
Appeal Decisions

Site visit made on 20 July 2016

by R M Pritchard MA PhD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 August 2016

Appeal A : Ref: APP/Q1255/W/16/3147390

35-37 Sandecotes Road, Poole, BH14 8PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by AJ Developments Ltd against the decision of Poole Council.
 - The application Ref APP/15/01529/F, dated 30 October 2015, was refused by notice dated 22 December 2015.
 - The development proposed is to demolish existing houses and erect four detached houses with garages.
-

Appeal B : Ref: APP/Q1255/W/16/3147395

35-37 Sandecotes Road, Poole, BH14 8PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by AJ Developments Ltd against the decision of Poole Council.
 - The application Ref APP/16/00268/F, dated 16 February 2016, was refused by notice dated 21 March 2016.
 - The development proposed is to demolish the existing houses and erect two pairs of three-bedroom, semi-detached houses.
-

Decisions

APPEAL A :

1. The appeal is dismissed.

APPEAL B:

2. The appeal is allowed and planning permission is granted to demolish the existing houses and erect two pairs of three-bedroom, semi-detached houses with garages at 35-37 Sandecotes Road, Poole, BH14 8PA in accordance with the terms of the application, Ref APP/16/00268/F, dated 16 February 2016, subject to the conditions attached as a Schedule to this Decision.

Application for costs

3. An application for costs was made by AJ Developments Ltd against Poole Council. This application is the subject of a separate Decision.

Main Issue

4. I consider the main issue for both appeals to be the effect of the proposed developments on the character and appearance of the street scene and the wider surrounding area.

Reasons

5. The appeal site is close to the junction of Sandecotes and Glengariff Roads in a predominantly residential area in the south-eastern part of Poole. It is currently occupied by two detached houses that have apparently been sub-divided into flats. Sandecotes Road rises towards the north and No 35 stands slightly above its neighbour, No 37, to the south-east. The two houses share an access in front of No 37 that leads to a common parking and turning area at the rear which also contains garages. The site is subject to a Tree Preservation Order (TPO) that covers ten individual trees, of varying species, and one small group. Neither Nos 35 nor 37 is locally or nationally listed and the site is not in a Conservation Area.
6. Both proposed developments would demolish these existing properties and erect four new dwellings in their stead.
7. Appeal A proposes four, two storey, detached properties of identical size and design with their building line slightly set back from the side elevation of 2 Glengariff Road, the property immediately to the north, and with the two central dwellings placed a little forward of those on the wings of the development. Each dwelling would have an integral garage and a parking space at the front and a rear garden that would occupy the current gardens of Nos 35 and 37 and their garages and parking areas.
8. Appeal B also proposes four new dwellings but described as two pairs of three-bedroom, semi-detached properties. The footprint of the development is broadly similar to that of Appeal A as would be its front building line but the more southerly of the pair of properties would be slightly set back from its partners to the north. Despite its description, the form of Appeal B would be closer to that of two, linked detached houses rather than conventional semi-detached dwellings. Like Appeal A, each proposed property would have a rear garden that would occupy the current gardens of Nos 35 and 37 and their garages and parking areas but the parking spaces at the front would be paired.
9. Appeal B has evolved as an alternative to Appeal A, attempting to overcome some of the reasons that led to the refusal of that first application. In particular, the alternative proposal seeks to present a pair of facades to Sandecotes Road that more closely follows the grain of the streetscene whilst reducing the areas of hard surfacing produced by their front driveways.
10. Poole adopted its Core Strategy in 2009. Policy PCS5 sets broad locations for new development and the principal criteria which proposals should meet in those locations. Outside the Town Centre, its relevant provisions for the proposals before me are that where plot severance is involved, as here, sufficient land can be assembled to accommodate new development that preserves or enhances the area's character and does not harm the amenities of local residents, and that the design of new buildings contributes positively to the distinguishing attributes of the street.

