help inform the Council's approach to the appeal.
2. The JR determination is as follows:-
The Defendant agrees to the quashing of its decision dated 6 October 2022 to grant planning permission (Ref: APP/22/01073/F) for a development comprising the erection of new dwellings on land at 5 Parkstone Heights, Poole, Dorset for the following reasons:

1. *The Defendant determined the application Ref: 22/01073/F by an officer decision on the 6 October 2022. It is apparent that the officer did not have delegated authority to make the decision at the time it was made. The Council's Constitution contains provision for an application to be "called-in" by a councillor to be considered by the Defendant's Planning Committee. A protocol within the Constitution sets out the steps to be taken within this process. In this case a councillor commenced the process within the requisite period. The steps required were not then completed before the decision was issued prematurely.*
2. *Consequently, the Defendant acknowledges that its determination of application Ref: Ref: 22/01073/F is legally flawed on the basis of Ground 1 of the Defendant's Claim and should be quashed.*
3. *The Defendant makes no concessions or admissions in respect of Grounds 2 or 3 of the Defendant's Claim, but agrees to strike the current planning officer's decision of 6th October 2022 from the planning application (Ref: 22/01073/F) and to reassign this matter to a different planning case officer to determine.*

3. As indicated in the above JR decision, the application has been considered again by a different case officer who was not involved in the previous decision in any way.
4. An appeal against non determination of the application has now in process and the start date confirmed as 27th June 2023.

Description of Proposal

5. Planning permission is sought for the demolition of the existing bungalow and the erection of 3 dwellings. The 3 dwellings are to be constructed as a terrace giving the appearance of a single large dwelling with a central entrance and two side entrances . The building would be 2 storeys high with 3 front dormer windows set into the roof below ridge line. The roof would be hipped on the front elevation but then flat with gabled features to the rear elevation. Each of the dwellings would have parking in the front garden area. The building line is stepped back slightly from the adjoining premises to accommodate the front parking.
6. Within the rear garden area each dwelling would have refuse storage and a garden office/cabin as ancillary accommodation providing cycle storage and a garden room/office. The rear gardens would be enclosed by 1.8m high close boarded fencing.
7. The overall length of the terrace of 3 properties measures 14.8m with a depth of 13.14m at ground floor level with the first and second floors being 10.14 in depth. The ground floor projection has a flat roof. The dwelling has an overall height of 9.14m to the ridge with eaves at 5.4m. The ridge line is approx. 0.5m higher than the adjoining 2 storey property at no 7.
8. The proposed Gross Internal Floor Area (GIA) is indicated below

Unit no.	Unit 1	Unit 2	Unit 3
Total GIA	156.59	156.59	156.59
Bedroom 1	14.25	14.25	14.25
Bedroom 2	12.33	12.33	12.33
Bedroom 3	13.08	13.08	13.08
Bedroom 4	9.49	9.49	9.49
Study	6.77	7.00	6.77

9. To the rear each property would have its own garden area measuring approx. 13m in depth though plot 1 has a slightly reduced garden area to allow for a rear pedestrian access the Plot 2 in the centre of the terrace, access to which runs along the side of Plot 1. The proposed garden

room/offices are set to the rear of the garden area and would measure approx. 3m x 4.5m with a flat green roof and would provide a cycle store and internal small office/garden room with doors opening towards the house rear.

10. The front parking area would have permeable paving and some landscaping between the spaces.

Description of Site and Surroundings

11. Parkstone Heights is situated close to the Constitution Hill view point and roundabout at Sea View. The application site is close to the road junction with Constitution Hill Road and comprise a 1930s style detached bungalow with hipped roof on the southern side of Parkstone Heights. It is one of two similar bungalows in the vicinity with No 1 being a similar property. The remainder of the road, including properties opposite and adjacent to the west (no 7) are largely 2 storey detached properties although there has been a redevelopment to provide two pairs of semidetached properties at numbers 10-12 diagonally opposite.
12. The streetscene is quite varied with a mixture of architectural style largely 1930s original properties though there have been more modern dwellings and extensions creating a mixture of design and appearance. The predominant material is red brick although white render is also found. Gables, hipped roofs and front dormer windows are all present on nearby buildings. Parking is also mixed with some off street parking and some on road parking. Street trees and grassed verges line the road.
13. Immediately to the east of the proposed site are some single storey storage buildings/garages associated with the adjoining bungalow (no 1) which is approximately 10m to the east and to the west, is a detached red brick two storey double fronted house with bay windows (no 7). This is set away from the site boundary with a flat roof garage between the house and boundary.
14. The existing bungalow is set back from the road behind a low dwarf wall and is L shape in design with render and red brick under a tiled roof and parking and garaging to the west side.

Relevant Planning History

15. There is a history of applications for residential development on the site including previously being part of a wider redevelopment including 1 Constitution Hill Road, which the applicant then owned.
16. In 2021 APP/21/00172/F was submitted for the demolition of a bungalow and erection of 3 dwellings in similar manner to that now proposed but with different front elevational treatment. This application was refused for the following reason:

The proposal, by virtue of its scale, width, massing, plot sizes and layout of development would result in a harmfully dominant development which would appear cramped within the streetscene and result in the loss of views to the trees to the rear. The proposal would fail to assemble sufficient land to preserve the rhythm of plots and prevailing pattern of development in Parkstone Heights and the wider area and is contrary to Policies PP27 and PP28 of the Poole Local Plan (November 2018).

There were two further reasons relating to lack of contributions.

17. In 2021 a further application APP/21/01655/F was submitted for a similar size and design of development to that previously refused but moving a proposed central front gable to one end. This

application was refused for the same reasons as the early 2021 application. It should be noted that both of these refusals related to buildings of similar height, size and bulk of development to that now proposed although the elevational treatment to the front street elevation has been changed and in the current proposal there are no gable features.

18. Following the second 2021 refusal, the applicant submitted an application under Prior Approval (Ref No APP/22/00374/PA) for an upwards extension to the existing bungalow. This procedure was introduced in 2020 under Statutory Instrument (SI 2020. No 755) which resulted in a change to the Town and Country Planning (General Permitted Development) (England) Order 2015 , as amended by introducing into Schedule 2 of the Order, Class AA which allows the building of one extra storey on top of a bungalow (other upwards extensions allowed on different building types) as permitted development providing that the applicant seeks a prior approval of the proposed extension prior to commencement. Any such extension must be of similar materials, have adequate light and ventilation, not include side windows overlooking other premises and have regard to amenity and privacy for adjoining properties.
19. In considering the above Prior Approval, there are only 4 criteria which the LPA can have regard to:-
 - impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light
 - the external appearance of the dwellinghouse, including the design and architectural features of: –
 - (aa) the principal elevation of the dwellinghouse, and
 - (bb) any side elevation of the dwellinghouse that fronts a highway
 - air traffic and defence asset impacts of the development and
 - whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State.
20. In addition, the applicant must provide a construction management report to the LPA prior to commencing the development and comply with the overarching conditions as set out under Class AA regarding materials, no flank wall windows etc as referred to in para 18 above.
21. After considering the application against the criteria above, the proposal was considered to meet the criteria laid down and the Prior Approval was thus allowed with additional conditions, over and above those set out in the GPDO, relating to the plans list, matching materials and the need for a construction management plan.
22. The resultant dwelling would measure 9.1 m to its ridge and had an overall width of 12.8m.
23. Whilst each application must be determined on their own merits, the Prior Approval represents an extant permission which the applicant can implement subject to the conditions imposed. Further, more detailed, information on the nature and content of the fallback by way of comparison to the current proposal is set out later in the report under the various headings. Although there can be no guarantee that this fallback position would be implemented the applicants have made some effort to secure this position following the two refusals and therefore the fallback position is considered to be an important factor in assessing this application.

Constraints

24. The application site is within 5Km of a Site of Special Scientific Interest (SSSI). This SSSI is also part of the designated Dorset Heathlands SPA (Special Protection Area) and Ramsar site, and is also part of the Dorset Heaths SAC (Special Area of Conservation). The proximity of these European sites (SPA and SAC) means that determination of the application should be undertaken with regard to the requirements of the Conservation of Habitats and Species Regulations 2017.
25. The application site is also within close proximity of Poole Harbour which is a Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar site. The proximity of this further European site also means that determination of the application should be undertaken with regard to the requirements of the Conservation of Habitats and Species Regulations 2017.
26. There is a TPO to the rear of the site which would not be affected by the proposal.

Public Sector Equalities Duty

27. 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.

Other relevant duties

28. For the purposes of this application in accordance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) ("the Habitat Regulations) appropriate regard has been had to the relevant Directives (as defined in the Habitats Regulations) in so far as they may be affected by the determination.
29. In accordance with section 40 Natural Environment and Rural Communities Act 2006, in considering this application, regard has been had, so far as is consistent with the proper exercise of this function, to the purpose of conserving biodiversity.
30. With regard to sections 28G and 28I (where relevant) of the Wildlife and Countryside Act 1981, to the extent consistent with the proper exercise of the function of determining this application and that this application is likely to affect the flora, fauna or geological or physiographical features by reason of which a site is of special scientific interest, the duty to take reasonable steps to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.
31. For the purposes of this application, in accordance with section 2 Self-build and Custom Housebuilding Act 2015, regard has been had to the register that the Council maintains of individuals and associations of individuals who are seeking to acquire serviced plots in the Council's area for their own self-build and custom housebuilding.

Consultation responses

Highways

32. "The proposals are similar in highway terms to the previously refused application 21/01655, which was supported by Transport Policy and our comments are similar.
33. The existing access will be utilised for Plot 3, with new vehicle accesses proposed for Plots 1 & 2, which will require the kerbs, footway and grass verge area to be lowered across the extent of the accesses. The footway work will also require the repositioning of a street light. All works associated with the footway crossing work will be at the applicant's expense, including the relocating of the street light and we would suggest the applicant contacts the Council's Street Lighting team for further details on the process for repositioning a street light.
34. Pedestrian Visibility Splays are shown on either side of the vehicle accesses and are acceptable. Parking for two vehicles for each dwelling is proposed, which accords with the requirements within the BCP Parking Standards. Vehicles will reverse onto or off the site, although as Parkstone Heights is not a classified road, this is acceptable.
35. An active Electric Vehicle Charging Point is annotated for each dwelling and these can be secured by condition."
36. A store is to be provided in the rear garden of each dwelling and the plans show two bikes within the store, although cycle parking for a minimum of four bikes would be required for each dwelling. The store is also annotated as "cycle/bins/storage", indicated the bins will be placed in the store, along with general storage and if so, it is unlikely the store will allow for parking of four bikes. The previous application had individual cycle stores suitable for four bikes and we would recommend this is replicated for this application.

Waste Officer

37. No response

Tree Officer

38. No response

Representations

39. A Site Notice was displayed at the application site and neighbours notified in August 2022. A total of 11 Representations were received by the council during the course of the planning application raising the following issues:-
- proposal too big for plot in height, depth and width and no better than previous refusal
 - building design and materials not in keeping with streetscene and landscape setting
 - flat roof inappropriate and large glazed areas are out of keeping
 - parking will dominate front gardens and building set back to accommodate this
 - will result in overshadowing and overbearing relationship to adjoining and loss of privacy from Juliet balconies and rear windows
 - Front windows will impact properties opposite
 - increased traffic and danger to pedestrians

- road already used for those continuing commute on buses and this will exacerbate difficulties and overflow parking from Sea View
- junction with Constitution Hill Road already dangerous with recent accidents
- Street tree lost and loss of green front garden which is too large
- Gardens too small
- Building going from 3 bed to 12 bed
- Noise and disturbance from construction
- Accept site can be redeveloped but not at this scale
- Building close to protected trees so risk to their long term health
- Loss of family homes
- Should be comprehensive redevelopment with other site

Key Issue(s)

40. The key issue(s) involved with this proposal are:

Principle of development and Housing Need

Impact on character and appearance of the area and detailed design

Impact on adjoining properties

Highways

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

Policy context

42. Local documents

Poole Local Plan 2018

Policy PP1 - Presumption in favour of sustainable development

Policy PP2 - Amount and broad location of development

Policy PP7 - Facilitating a step change in housing delivery

Policy PP8 - Type and mix of housing

Policy PP27 - Design

Policy PP28 - Flats and plot severance

Policy PP33 - Biodiversity and geodiversity

Policy PP34 - Transport strategy

Policy PP35 - A safe, connected and accessible transport network

Policy PP36 - Safeguarding strategic transport schemes

Policy PP37 - Building sustainable homes and businesses

Policy PP38 - Managing flood risk

Supplementary Planning Documents:

Design Code SPG 2001

Viability Assessment and the Affordable Housing Guidance 2018

Sustainable Urban Drainage Systems (SuDS) 2002

Storage and Collection of Waste in New Developments 2019

National Planning Policy Framework July 2021 (“NPPF” / “Framework”)

43. Including in particular the following:

Section 2 – Achieving Sustainable Development

Paragraph 11 – “Plans and decisions should apply a presumption in favour of sustainable development.

For **decision-taking** this means:

- (a) approving development proposals that accord with an up-to-date development plan without delay; or
- (b) 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.”

Paragraph 60. Delivering a sufficient supply of homes

Paragraph 119. Making effective use of land

Paragraph 126. Achieving well-designed places

Paragraph 189. Conserving and enhancing the historic environment

44. Other National Guidance:

Technical housing standards — nationally described space standard

Planning Assessment

Explanatory Comments

45. As this application is now at appeal against non-determination, no formal decision can be made. However, Members are requested to consider the application against the policies and material considerations and indicate through the committee process how they would wish officers to act in relation to the appeal.

Principle of development and Housing need

46. The Poole Local Plan sets out a spatial planning framework to meet objectively assess needs to 2033. In accordance with Policy PP1, the Council will take a positive approach when considering

development proposals that reflects the presumption in favour of sustainable development contained in the NPPF.

47. In terms of meeting housing needs, a strategic objective of Poole Local Plan is to deliver a wide range and mix of homes in the most sustainable locations. Policy PP2 identifies the amount and broad locations of new 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 with close walking distance of public transport and a range of services/facilities as a convenient alternative to use of the car. This approach is reinforced by Policy 34 which also states that development will be directed to the most accessible locations which are capable of meeting a range of local needs, reducing the need to travel, reduce emissions and benefit air quality. Significant weight therefore has been applied to the provision of additional residential accommodation which meets these policy objectives.
48. Having regards to Policy PP2 the site is located within the existing urban area and on a sustainable transport corridor, where higher density development is supported. Parkstone Heights is an established residential road with a mixture of house types and designs where previous redevelopments have taken place and more modern dwellings erected. It is close to existing shops and services and public transport routes.
49. The NPPF Paragraph 11 as set out in the Policy section above, indicates that there is a presumption in favour of sustainable development where there is no relevant development plan policies or where policies are out of date. In such cases planning permission should be granted unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposals or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
50. Footnote 8 of Paragraph 11 provides that in the case of applications involving the provision of housing, relevant policies are out of date if the local planning authority is i) unable to demonstrate a five0year supply of deliverable housing sites or ii) where the Housing Delivery Test (HDT) result is less than 75% of the housing requirement over the previous 3 years.
51. The 5 year housing supply and HDT results continue to be applied to each local plan area separately until replaced by a BCP Local Plan. In the Poole area there is a 4.1 years housing land supply with a 20% buffer (a shortfall of 423 homes) and a 2021 HDT result of 78%. For the purposes of paragraph 11 of the NPPF the *'tilted balance'* is therefore potentially engaged. However, the site is also within an area where the cumulative impact of residential development has the potential to adversely impact on habitats sites. Mitigation of the impact is therefore required for the Dorset Heathlands and Poole Harbour SPA. This can be achieved through a S106 agreement which, in this instance, has already been provided and submitted as part of the appeal process.
52. Local Plan Policy PP28 deals specifically with the issue of urban intensification through windfall development or the subdivision of plots and it is recognised that past trends have been that single dwellings have been demolished and redevelopment involving increased density occurs. The policy states that such proposals "will only be permitted where there is sufficient land to enable a type, scale and layout of development, including parking and useable amenity to be accommodated in a manner which would preserve or enhance the area's residential character."
53. The site is of sufficient size to enable a scale and layout of development, including adequate parking and amenity space for occupiers in a satisfactory manner. The proposal therefore meets the overall

objective of Policy PP28 for the intensification of use and considered to accord with PP2. Further details of the impact of the proposal on the character of the area is set out below.

