

Appeal Decision

Site visit made on 20 September 2016

by R Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC

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

Decision date: 18th October 2016

Appeal Ref: APP/Q1255/W/16/3151723

Malcolm Cottage, 38A The Avenue, Poole, Dorset BH13 6HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr L Cantwell against the decision of Poole Council.
 - The application Ref APP/15/01598/P, dated 23 October 2015, was refused by notice dated 12 February 2016.
 - The development proposed is to 'demolish house, erect five houses; two pairs semi-detached, one detached'.
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Decision

1. The appeal is allowed and outline planning permission is granted to 'demolish house, erect five houses; two pairs semi-detached, one detached' at Malcolm Cottage, 38A The Avenue, Poole, