

## **Town and Country Planning Act 1990**

Land at No.4 Mount Grace Drive, Poole, Dorset,  
BH14 8NB

**Appeal against the decision of the Borough of Poole Council (BoPC) to refuse planning permission for a proposal to demolish the existing detached 2-storey dwelling and to erect 2no. 5-bed detached 3-storey dwellings with associated garages and parking and formation of access**

### **Appellant's Statement of Case**

PINS Ref: APP/Q1255/A/13/2197942

BoPC Ref: APP/13/00101/F

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# 1: INTRODUCTION

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1.1 AB Planning & Development Limited has been instructed by Banner Homes Southern Limited to present their appeal evidence in order to challenge the decision by the Borough of Poole Council (BoPC) to refuse planning permission for the demolition of No.4 Mount Grace Drive, at Poole in Dorset and to erect two detached, 5-bedroom dwellings, with associated garaging, parking and new access formation as a redevelopment of the site.

1.2 The planning application was refused by BoPC on 16<sup>th</sup> April 2013 for three reasons:-

“1. The proposal fails to assemble sufficient land to be able to accommodate a configuration and type of development that preserves the character of the area and the prevailing pattern of development. As such, the proposal with the arrangement of Plot 2 positioned behind Plot 1 would have an uncharacteristically cramped appearance within the street scene. The proposal is therefore contrary to the provisions of Policies PCS 5 and PCS 23 of the Poole Core Strategy (Adopted 2009).

2. The proposal dwellings, due to the combination of accommodation over three storeys and increased height when compared to the existing dwelling would result in a visually dominant appearance which would fail to preserve the character and appearance of the area. The proposal is therefore contrary to Policies PCS 5 and PCS 23 of the Poole Core Strategy (Adopted 2009).

3. The proposed dwelling at Plot 2, due to its siting in proximity to the boundary with No.5 Mount Grace Drive and combined with its height over three storeys of accommodation, would fail to preserve neighbouring amenity by virtue of its dominance and overbearing impact. The proposal is therefore contrary to Policy DM1 of the Poole Site Specific Allocations & Development Management Policies PDP (Adopted April 2012).”

Amongst informatives appended to the three reasons for refusal was a note that:-

“The applicant is advised that if this application had been acceptable in all other respects, the scheme would be Liable to the Community Infrastructure Levy Schedule which became a material planning consideration on 2<sup>nd</sup> January 2013. Therefore, if this decision is appealed and subsequently granted planning permission at appeal, this scheme will be liable to pay the Council’s CIL upon commencement of development.”

- 1.3 This Statement sets out the background to the Appeal and the relevant planning policy context within which it should be considered. The Statement then sets out the case for the Appellant in light of these policies and in the light of all other material considerations.

## 2: SITE LOCATION AND DESCRIPTION

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- 2.1 The appeal site measures 0.214ha (0.529ac) and lies at the northern end of a cul-de-sac in the Penn Hill area of Poole, adjoining the southwest edge of Parkstone Golf Course. The existing 2-storey detached dwelling is located close to the front boundary with Mount Grace Drive, with gardens extending approximately 20m to the western side boundary and about 60m to the rear northern boundary with the golf course. It is one of seventeen mostly detached properties served off the Mount Grace Drive cul-de-sac. Thirteen of these properties are 2-storey proportioned (although two have loft conversions in their roofs), three more are 3-storey in height and one is 4-storey's tall. The adjacent property to the west called Brooklyn, which fronts onto Bingham Avenue is also 4-storey's tall, as is nearby Honeywood House, in Alington Road.
- 2.2 Within the last ten years, eight of the neighbouring properties have been replaced either with one or two dwellings on their plots and all eight have featured contemporary building design styles, rather than the 1930's traditional style of dwelling design that used to predominate and still features on the application site. The location of the appeal site relative to all of the neighbouring properties is shown on the accompanying Site Location Plan 100-01.
- 2.3 The site slopes slightly from front to back and in terraces from west to east side, with the road to the front and the eastern side boundary at about 7.80m AOD, the western side boundary with No.3 Mount Grace Drive and with Brooklyn in Bingham Avenue at about 12.00m AOD and the northern rear boundary with the golf course at about 4.40m AOD. The existing house is set at a ground floor slab level of 9.26m AOD, as compared to the two neighbouring properties of No.3 and No.5, which are set at about 7.60m and 9.50m AOD, respectively.
- 2.4 The appeal site extends back approximately 40m from the back on the pavement in a north-westerly direction and for up to 74m in a north-easterly direction towards the golf course. The existing dwelling is set back approximately 12m from the roadside and has a depth of about 8m. Neighbouring property No.3, to the southwest, is set back approximately 20m from the roadside and has a depth of about 10m. Neighbouring property No.5, to the east, is set back 15m from the roadside and extends back about 20m.
- 2.5 The western and northern boundaries feature substantial mature trees (protected by an area-wide TPO) and other tall trees and mature conifer hedgerows extend along all the other common boundaries with neighbouring properties.
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### 3: RELEVANT PLANNING HISTORY

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- 3.1 There is no previous planning application history relevant to the appeal site, although pre-application advice was sought from the Council in July 2012 prior to the application submission (BoPC Ref: PREA/12/00116). At that time, consideration was given to a potential scheme of four 4-storey apartments. Council planning officers advised that a scheme for flats on the site would not be characteristic of the area by virtue of its height, massing and general appearance, would be contrary to Core Strategy policy PCS 5 and any such application would probably therefore be resisted. They also advised that any revised scheme ought to take account of the predominant character of the area in terms of building heights, massing, appearance and spacing; should avoid overlooking with the neighbouring property No.5 Mount Grace Drive; and any plot sub-division should reflect neighbouring plot sizes. In general, however, redevelopment of the site with a plot sub-division of two detached houses was deemed probably compliant with policy in principle, subject to all other issues being addressed.
- 3.2 Elsewhere within Mount Grace Drive, plot sub-divisions have previously been permitted in 2003 and in 2010 at No.1a and at No.14, where single detached 2-storey dwellings were replaced with contemporary designed two, three and four-storey dwellings. Also, Nos.1, 3 and 10 have all been redeveloped in recent years with large single replacement dwellings of contemporary design. Neighbouring property No.3 was replaced by a large 2-storey dwelling with additional basement floor in 2007 and No.10 was replaced by a modern 'Hauf House' design 3-storey dwelling in 2004. Slightly further afield but still within 50-150m of the appeal site, 3 and 4-storey contemporary designed apartments and houses have been permitted at: Brooklyn, fronting Bingham Avenue; at Valley Lodge, at the junction of Mount Grace Drive with Alington Road; and at Honeywood House, adjacent to Valley Lodge in Alington Road. In each instance, the designs made use of the sloping nature of the area, in order that potential height and massing constraints could be overcome through the use of staggered floor slab levels.
- 3.3 Despite significant design alterations having been incorporated into the scheme ultimately submitted for consideration following the planning officer's earlier pre-application advice and despite all of the recent redevelopments permitted in the immediate area, the application was nevertheless refused for the three reasons cited at paragraph 1.2 above.

## 4: PLANNING POLICY CONTEXT

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### Development Plan Policy

- 4.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that any planning application shall be determined in accordance with the Development Plan, it consisting of:-
- The Development Plan Documents (taken as a whole) which have been adopted or approved in relation to that area.
- 4.2 The Development Plan for this appeal site in Poole consists of the Poole Core Strategy (adopted February 2009) and the Poole Site Specific Allocations & Development Management Policies DPD (adopted April 2012). A number of policies in these two plans are relevant to the consideration of this appeal – they are: policies PCS05, PCS15, PCS23, PCS28, PCS31, PCS32 and PCS35 of the Core Strategy, which respectively relate to the broad locations for residential development, access and movement, local distinctiveness, Dorset Heaths International designations, sustainable energy requirements, sustainable home designs and energy and resource statements and DPD policies DM1 and DM7 which respectively relate to design guidance and accessibility and safety.
- 4.3 Criterion (iii) to Core Strategy policy PCS05 states that “residential proposals involving plot severance [such as that proposed by this appeal] will only be permitted where sufficient land can be assembled to accommodate a type, scale, density and layout of development which preserves or enhances the area’s residential character and does not harm the amenities of local residents.” In this instance, the site is located within a well-established residential suburban area and the two proposed plots would each have site areas of 0.1ha (0.247ac) and 0.11ha (0.272ac). Although slightly smaller than some plots within Mount Grace Drive, the two proposed plots on the appeal site would be similar in size to those at 1a (0.07ha), 1b (0.13ha), 1 (0.16ha), 2 (0.14ha), 3 (0.17ha), 14 (0.11ha), 14a (0.13ha) and Valley Lodge (0.13ha), so the density of development would be comparable. The spacing between dwellings would also be consistent with those elsewhere in Mount Grace Drive and each dwelling would have roadside frontage. Whilst Plot 2 would be set back 22m from the roadside, that would be comparable with the two new dwellings at Nos.14 and 14a. Accordingly, therefore, the appeal proposal would be compliant with Core Strategy policy PCS05.

- 4.4 Core Strategy policy PCS15 requires that all developments are provided with safe access to both enter and exit the site and are also provided with adequate on-site parking facilities. The Highway Authority and LPA have confirmed that proposed access and parking arrangements comply with adopted policy, so this is not a matter of dispute between the parties.
- 4.5 Core Strategy policy PCS23 requires new developments to incorporate high levels of design quality and complement their site and surroundings, by virtue of function, setting, landscaping and amenity space, scale, density, massing, height, design details, materials and appearance. The design of the proposed new dwellings would be quite similar to those built recently at Nos.10, 14 and 14a Mount Grace Drive. The step-up in building heights and matching overall height of Plot 1 is reflective of and consistent with the neighbouring dwelling at No.3. by incorporating a similar design for Plot 2 but setting it back slightly at a lower ground and floor slab level, the massing impact is minimised and natural light to neighbouring dwellings to the south would not be impaired. The proposed site density would be low at just 9.3dph but that is consistent with other developments elsewhere in Mount Grace Drive and all existing boundary trees and hedgerows would be retained. Although it is a matter of subjective contention between parties, we maintain that the appeal proposals would accord these policy requirements.
- 4.6 In accordance with Core Strategy policy PCS24, a detailed Design and Access Statement was submitted as part of the original application submission and it explained the design rationale for the proposed new dwellings and their compliance with all relevant planning policy guidance.
- 4.7 Core Strategy policy PCS28 relates to the internationally protected Dorset Heaths, parts of which are within 5km of the appeal site. Natural England have previously confirmed that the very slight additional impact potentially created from the accommodation of one more new dwelling in the town on this appeal site could be mitigated by an appropriate CIL contribution being made to an agreed programme of off-site ecological protection and mitigation measures.
- 4.8 Core Strategy policies PCS31, PCS32 and PCS35 provide design guidance that relates to sustainable energy, sustainable homes and requirements for Energy and Resource Statements to be submitted. Just such a Statement was submitted as part of the original application proposals and it demonstrated compliance with each of these policies to the satisfaction of the LPA.



- 4.9 In accordance with Core Strategy policy PCS37, the appellant has previously acknowledged as part of the original application submission that they would agree to pay all relevant CIL contributions deemed appropriate by the LPA. Accordingly, therefore, as stipulated in the informative attached to the LPAs refusal decision notice, I can reaffirm that the appellant agrees to pay all relevant CIL contributions and this will be confirmed in a signed Unilateral Undertaking that will be separately submitted to PINS and the LPA before expiry of the prescribed deadline on 30<sup>th</sup> August 2013.
- 4.10 Policy DM1 in the Poole Site Specific Allocations & Development Management Policies DPD provides more detailed design guidance that flows from the locational and design context established by Core Strategy policies PCS05 and PCS23. It states that community engagement should be sought at the earliest opportunity and in this instance full pre-application consultation was carried out in advance of the application submission. Policy DM1 also states that development proposals should contain an assessment of natural landscape features and topography, articulate how the proposed design solution has incorporated such elements and also protected landscape and residential amenities. As previously indicated at paragraphs 4.3 and 4.5 above, the design proposals reflect similar new dwelling designs at Nos.10, 14 and 14a Mount Grace Drive, all the existing boundary trees and hedgerows are to be protected and the three-storey dwellings are to be sunk down relative to the two nearest neighbouring properties and on parts of the site that are already quite low in order to minimise height and massing impacts from the new house proposals on the residential amenities of immediate neighbours.
- 4.11 Insofar as DPD policy DM7 is concerned, the appeal site is an accessible location to urban pedestrian and cycle networks and frequent bus services travel regularly along Alington Road to the nearby Poole service centres. On site garaging and open air driveway parking facilities would be available to both proposed new dwellings, so the appeal site would represent a safe and accessible location for new residential development.

