
Appeal Decision

Site visit made on 26 September 2016

by David Hogger BA MSc MRTPI MCIHT

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

Decision date: 12 October 2016

Appeal Ref: APP/E1210/W/16/3153435

The Fountain, 1-3 High Street, Christchurch, Dorset BH23 1AE

- 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 Mr A Brown against the decision of Christchurch Borough Council.
 - The application Ref 8/15/0676, dated 30 November 2015, was refused by notice dated 28 April 2016.
 - The development proposed is the erection of a new detached building to provide a flexible commercial space at ground floor with 8 residential flats above.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr A Brown against Christchurch Borough Council. This application is subject to a separate decision.

Preliminary Matters

3. The Council's Statement confirms that, subject to a floorspace restriction, it does not intend to pursue the third reason for refusal which relates to affordable housing provision. It is on that basis I have determined the appeal.
 4. At the site visit it was agreed by the appellant that there is a discrepancy in the submitted plans. The north elevation (drawing 006) shows a first floor window above the door, of the same width as the other windows (the window would be to a lobby). There is no comparable window shown on the elevation plan for the second floor. However, the first floor and second floor floorplans (drawings 004 and 005) show windows to the first and second floor lobbies which are wider than the other proposed windows in the building. It was agreed by all parties that if I were minded to allow the appeal it would be acceptable for me to impose a condition requiring the submission of amended plans in this respect.
 5. There are a number of references to an earlier proposal for the site (ref: 8/14/0251) and I was given, for example, a copy of the relevant Officer's Report. However, I did not have all the plans and other documentation before me and in any event I am required to determine this appeal on its own merits. I have therefore only attached little weight to the previous scheme for the site.
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Main Issues

6. The main issues are:

- whether or not the proposed development would preserve or enhance the character or appearance of the Christchurch Central Conservation Area; and
- whether or not a contribution towards mitigation measures in relation to the Dorset Heathlands is justified and if so whether an appropriate mechanism is in place to secure its provision.

Reasons

Christchurch Central Conservation Area (CCCA)

7. The site lies in a prominent location in the CCCA, to the north-west of the town centre, adjacent to the very busy Fountain Island roundabout. It can be seen by people travelling around the roundabout but perhaps more importantly it can be viewed by pedestrians from a range of locations and at the time of my visit there was a steady flow of people walking by.
8. The Appellant's 'Design, Access and Heritage Statement' confirms that this is an important site which 'provides a link' to the town centre. The land is currently used primarily for car parking. To one side of the site sits the former 'Queen Anne Revival' style former telephone exchange, while to the other are some 'mock-tudor' retail and associated uses. To the rear is a more utilitarian building in appearance, associated primarily with deliveries to a nearby retail store. Although the site is in a very prominent location, it currently contributes little to the character and appearance of the 'gateway' at the northern end of the High Street.
9. The proposed brick building would be three storeys in height, with commercial space on the ground floor and residential flats above. There would be parking to the rear. Windows to the flats would be of a sash design, although to retain symmetry it is noted that there would be a number of 'false' windows.
10. Of particular concern to me are the elevational details at ground floor level. The eastern and southern elevations would have significant amounts of unrelieved brickwork and whilst the eastern elevation would primarily only be seen from the parking area, the southern elevation would be seen by people moving northwards along Sopers Lane.
11. The western and northern elevations would be prominent in a number of views but at ground floor level would largely comprise the extensive windows (and doors) to the commercial floorspace, with four 'false' windows in the northern elevation. This elevation also, in part, includes a significantly large distance between the eaves and the top of the first floor windows which contributes to the incongruous appearance of this elevation of the proposed building. An incongruity that would be worsened by the provision of a window to the second floor lobby, which as I record in paragraph 4, has been omitted from the Elevation Drawing 006.
12. In terms of height the proposed development would be similar to other nearby buildings; however, because of its form and design it would appear bulky, out-of-keeping and overly-dominant in the street-scene – a factor that is

exacerbated by the position of the building very close to the western boundary of the site.

13. Although it is not a matter on which my decision has turned, the relatively isolated and prominent position of the proposed bin store, together with its appearance, would not enhance the character or appearance of the CCCA.
14. I have attached weight to the fact that this is a sustainable town centre location, that the supply of housing should be boosted and that the use of previously developed land should be encouraged. I am also satisfied that the proposed materials would be appropriate in this location. However, balanced against these factors is the requirement for good design and in particular the need for development that responds to local character, is visually attractive and adds to the quality of an area. The National Planning Policy Framework confirms that, in essence, permission should be refused for development of a poor design and that account should be taken of the desirability for new development to make a positive contribution to local character and distinctiveness.
15. The design, bulk and mass of the proposed residential and commercial building would result in an overly dominant development which would sit uncomfortably with its neighbours and would not preserve or enhance the character or appearance of the CCCA.
16. Saved policies H12 and BE4 of the Christchurch Borough Local Plan require residential development to be appropriate for the locality in terms of character, scale and design and that in conservation areas development should complement existing buildings. Policies HE1 and HE2 of the Christchurch and East Dorset Core Strategy (CS) require high quality design that enhances areas of recognised local distinctiveness and which conserves, and where appropriate enhances, heritage assets. This proposal does not meet the policy requirements.

Heathland Mitigation

17. The proposed development is within 5 km of the Dorset Heathlands area of European ecological importance and a financial contribution towards mitigation measures is required under policy ME2 of the CS. I consider that such a requirement is justified and to that end the appellant has submitted an executed Unilateral Undertaking which I conclude overcomes the second reason for refusal.

Conclusion

18. Although I am satisfied that an appropriate contribution towards heathland mitigation measures can be secured that does not outweigh my concerns regarding the design and appearance of the proposed development which would be detrimental to the character of the CCCA. For the reasons given above the appeal should be dismissed.

David Hogger

Inspector