11. Policy PCS5 is complemented by Policy PCS23 which focuses on local distinctiveness. This latter policy sets general principles with regard to the design context for development which should respect the setting and character of sites and their surroundings. Both these general policies are augmented by Policy DM1 which sets out key elements that should be responded to in the details of proposed developments. The policy includes advice on protecting the amenity of neighbouring properties but of particular relevance to the matters before me are the need to incorporate natural features, such as mature trees, the loss of which will be resisted where they make a significant contribution to the character of the area.
12. The streetscene in the immediate vicinity of the appeal site is dominated by substantial detached houses in large plots. However, over the wider area of Sandecotes and Glengariff Roads, individual properties vary substantially in age, design and materials as well as in their positioning in relation to one another. Nos 35 and 37 illustrate this point, with the former appearing to be of pre-1939 origins whilst the latter appears some twenty years later in construction. There is a generalised common building line on both sides of the street to which both proposals would conform but the character of the area is largely determined by its mature vegetation, including the many species trees that occupy front gardens.
13. Notwithstanding these broad common elements in the area's character, there are a number of examples in the vicinity of the appeal site where redevelopment of individual plots has taken place. In most cases, this process – as in the examples (9 and 11 Glengariff Road and 28 and 30 Sandecotes Road) to which the appellants directed me – has led to an increase in residential densities. This seems to me to be in line with the advice in the Government's National Planning Policy Framework ('the Framework') both in terms of boosting the supply of housing and making the most efficient use of land. Sandecotes Road is not a Conservation Area and I consider that it must be appropriate for its character to evolve in response to wider development pressures. I therefore conclude that there can be no objection in principle to the redevelopment of the appeal site or the replacement of the present dwellings with a higher density of housing.
14. It is also clear to me that neither proposal raises any issues in respect of material harm to the living conditions of the occupants of adjacent properties. Furthermore, the Council's Tree Officer has accepted the conclusions of the Arboricultural Impact Assessment that none of the protected trees on the site are of better than fair quality and that their loss could be accepted. I agree. Policy DM1 is clear, however, that in such circumstances and where trees contribute to the character of the area, replacement planting needs to be given priority.

Appeal A

15. The particular concern in respect of Appeal A is that the sub-division of the two existing plots and construction of four dwellings side-by-side would intensify the grain of development and thereby fail to respect the character of this part of Sandecotes Road. That issue would be reinforced by the closeness of the individual properties that would create the impression of built form spreading across the full width of the site, as opposed to the current occupation by two, separate dwellings. This appraisal seems to have been especially influenced by

reference to those properties on the western side of Sandecotes Road close to the appeal site.

16. Nevertheless, I spent some time looking round the area and this persuaded me that over a wider area around the appeal site, the density of development and degree of separation between properties is, as suggested by the appellants, more akin to that now proposed. Furthermore, the new plots, with an average size of around 350m² do not seem to me to be overly restricted. Nor do I have any issues with the detailed design proposed for the four new dwellings or the materials that would be used. Such is the diversity of architectural styles in the surrounding area that what is here proposed seems to me to be acceptable.
17. Nevertheless, I have greater concerns in relation to the increase in hardstanding along the frontage of the appeal site, the consequent loss of vegetation and tree cover and the degree to which the facades of the proposed dwellings would be unduly exposed in the streetscene. I acknowledge that neither existing property is especially well screened from the street and accept the loss of poor quality existing trees. However, I consider that the opportunities for replacement planting would be limited under this scheme – a consequence that seems to be accepted by the appellants. Furthermore, all landscaping schemes take time to mature and achieve their full impact. The risk is that the proposed development would represent too radical a break in the streetscene with the new dwellings presenting a starkly regimented façade unsoftened by frontage landscaping. On balance, I consider that the effect on the streetscene and the wider area would be unacceptable.
18. It is therefore my overall conclusion that Appeal A would result in too great material harm to the character and appearance of the site, the streetscene and the wider area and would thereby be insufficiently compatible with the criteria set out in Policies PCS5, PCS23 and DM1 of the adopted Core Strategy.

Appeal B

19. Appeal B would also provide a net gain of two dwellings and therefore represents a similar benefit in relation to the relevant objectives of the Framework.
20. Nevertheless, it would, to my mind, have two advantages over Appeal A. The first, to which I give only limited weight, is that the design of the properties would more closely mimic the arrangement of the existing dwellings on the appeal site and in the immediate vicinity. That seems to me to be of only marginal benefit because of my already expressed conclusion that the character of the area is more varied than the Council suggests and that it has evolved and I would expect it to be required to do so.
21. Of greater significance are the changes to the frontage of the properties that would allow a greater element of soft landscaping to be introduced. I accept that the device of linking the pairs of properties to mimic dwellings with larger facades is somewhat artificial. Moreover, I am realistic that the streetscene would still be amended and that any landscaping would take a time to mature and thereby provide its full benefits. However, the opportunities presented by the Appeal B scheme seem to me to be sufficient to tilt the balance both in its favour over Appeal A but also the point where it would become acceptable.

22. I therefore conclude that Appeal B would not be to the detriment of the character and appearance of the site, the streetscene and the wider area and would thereby be compatible with the criteria set out in Policies PCS5, PCS23 and DM1 of the adopted Core Strategy.

Other Matter

23. In addition to the reasons for refusal that led to my identification of the main issues set out above, the Council advanced a further reason for refusing the application that led to the appeal before me. This relates to the need to provide financial contributions to mitigate the effects of the development on nearby internationally important areas of nature conservation significance.
24. The appeal site is within 5 kilometres of a Site of Special Scientific Interest (SSSI) which forms part of that area of the Dorset Heathlands internationally designated as a Special Protection Area (SPA) and Special Area of Conservation (SAC) under the European Union's Birds and Habitats Directives respectively as well as a Wetland of International Importance under the Ramsar Convention. Policy PCS28 of the Core Strategy, as reflected in Policy DM9 of the adopted Site Specific Allocations and Development Management Development Plans Document (DPD), requires all development that would have an adverse effect on the integrity of these internationally designated sites to make an appropriate contribution towards measures to mitigate those effects. There is no dispute that the appeal site falls within the geographical remit of Policies PCS28 and DM9.
25. Poole's charging schedule under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) came into effect on 2 January 2013. From that date all residential developments will be liable for appropriate CIL payments to off set the additional demands on infrastructure in the Borough. A List of Infrastructure has been published under Regulation 123 and includes mitigation of the effects of development on the SPAs where CIL payments replace previous obligations met by Unilateral Undertakings made under section 106 of the Town and Country Planning Act 1990. However, on 8 April 2015, a new planning contribution was adopted by the Council to fund the Strategic Access Management and Monitoring (SAMM) that forms part of the Dorset Heathlands Planning Framework. This Framework provides the overarching strategy for managing any adverse effects of development on this internationally important land. For each proposed development the required contribution would be payable either by a section 106 Undertaking or by an Agreement made under section 111 of the Local Government Act 1972.
26. The Council confirmed to me by e-mail on 12 July 2016 that it had received a section 111 Agreement, which covers the mitigation fee and told me that, in its view, the Agreement is satisfactory and that the issues covered by the subsidiary reason for refusal are thereby resolved for both appeals.

Conclusions

27. For the reasons given above I conclude that Appeal B should be allowed but that Appeal A should be dismissed.

Conditions

28. I have considered the conditions put before me by the Council that it would wish me to impose were the appeal to be allowed in the light of policies

towards conditions as now set out in the Government's Planning Practice Guidance (PPG) and the model conditions included in the still extant Annex to Circular 11/95, *The Use of Conditions in Planning Permissions*. In this case, apart from the standard conditions that set a time limit on the development and ensure that it is carried out in accordance with the submitted plans, conditions are required that the Council be able to give approval before development begins to the materials to be used, to a landscaping scheme for the site – a matter to which I attach particular importance – and to an arboricultural statement. I shall impose conditions in all these respects.

29. The Council has also asked that a condition be imposed to ensure that the new dwellings meet at least 10% of its energy requirements through renewable sources. I agree and shall impose a condition to this effect.
30. It is also necessary that the access and parking arrangements, including appropriate visibility splays and the closure of the existing access, are in place before the new dwellings are first occupied. I shall impose such conditions. I also agree with the Council that it is appropriate in a mature residential area such as this to withdraw permitted development rights to be able to erect additional garages, extensions or fences and insert new windows. I shall impose a condition that does so. Finally, I agree that the windows proposed for the side elevations of each pair of properties should obscurely glazed and shall impose a condition to this effect.

R M Pritchard

INSPECTOR

SCHEDULE OF CONDITIONS TO BE ATTACHED TO APPEAL
APP/Q1255/W/16/3147395

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos 8656/300A, 8656/301, 8656/302, GH1606a and GH1606c.
- 3) No development shall take place until samples of all materials, including roofing materials, to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The landscaping scheme shall include provision for new planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels.

All hard and soft landscape works shall be carried out in accordance with the approved details and the landscaping scheme shall be fully implemented in the first planting and seeding seasons following the first occupation of the buildings hereby permitted or the completion of the development, whichever is the sooner, or to a timetable agreed in writing with the local planning authority.

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

All planting shall be carried out in accordance with the relevant British Standards.

The scheme shall be maintained for five years and any trees or plants which within that period die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

- 5) No development, including demolition, shall take place until an arboricultural method statement, prepared by an arboricultural consultant holding a nationally recognised arboricultural qualification, has been submitted to and approved in writing by the local planning authority. All work shall subsequently be carried out in accordance with the approved statement, which shall provide the following –
 - a) Comprehensive details of all construction works in relation to trees;
 - b) Specification, including a relevant plan, for protective fencing to trees to be retained during both demolition and construction phases of the development hereby permitted. The specification shall comply with British Standard 5837:2012;

- c) Specification for scaffolding and ground protection within the defined tree protection zones. The specification shall comply with British Standard 5837:2012;
- d) A schedule of all tree works that shall comply with British Standard 3998;
- e) Details of areas to be used for the storage of materials, mixing of concrete and use of fires;
- f) Plans and particulars of the siting of services and piping;
- g) A full specification for the construction of any arboriculturally sensitive structures, including the construction of boundary features and all access driveways, that shall include the extent of areas to be constructed to a no-dig specification;
- h) Details of any other activities that have implications for trees on or adjacent to the site.

The statement shall also include arrangements for the arboricultural supervision of work by the developer's arboricultural consultant, including the frequency of visits and the means for reporting back to the local planning authority.

- 6) No development shall take place until details of the use of on-site renewable energy sources have been submitted to and approved in writing by the local planning authority. The use shall meet a minimum of 10% of the predicted energy use of the development hereby permitted and shall subsequently be implemented, maintained and retained.
- 7) The dwellings hereby permitted shall not be first occupied until the accesses, turning spaces, garages and vehicle parking areas have been laid out in accordance with the approved plans listed in Condition 2). The accesses, turning spaces, garages, and vehicle parking and shared turning areas shall be retained thereafter and shall be used for no other purposes than the parking and turning of vehicles. Nor shall any walls fences, landscaping or structures be erected within the shared turning areas so as to obstruct vehicle turning movements.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, or any subsequent re-enactment thereof, the dwellings hereby permitted shall not be first occupied until the land designated as visibility splays on the approved plans listed in Condition 2) have been cleared of all obstructions over 0.6 metres above the level of the adjoining highway, including any reduction in the level of the land necessitated by the development hereby permitted. Nothing over 0.6 metres in height shall thereafter be placed, built, planted or grown on the designated visibility splays.
- 9) A scheme to close the existing shared access shall be submitted to and approved in writing by the local planning authority. The scheme shall include provision to raise existing dropped kerbs and reinstate the footway to the standards adopted by the local highway authority. Works to implement the approved scheme shall be completed before the first occupation of the dwellings hereby permitted.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, or any

subsequent re-enactment thereof, no further garages, extensions, fences and windows, other than those expressly authorised by the permission hereby granted, shall be erected.

- 11) The first and second floor windows on the south-east and south-west elevations of each of the dwellings hereby permitted shall be glazed with obscure glass in a form sufficient to prevent external views and shall be fitted either as a fixed light or hung in such a way as to prevent the effects of the obscure glazing being negated by reason of their means of opening.