### **Strategic Planning Policy Guidance**

#### **National Planning Policy Framework**

- 4.12 The National Planning Policy Framework (NPPF) was adopted by Government in March 2012. It sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

- 4.13 In accordance with NPPF Government advice, the appeal proposal would represent an opportunity for urban regeneration within a sustainable urban location and the proposed plot subdivision would represent a more efficient use of previously developed land.

## 5: THE APPEAL PROPOSALS

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- 5.1 The proposal seeks to demolish the existing 2-storey detached dwelling house, which is located within the heart of the Penn Hill developed area of Poole town and to redevelop the site at the northern head of the Mount Grace Drive cul-de-sac with two detached 3-storey, 5-bed dwelling houses, each with associated garages and parking areas plus the formation of one additional access driveway.
- 5.2 Plot 1 would be located on the western half of the appeal site and would measure 24.5m wide and extend back between 41-45m, i.e. it would amount to about 0.10ha in area. The proposed new dwelling would be turned through 45° relative to the existing dwelling to be replaced and extend forward from the existing dwelling on the plot towards the common boundary with the neighbouring dwelling at No.3 Mount Grace Drive. It would be set in some 3m from the common boundary with No.3, be set back 6m from the rear of the footpath, have a width extending from 14.3m to 17m and have a depth varying from 10.8m up to 15m.
- 5.3 The part closest to the neighbouring dwelling at No.3 would incorporate an integral garage served off a newly formed driveway and be only 2-storey proportioned, at 6.5m tall. The remaining two-thirds width of the property would be stepped up to 3-storey proportion and vary between 8.8-9.2m tall.
- 5.4 Plot 2 would be located on the elongated eastern half of the appeal site and would measure approximately 22m wide and 72m deep, i.e. it would occupy the remaining 0.11ha of the appeal site. The proposed new dwelling would be set back 22m from the rear of the footpath, some 14m behind the existing front elevation and turned through 20° relative to the dwelling to be removed and 12m behind the front elevation of neighbouring No.5. Like No.5, it would extend back about 22m in depth and have a width of between 10-14m. Plot 2 would be separated some 12-15m from Plot 1 and there would be a detached double garage located in between served from the existing retained driveway access but largely unseen from the approach along Mount Grace Drive. The design of Plot 2 would echo that proposed for Plot 1, but with a consistent 3-storey height throughout of 9.2m.
- 5.5 The first and second-storey elements on both proposed new dwellings would each be slightly narrower than the floor beneath, to create a concertinaed design of flat roofed elements, with proposed windows primarily focussed towards the front and rear of the two plots.