54. For this application the benefits provided by way of an additional two family homes carry significant weight in the planning balance towards meeting unmet housing needs.

Character of the Area and Detailed Design

55. The area is characterised by reasonably large plots of land where some limited subdivision and redevelopment have already occurred, for example at nos 12 and 12A diagonally opposite the site. The previous refusal of a similar scale of development cited the scale and massing of the proposal as being unacceptable and that the proposal would give rise to a cramped appearance on the site in terms of layout and plot size and being visually dominant within the street view. There was also concern about the impact of a redevelopment on the spaciousness and pattern of development along the southern side of Parkstone Heights as well as concerns about the scale and massing of the building itself and impact on views of the trees to the rear.
56. Given that a Prior Approval has now been permitted, which provides for an additional storey on top of the existing bungalow footprint, a substantial new development can now take place under this permission and regard has to be had to how the current proposed erection of 3 dwellings, increasing the number of dwellings on the site by 2, would reflect or deviate from the previously agreed scheme. It is important to consider what additional harm, if any, would arise from this proposal in comparison to that already approved and which can still be implemented.
57. This proposed scheme is very similar in scale and bulk to that which would result from the upwards extension of the bungalow although there are some clear differences in terms of design and footprint as the bungalow is more L shaped. Under the prior approval the resultant dwelling measures 9.1 m to its ridge and has an overall width of 12.8m. The current proposal would be 9.14m to the ridge, so the same height and its width is 14.8m wide compared to 12.8m. The depth of the building would also be similar being approx. 12m deep under the prior approval although it would be configured as an L shape as per the existing bungalow. The proposed depth of the new build dwellings would be slightly more at ground floor level being 13.14m deep, with a flat roof section, but the first floor would be reduced to 10.14m thus being less than that of a first floor on top of the existing bungalow.
58. Given this position, a main issue is whether the additional width and the changed shape, albeit not evident from the front, could be considered unacceptable in terms of impact on the streetscene and design in association with neighbouring properties. It is clear that any redevelopment on this site, be it the implementation of the prior approval for the upwards extension or the proposed new build, will have an impact on the existing character and appearance of the area and views into the site will be irrevocably altered. However, the change in width, with an additional 2m on the front elevation is not considered to materially alter the appearance to the site when compared to the permitted prior approval. Equally, the configuration of the new building as a rectangular block as opposed to the L shape of the bungalow, when extended upwards, is also considered to result in a scale and mass similar to that which would be achieved should the prior approval application be implemented although the new build would not extend as deeply into the site under the current proposal and therefore would have less impact. This is considered further below in relation to amenity to neighbours.
59. The prior approval provides a legitimate fallback that now establishes a scale and mass of development which could take place and the proposed scheme offers a similar scale and mass with regards to its physical appearance and impact on the character of the residential area. As such, the

proposal is considered acceptable in this regard. Further discussion in respect to the design is set out below.

60. The prior approval also established the form and layout of development which could be employed were that scheme to be implemented. Although the upwards extension would still be for a single dwelling, the proposed development for the 3 dwellings now proposed has utilised the same basic format and footprint akin to a single large house. The proposal would have the visual appearance of a detached dwelling of a contemporary design with large, glazed areas which would add to the varied architectural character of the surrounding area and would be of a commensurate design and scale of other properties in the street. The proposed development would be subdivided into three plots with side entrances for the two end terraced dwellings and central front door for the middle one. In terms of meeting with the overall character of the area, the proposal is not considered to be out of keeping as it reflects a similar style, design and mass of development as could be achieved under the permission already granted and is similar in scale to other residential properties in the vicinity. In terms of crime and disorder, this layout is not considered to give rise to any particular security/safety concerns.
61. The size of the overall plot is sufficient to allow for the 3 dwellings now proposed, each with their own parking and garden area and as such, it is considered that this site is suitable for plot severance and subdivision as it is considered all amenities can be accommodated without detriment to the areas residential character and the proposal would thus accord with policy PP28 of the Poole Local Plan.
62. Policy PP27 of the Poole Local Plan specifically looks at design and seeks to ensure that development achieves a good standard of design. The policy sets out a number of criteria and the proposal has been assessed against these.
63. The Policy requires that development reflects or enhances local patterns of development and neighbouring buildings in terms of layout and siting including building line and site coverage; height and scale; bulk and massing; materials and detailing; landscaping and visual impact. As indicated above, the proposal is considered to meet the overall aims of this policy in terms of the pattern of development, height and scale, bulk and massing and visual impact.
64. The new building will be set slightly back from the existing building line, by comparison to No 7 Parkstone Heights adjoining, but there is no regular building line and existing properties in the street read as a whole, are not in alignment so this is not considered to be unacceptable. The design is such as to take the appearance of a modern detached dwelling, albeit actually 3 dwellings. The overall height of the building is almost identical to that which would result from the implementation of the Prior Approval scheme with the ridge line being less than 0.5m higher than the detached dwelling at no 7 adjoining. The building has also been designed with hipped ends, reflective of similar in the area and this will also reduce the impact and provides a visual gap at roof level between properties.
65. It is accepted that the design is contemporary, but this does not mean that it is unacceptable. The design picks up a number of features evident within the street scene such as dormers, gables and a hipped roof and thus will read as a modern version of dwellings already in the vicinity. The design is simple with a white render finish and grey coloured roof tiles on a crown pitched roof which is similar in terms of materials to the dwelling opposite at No 4. Although the glazed areas are large, these are not dissimilar to glazing on more modern buildings elsewhere in the road, although they do not reflect the bay windows of the immediately adjoining 1930s houses. However, given that a similar fenestration approach would form part of the Prior Notification scheme, and given other examples in the area the proposed fenestration to the front elevation is considered acceptable.
66. The dwelling would have a central door which would give rise to the appearance of a main door to a larger detached dwelling and the access for the two end terraced properties would be on the side