- 5.6 In order to ensure the massing of the proposed new dwellings would not be overbearing upon the setting, appearance and amenities of the two neighbouring dwellings, the proposed floor slab levels for Plots 1 and 2 would be set at 7.97m and 7.62m respectively, rather than the 9.26m floor slab height of the existing dwelling. By setting the two proposed dwellings some 1.29m and 1.64m below the existing dwelling, the new roof heights would broadly echo those of the two neighbouring dwellings. The LPA already accept that the amenities of No.3 would not be harmed by the massing or appearance of the proposed new dwelling on Plot 1 and in our opinion the 3-storey massing of the proposed dwelling on Plot 2 would be significantly reduced by virtue of its set back from the roadside, its reduced slab level and the substantial height and close proximity of the existing boundary conifer hedgerow.
- 5.7 Windows in the two side gable elevations facing Nos.3 and 5 are deliberately designed to avoid overlooking. The LPA already accept that there would be no potential detriment concerning Plot 1 and its relationship with No.3 because there would only be a single obscure glazed bathroom window at first floor. Insofar as Plot 2 is concerned, the side wall facing No.5 contains two ground floor study and dining room windows that could not overlook the neighbouring property by virtue of the existing 11m tall conifer hedgerow that runs along the intervening common boundary. At first floor there would be two small en-suite bathroom windows, but they would be both high-level and obscure glazed and on the top floor there would be a secondary bedroom window, which would also be high level to prevent any potential for overlooking.
- 5.8 The appeal proposals have been designed in such a way as they would complement the natural topographic landform of the site and retain all the important boundary tree and hedgerow features and full ecological protection and sustainable construction methodology reports were submitted as part of the original application submission.

## 6: PLANNING CONSIDERATIONS

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- 6.1 The planning considerations, and as such the case for the Appellant, will focus upon the three reasons for refusal specified by the LPA, as set out at paragraph 1.2. However, because the Council also highlighted in its associated informative that Community Infrastructure Levy (CIL) payments would also be due in the event that this appeal were to be granted then reference has also been made to that issue to confirm the appellant's willingness to pay any such CIL payments deemed appropriate. A separate signed Unilateral Undertaking has been prepared alongside this Statement of Case, which would only become binding in the event that this appeal is upheld and planning permission is granted.
- 6.2 Even though a site survey and proposed slab levels were submitted as part of the application submission to the LPA, Council Officer's nevertheless erroneously described the site as comprising "relatively level ground", which it is not. The Officer's statement ignored the fact that the site falls about 4m from front to back over a distance of just over 70m and climbs over 5m across the maximum 50m width of the site from east to west. Through a careful positioning of the plots that made best use of the natural topography and with a slight lowering of the proposed slab levels, the appellant had produced a design solution that would have ensured that neither of the proposed dwellings would have been overbearing within the street scene or with the immediate neighbouring dwellings on each side. The proposed plot frontage widths are broadly similar to those of Nos.1a, 5, 6, 8, 14 and 14a Mount Grace Drive. Proposed Plot 1, which did not appear objectionable to the Council, has a plot depth of 40m compared to depths elsewhere in Mount Grace Drive of between 50-75m, but whilst slightly shorter than its neighbours, it is comparable with that of the existing dwelling for at least half its total area. Proposed Plot 2 has a plot depth of 72m, which is comparable if not longer than many of its neighbours. Although quite a few neighbouring properties have larger plot sizes than those proposed for the two dwellings in this appeal, the sizes are broadly comparable with those at Nos. 1a, 1b, 1, 2, 3, 14 and 14a Mount Grace Drive, plus 1-3 Valley Lodge.
- 6.3 Insofar as storey heights are concerned, the Planning Officer's report merely referred to the area being "characterised by large, landscaped plots occupied by large, two storey detached dwellings". However, that summary failed to acknowledge that Valley Lodge, together with Nos. 10, 14 and 14a Mount Grace Drive are all either three or four-storey in height. These properties are just 120m, 170m, 190m and 210m away from the appeal site, in the same cul-de-sac.

- 6.4 The case officer's report also failed to acknowledge that Brooklyn in Bingham Avenue, is only 50m west of the appeal site and it too is four-storey in height, as is Honeywood House, in Alington Road, just south of the junction with Mount Grace Drive.
- 6.5 Seven of the seventeen properties that currently face onto Mount Grace Drive are of modern contemporary designs that feature either flat or shallow mono-pitched roofs and this local characteristic was once again ignored in the Planning Officer's report.
- 6.6 Thus it appears to the appellant that the Council was at least partly misinformed in its consideration of the relevant planning merits of the proposals and we trust that with a more comprehensive consideration of all the pertinent facts at this appeal that a more favourable conclusion will be reached by the Planning Inspector.
- 6.7 A S.106 Planning Obligation Agreement will be drafted and finalised as a Unilateral Undertaking before the appeal is heard to address CIL contributions. A copy of a draft version of the Unilateral Undertaking (UU) is attached as part of this statement of the appellant's case. Discussions will continue with the LPA up to the final exchange of evidence to confirm the precise details of the UU, which it is intended will be signed and presented to the Inspectorate by its prescribed 30<sup>th</sup> August 2013 deadline.

***Reason for refusal 1:***

- 6.8 This first reason for refusal states:

"1. The proposal fails to assemble sufficient land to be able to accommodate a configuration and type of development that preserves the character of the area and the prevailing pattern of development. As such, the proposal with the arrangement of Plot 2 positioned behind Plot 1 would have an uncharacteristically cramped appearance within the street scene. The proposal is therefore contrary to the provisions of Policies PCS5 and PCS23 of the Poole Core Strategy (Adopted 2009)".

- 6.9 The appeal site is already established residential curtilage for one large detached dwelling at the northern cul-de-sac head of Mount Grace Drive. The LPA acknowledged in their pre-application advice that other properties had already been sub-divided in the recent past and therefore the principle of a residential sub-division of this plot to make more efficient use of previously developed urban land would not be objectionable in principle.

- 6.10 The proposed redevelopment would represent a firm visual 'stop' at the head of the cul-de-sac with both properties preserving their own roadside frontage to Mount Grace Drive. Separation distance between the proposed new dwellings and with each of the two neighbouring dwellings at Nos.3 and 5 would be broadly comparable with the established development in the local area. As such, the proposed development would neither be, nor would it appear to be, cramped when viewed from Mount Grace Drive.
- 6.11 The Council planning officer was wrong in her report to describe the Mount Grace Drive cul-de-sac as being solely characterised by large detached two-storey dwellings. That description clearly failed to recognise that many of the original 1930's houses have either been redeveloped with larger single detached dwellings on their plots of more contemporary design or they have been sub-divided and redeveloped with 3 or 4-storey dwellings of contemporary design but set in sylvan landscaped plots. The appeal proposal would merely echo the other developments that have taken place in the immediate vicinity over the course of the last ten years.
- 6.12 In our opinion, therefore, and as I have made clear previously in paragraphs 4.3, 4.5 and above, the appeal proposal would be entirely consistent with Core Strategy policies PCS5 and PCS23.

***Reason for refusal 2***

- 6.13 This reason states:

"2. The proposal dwellings, due to the combination of accommodation over three storeys and increased height when compared to the existing dwelling would result in a visually dominant appearance which would fail to preserve the character and appearance of the area. The proposal is therefore contrary to Policies PCS 5 and PCS 23 of the Poole Core Strategy (Adopted 2009)."

- 6.14 As I have previously made clear at paragraphs 2.1, 2.1, 3.2, 4.3, 4.5, 4.10 & 5.2-5.6, providing accommodation over three floors on the redeveloped plot would neither create a visually dominant appearance nor would it fail to preserve the character and appearance of the area. The existing 2-storey dwelling with pitched roof is sited quite close to the front of the plot and is constructed at a floor slab level of 9.26m, as demonstrated on the appellant's Site Survey and Slab Level Plan (Drawing No.40160/PL.06).