elevation and largely hidden by proposed planting. The proposed windows on the front, side and rear follow a simple arrangement. The proposed front dormer windows are subservient in their scale being set down from the ridge and are again, similar in design to others found in the area including on the opposite side of Parkstone Heights.

67. Although parking is proposed in front of the dwellings, this again is not out of keeping with the area with several examples of large parking areas being formed in front of dwellings along the road. There are several examples of the whole front garden having been changed to hard surfacing for parking of vehicles with limited landscaping and no boundary treatment to the front. The plans submitted for this scheme do provide for some limited landscaping to the front between the spaces being provided which will soften the impact of the parking area. One street tree will need to be removed as a result of the scheme but it would appear that others within the grass verge have also been removed, particularly on the north side of the road. This would not be sufficient to warrant a refusal of the scheme and a replacement can be provided.
68. The visual gap provided by the hipped roof will also allow for view through the buildings to the trees to the rear of the site, outside of the application site. There is no loss of trees that make a significant contribution to the character and local climate of the area and the proposal does not result in a harmful impact upon the amenity for both local residents and future occupiers. Although the gardens would be smaller than houses in the immediate vicinity, they are not considered to be too small to provide a level of satisfactory external and internal amenity space for the occupiers and the provision of the outbuilding at the outset provides for home working, should that be required, bicycle storage, waste and recycling arrangements.
69. In terms of the side and rear elevational treatment, the proposed dwellings would be designed with single storey rear additions which extend across the terrace with the upper floors stepped back. This results in less depth to the new building than the Prior Approval. Many properties within the surrounding area have been extended with single storey rear extensions and a number also have garden rooms and outbuildings. The presence of this extended ground floor would not erode the character of the surrounding area.
70. The proposed roof design to the rear elevation does differ from the Prior Approval and remains similar to the previous refusals in this respect. Gabled elements are incorporated which allows for the accommodation at second storey with Juliet balconies included. Whilst this is a contemporary roof design providing additional accommodation, from the street the dwellings would have a traditional appearance and the gables would not be visible from the public realm. However, it is worth noting that gables are a design feature within the area and thus not unacceptable in principle. Therefore, although this element of design would differ from that of the Prior Notification overall, given that the bulk and mass would not be dissimilar to that already approved and that gables are not unacceptable in principle, the design of the dwellings is considered acceptable.
71. Within the rear gardens, the proposed dwellings would be afforded with a single storey outbuilding which would include ancillary space such as home office/gym/garden room/storage etc and there would also be cycle storage provided within them. These are of a design and scale that are proportionate to the dwellings and will have a green flat roof to minimise impact. The proposed outbuildings are similar in nature to many outbuildings in the area, including those on adjoining properties and are considered to be acceptable.
72. In summary, the proposed development would give rise to the appearance of a large detached residential dwelling similar to others in the road, although it is actually 3 dwellings. The surrounding area comprises a mixture of house types, sizes, designs and materials and the building, although modern in its appearance, on balance the proposed development would not detract from the character of the surrounding area. Particularly in relation to issues of scale, mass, layout and width

the proposal is not considered to give rise to any harm that is materially different to that of the prior approval application. In relation to other matters, the proposed building would respect the established rhythm of the street scene and the design reflects many elements of design found in the street already. Its overall height would be commensurate with that of the adjoining neighbouring properties. The proposed material palette is simple and the use of traditional white render would not appear at odds with the character and appearance of the surrounding area given similar materials have been used nearby. The provision of parking in the front gardens is similar to that found elsewhere in the street and the landscaping proposed will help to soften the appearance of the hard surfacing. This would be conditioned. Although the previous refusals also identified concerns relating to plot size and layout the scheme is not considered to result in a poor standard of accommodation with a layout which provides adequate amenity space internally and externally for future occupiers. Overall, the proposed development is considered to be acceptable and accords with Poole Local Plan Policies PP27.

Impact on Adjoining Properties

73. Poole Local Plan Policy PP27 sub section (c) requires that development be *“compatible with surrounding uses and not result in a harmful impact upon amenity for both local residents and future occupiers considering levels of sunlight and daylight, privacy, noise and vibration, emissions, artificial light intrusion and whether the development is overbearing or oppressive”*.
74. The application site shares its borders with the residential properties at No. 1 and No.7 Parkstone Heights and 3 Constitution Hill Road. During the course of considering this application afresh two site visits have been undertaken by the report author including viewing the proposal site from these 3 properties. Although residents have also raised concerns over impact on properties opposite the development, the proposed new dwellings would have a similar relationship to that between existing dwellings in the street and there would be no undue harm on the neighbouring properties opposite the development site other than a change in their outlook and view. These neighbours opposite are set some 30 metres to the north east and as such this is considered to be a significant distance to mitigate against any harm.
75. No.7 Parkstone Heights is the detached neighbouring dwelling to the west of the application site. This dwelling has a single storey side addition/garage constructed along the common boundary with a window facing into the development site. At first floor there is a flank window which faces the application site. Looking at the position of this flank window and its close proximity to a rear window it is considered that this window is a secondary window to a habitable room.
76. The proposed development is not considered to result in undue harm on this neighbour in terms of impact on existing windows, particularly given the design of the new dwellings and the relationship would be similar to that already with permission under the Prior Approval. With regards to overlooking, the proposed end dwelling does have windows in the side flank wall. Some are identified as obscure glazed serving non-habitable rooms and some are not. At ground floor, the flank window would face towards the fence surrounding the site and as such there would be no opportunities for overlooking towards the neighbours. At first floor, there is a clear glazed window which serves a hallway, a non habitable room but to minimise neighbouring residential amenity all first floor windows on the side elevation are proposed to be conditioned to be obscure glazed. It should be noted that no 7 also has a side clear glazed window facing towards the application site.
77. The proposed new dwellings, as previously indicated, are sited set back from the road in order to provide frontage parking and thus are set further back than the house at no 7, as is the existing bungalow. Therefore, it is considered that there would be no harm by reason of loss of outlook, light

nor would it appear to be oppressive in relation to this neighbour when considering the relationships to the front of the house.

78. To the rear, the development would have a deeper overall footprint in comparison to No.7. However, both the development and the main dwelling of No.7 are set off the boundary and there is some 4m between the two flank walls. The proposed dwelling would be 4.5m deeper at first floor and 5m deeper at ground floor than the adjoining property which is less than the upwards extension under the Prior Approval. However, there would be a clear change in the outlook and relationship between the two properties whichever proposal is implemented. It is therefore important to consider whether the current new build proposal would result in any additional impact, over and above that already permitted through the Prior Approval.
79. Given the relationship and distance between the two buildings the proposed rear building line would not intercept a 45 degree line of sight taken from the mid-point of the window at the neighbouring property and thus it is considered that the proposed development would not result in a loss of light to this neighbour's windows.
80. With regards to potential overlooking, the proposed development would provide first floor and windows within the roof which may have the potential to provide opportunities for views within neighbouring rear gardens. However, this is a suburban environment where properties are close together and it would be expected that two storey dwellings may afford views from upper floors into neighbouring gardens. Whilst there is potential for some overlooking of the garden this would be mutual between the two properties and as such, this is considered acceptable in this instance. The inclusion of Juliet balconies as proposed is not considered to exacerbate this.
81. With regards to No. 1 Parkstone Heights, the neighbour to the east of the property, the proposed development would be set some 25m to the west. Given this significant separation distance, the proposed development would not result in a loss of light/privacy to habitable rooms of this property. With regards to potential overlooking of the garden, this property has the majority of its garden to the front and side with only a narrow passageway access to the rear. The proposed development would provide first floor and windows within the roof which may have the potential to provide opportunities for views into the garden of this property which is, however, largely visible from public vantage points at present. Therefore, the relationship to this property is considered acceptable.
82. The property at 3 Constitution Hill Road has its rear garden backing on to the side elevation of the proposed development. The new property would be situated at a distance of approx 21.5m from the dwelling at no 3 and approx 20.5m from the garden boundary. Given the relationship and distance between the two buildings it is considered that the proposal would not have a detrimental impact of this property although the outlook from the rear of No 3 would inevitably be changed.
83. With regard to the orientation of the new building, set back as it is proposed from the road and at an angle to no 3, there would be limited potential for overlooking from any side or rear windows if the flank wall windows are obscure glazed through proposed condition. The angle between the new development and the garden of no 3 is such that although there could be some ability to look at into the garden and driveway from the Juliet balcony of the end property (Plot 1) but this would be extremely difficult being a tight angle and with the eaves overhang of the roof of the new dwellings and as this is a suburban area where some overlooking of gardens could be expected it is considered that the relationship between the new property and garden/dwelling at No 3 Constitution Hill Road is acceptable in this instance. It should be noted that at ground floor level there is an existing window in the current bungalow which looks directly into the garden of 3 Constitution Hill Road.

84. Despite the objections raised and the concerns over the design and impact of the new dwellings, it is considered that the development would not materially harm neighbouring amenity given the existing relationships for the above reasons and as such would accord with Local Plan Policy PP27.