- 6.15 The proposed dwelling on Plot 1 would be sited a similar distance back on the plot and be constructed over three floors but, critically, it would be set at a lowered floor slab level of 7.97m (a lowering of 1.29m), the new house would have a series of flat roofs staggered back into the plot, the building would be turned through 45°, so that it better aligns with neighbouring No.3 and would be less prominent in the street scene and, overall, the building would be no taller than its immediate neighbour at No.3.
- 6.16 The proposed dwelling on Plot 2 would be set back more than double the distance of the existing dwelling, its slab level would be 7.62m (a lowering of 1.64m when compared to the existing dwelling) and its flat roofs would be similarly staggered in a concertina style, with upper floor elements set further back. It would also be turned through about 20° on the plot to echo the frontage alignment of No.5 to the roadside. By setting it back and lowering the dwelling within the plot, the first floor roofs would match the eaves height of the neighbouring dwelling at No.5 and the second floor roofs would only slightly protrude above (by 400mm) the existing ridge height of No.5.
- 6.17 In height and massing terms therefore, the proposed new dwellings would not be visually intrusive within the street scene.
- 6.18 Insofar as the character of the area is concerned, the appellant accepts that the proposed design for these two new houses would be quite different from the existing dwelling and that of the two immediate neighbours. However, the character of Mount Grace Drive and its immediate environs has changed considerably over the last ten years with all the redevelopments taking place at Nos. 1, 1a, 1b, 3, 10, 14 and 14a Mount Grace Drive, as well as the Honeywood House, Valley Lodge and Brooklyn developments in Alington Road and Bingham Avenue, either side of the Mount Grace Drive junction. Contemporary dwelling designs are now virtually as common in this area as the more traditional 1930's styles that used to predominate. As I have demonstrated on my accompanying Site Location Plan, six other properties within a 150m radius of the appeal site feature 3 or 4-storey buildings, so the subdivision of this plot in a similar manner to that recently permitted at both 1a and 1b and 14 and 14a Mount Grace Drive and the erection of two 3-storey replacement dwelling houses similar in height to Nos.10 and 14 and lower than 14a, Honeywood House and Brooklyn would not be out of character with this neighbourhood, which now features a quite diverse range of building styles and heights.



### ***Reason for refusal 3***

6.19 This reason for refusal states:

“3. The proposed dwelling at Plot 2, due to its siting in proximity to the boundary with No.5 Mount Grace Drive and combined with its height over three storeys of accommodation, would fail to preserve neighbouring amenity by virtue of its dominance and overbearing impact. The proposal is therefore contrary to Policy DM1 of the Poole Site Specific Allocations & Development Management Policies PDP (Adopted April 2012).”

6.20 The proposed new dwelling on Plot 2 would be set back from the roadside such that its front elevation would virtually align with the original back elevation of No.5 before it was extended. It would be set about 2.8m off the common boundary line at the front and about 1.0m off the boundary at the rear of the dwelling. Whilst this is quite close, it is not an unusual feature or necessarily a problematical one.

6.21 The proposed new dwelling would be set down at a lower slab level than that of the neighbouring dwelling (about 600mm lower) such that the ground and first floor elements would virtually align with one another's heights. The second storey element, which would visually equate to the pitched roof of No.5, would be set back 3.15m from the common boundary and the distance between the respective side walls would be at least 8m. Over such distances, even if one were to disregard the intervening features, the massing of the new building should not be overbearing. However, between the two dwellings it is also material to consider that there is concrete panel fence and, more significantly, a very tall conifer hedgerow that screens the neighbour's rear patio and swimming pool. When viewed from neighbouring No.5, the new dwelling would be no more dominant or overbearing than the existing intervening boundary hedge. Consequently, therefore, we do not agree that the proposal would contravene DPD policy DM1.

### ***Other Considerations***

6.22 A S.106 Planning Obligation Unilateral Undertaking has been prepared, which will be finalised and signed in the event that this appeal is upheld and planning permission is granted. This will address the LPAs Informative, which stated that CIL contributions would be liable in such an event, in order to mitigate the environmental and social impacts arising from such a development. The appellant had accepted this requirement when the application was originally lodged with the LPA.

6.23 This Deed would guarantee such payments being made.

6.24 The appellant contends that there are no other material considerations or objections from third parties that are not addressed in the Council's original reasons for refusal and which have not been refuted in this Statement that would warrant the rejection of this appeal. Matters such as on-site landscaping, highway design and visibility at the driveway junctions and potential overlooking of neighbouring properties could all be overcome by condition.

## **7: CONCLUSION**

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- 7.1 In my opinion, the appellant has demonstrated that by virtue of all the documentary evidence submitted as part of its original planning application to the Borough of Poole Council together with all the arguments set out in this appeal Statement of Case that this appeal ought to be granted and conditional planning permission by granted for the redevelopment proposals.

# SITE LOCATION PLAN

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