Highways and Parking

85. In the assessment of planning applications, applications should have regard to the BCP Council Parking Standards Supplementary Planning Document 2021.
86. During the course of the application, objections have been received outlining concerns that the development would be harmful to the local highways network particularly in relation to the levels of parking which occur due to commuters parking in the road and parking from the View Point and also the danger from the road junction. Concerns have also been raised that the proposal would be a danger to pedestrians. The council's highways team have reviewed the application and have raised no objections to the proposal. Each dwelling would be afforded with onsite parking for one car. This is considered satisfactory in this location. The highways department have raised no highways safety concerns and have suggested some relevant conditions for the application to ensure the development would not prejudice highways safety. The proposal would provide parking in similar manner to many other properties in the street and whilst it is accepted that there would be loss of on road parking if the frontage were given over to parking, this could occur at any time as the provision of frontage parking would normally be permitted development on a non classified road (subject to meeting the conditions and limitations as set out in Schedule 2, Part 2, Class B, Town & Country Planning (General Permitted Development) Order 2015.
87. With regards to cycle storage provision, the highways authority has raised concern stating that only 2 secure spaces are provided for each dwelling when 4 spaces per dwelling is required. However, this would not be sufficient reason to refuse this application. Each dwelling is afforded a secure private rear garden and residents could potentially store their additional bikes in the gardens or in the outbuilding provided. According, the provision of the cycle storage shown, together with other storage available is such that this is considered acceptable. The proposal is therefore considered to be acceptable and in compliance with Local Plan Policy PP35.

Other Considerations

Standard of Accommodation Provided

88. The Technical housing standards — nationally described space standard document provides the gross minimum internal space standards in which all new dwellings are expected to achieve.
89. Within the standard it outlines that dwelling with two or more bedrooms should have at least 1 double/twin bedroom. Within each dwelling the requirement is as follows:-
- Primary double bedroom should have a width of 2.75m and each additional double bedroom should measure at least 2.55m in width thereafter. Double bedrooms should have a minimum Gross Internal Floor Area (GIA) of 11.5 sqm
 - Single bedrooms should measure at least 2.15m and have a GIA of 7.5 SQM
 - 4 bedroom dwellings over three stories should have 130 sqm Gross internal floor area and 3 sqm internal storage.
90. The proposed dwellings would all exceed this standard measuring 156.59 each. The proposed dwellings would be afforded with a private rear gardens which is considered to be of a suitable size

and layout to facilitate a high quality garden environment per dwelling. As such the proposal would be compliant with Policy PP27 (1) in this respect.

Infrastructure and Developer Contributions

91. Mitigation is required 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). The dwellings would be liable for CIL.
92. 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.
93. 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.
94. The applicant has submitted the relevant forms and paid the required contributions towards Dorset Heathlands and Poole Harbour Recreation SAMM as required which has been submitted as part of the appeal documentation.

Trees and Ecology

95. The proposed development site is not subject to any Tree Preservation Orders. The proposed development does not require the removal or loss of any trees within the site. The proposed development would require 1 street tree to be removed but landscaping within the front of the property, which is proposed to be conditioned is considered to adequately mitigate loss of this tree. It is not considered that the removal of a street tree would warrant refusal of the scheme, particularly given that other street trees have been removed and the Tree Officer has raised no comments on the proposal. Landscaping to the front of the proposed dwellings is covered by condition and a suitable tree can be accommodated within this.
96. The proposal is therefore considered to accord with Local Plan Policy Requirement PP33.

Waste Matters

97. Local Plan Policy PP27 states that refuse storage and facilities must be convenient and practical to use. The property is a street facing property with a large front garden. Bin storage is shown on the proposed plans and there is ample space to provide for storage within the application site. The drag distance shown would be within 20m of a waste collection truck on the highway which is considered acceptable. The proposal would therefore accord with Local Plan Policy PP27.

Sustainable development and renewable Energy

98. As the scheme is for new build development it can be designed and constructed in accordance with the latest Building Regulations. It is appropriate and reasonable to impose a condition to secure details of measures to be incorporated/implemented to achieve 10% of the energy needs of the new dwellings through renewable energy sources in accordance with Policy PP37 of the Local Plan.

Planning Balance / Conclusion

99. The proposed development has been assessed against national and local plan policies. The proposal to erect 3 dwellings in this location is considered acceptable in principle given that this is an existing residential area of mixed dwelling types and styles. The location is in a sustainable location and the plot size is considered to be acceptable for subdivision and intensification. The fallback position of a Prior Notification permission for an upwards extension of the existing bungalow is an important factor in the decision making process in assessing any degree of harm that might be attributed to the proposal. Having regard to the fallback position, overall, the design of the building and any impact on neighbouring properties is, on balance, considered acceptable. The proposal is considered to respect the established character and appearance of the surrounding area.

100. More generally, the proposal meets with the overall aims of Local Plan policies as set out and described in the sections above and is therefore considered to accord with the Development Plan read as a whole. In terms of the NPPF, without any clear relevant reasons for refusal, it is considered that the tilted balance applies and there are no matters which would significantly and demonstrably outweigh the benefits of the proposal which would result in the provision of 2 additional dwellings on this site. The proposed development is considered to provide much needed family sized dwellings which comply with national housing standards contributing to Poole's housing stock and contributing to BCP's housing targets.

Recommendation

101. Members are requested to indicate what their decision would be if the Committee was being required to determine the matter. The decision of Planning Committee will be used by officers to help inform the Council's approach to the appeal.

102. The officer recommendation is that Permission be Granted subject to the following conditions, which will be recommended to the PINS Inspector should the appeal be allowed.

Conditions

1. GNI 50 (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. PLOI (Plans Listing)

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

PROMAP - Site Location Plan

PTI 88-600 received 3rd August 2022

PT-188-601 received 3rd August 2022

PT-188-602 received 3rd August 2022

PT-188-603 received 3rd August 2022 PTI 88-604 received 3rd August 2022

PT-188-605 received 3rd August 2022

PTI 88-606 received 3rd August 2022

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

3 Sample of Materials

Details and samples of all external facing and roofing materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before any on-site works other than site clearance is commenced. The development shall thereafter be carried out in accordance with the approved materials details.

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

4. Screen Fencing/Walling

No part of the development hereby permitted shall be constructed above damp proof course level unless details as to the position(s), design, material(s) and type(s) of boundary treatment to be provided as part of the development together with a timescale for its delivery has been submitted to, and approved in writing by, the Local Planning Authority. No part of the development shall be occupied unless the boundary treatment has been fully provided in accordance with the approved details and the approved boundary treatment shall at all times thereafter be retained and maintained in a manner that ensures that the boundary treatment continues to provide suitable screening.

Reason - In the interests of amenity and privacy and in accordance with Policy PP27 the Poole Local Plan (November 2018).

5. Remove Use as Balcony

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that Order with or without modification, the flat roof area of the development hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

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

6. Obscure glazing of side/flank windows

No part of the development hereby permitted shall be occupied unless the windows on the side / flank elevations shown on the elevation plan ref PT 188-603 hereby approved at first and second floor level have first been fitted with obscure glazing which conforms with or exceeds Pilkington Texture Glass Privacy Level 3 (or an equivalent level in any replacement standard) and every such window is either a fixed light or hung in such a way as to ensure that the full benefit of obscure glazing in inhibiting overlooking is maintained. Every obscure glazed window shall thereafter at all times be retained in accordance with the specifications of this condition.

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

7 No further windows/doors

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that Order with or without modification no further windows, dormer windows or doors other than those hereby expressly authorised by this permission shall be constructed on the development hereby approved.

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

8 Renewable Energy -

No part of the development hereby permitted shall be commenced unless measures to provide 10% of the predicted future energy use of each dwelling from on-site renewable sources, have first been submitted to and approved in writing by the local planning authority. Such details shall include identification of arrangements for the future maintenance of such measures. No part of the development hereby permitted shall be occupied unless all the approved measures relating to the development have been fully carried out and therefore such measures shall at all times be retained and maintained in accordance with the details approved.

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. Street Tree

Prior to commencement of the development, the applicant shall submit to the local planning authority written confirmation that the works involving the removal and relocation of the tree identified as T6 as shown on approved plan ref PT188-600 have been agreed with the Council's street tree department. The works to remove and relocate the tree shall be completed prior to first occupation of any part of the development hereby approved.

Reason: In the interests of the streetscape and biodiversity gain in accordance with policies PP27 and PP33.

10. Parking/Turning Provision

No part of the development hereby permitted shall be first occupied until the access, vehicle parking and cycle parking shown on the approved plan ref PT188-600 have been constructed, 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).

11. 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) (England) Order 2015 or any subsequent re-enactment thereof, the land shown to provide visibility splay(s) as indicated on the approved plan ref PT188-600 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).

12. Electric Vehicle Charging Points

No part of the development hereby permitted shall be constructed above damp proof course level unless details of the provision of Electric Vehicle Charging Points and associated infrastructure have first been submitted to and approved in writing by the Local Planning Authority. Those details shall be in accordance with the BCP Council Parking Standards SPD (adopted 5th January 2021). No

part of the development shall be occupied unless the approved charging points have been installed and thereafter the charging points shall at all times be retained, kept available for use at all times and maintained in full working order.

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)

13 Landscaping

Notwithstanding any provisions contained in the details submitted as part of this application, no part of the development hereby permitted shall be constructed above damp proof course level unless details for the landscaping of the site (both hard and soft) have been submitted to, and approved in writing by, the Local Planning Authority. The landscaping scheme shall include provision for landscape planting to the front and rear areas, materials for parking areas and paths, any proposed changes in levels and on going maintenance arrangements.

Upon approval:

- a) the approved landscaping planting scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive following first occupation of any of the dwellings hereby permitted or the completion of the development whichever is the sooner unless otherwise agreed in writing with the Local Planning Authority in advance of both of these dates;
- b) all planting shall be carried out in accordance with all relevant British Standards, including regard for plant storage and ground conditions at the time of planting;
- c) the scheme shall be maintained for a period of 5 years in accordance with the agreed details and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and
- d) the whole scheme shall be subsequently retained.

Reason -

In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out at the proper times and to ensure the establishment and maintenance of all trees and plants in accordance with Policies PP27 and PP33 of the Poole Local Plan (November 2018).

- 14 Prior to the commencement of the development hereby approved, a construction management plan shall be submitted to and approved in writing by the local planning authority. Once agreed, the plan shall be implemented and continued thereafter for the whole construction period unless any variation is subsequently agreed in writing. The construction management plan shall include details of loading and delivery arrangements to the site for construction purposes.

Reason - In the interests of highway safety and convenience and in accordance with Policy PP35 of the Poole Local Plan (2018)

Background Documents:

Documents uploaded to that part of the Council's website that is publicly accessible and specifically relates to the application subject of this report include the application and plans as submitted by the applicant and all formal consultation responses and representations submitted. This excludes any documents which are considered to contain exempt information for the purposes of Schedule 12 Local Government Act 1972

Case Officer Report Completed

Officer: Jean Brunning

Date: 04/08/2023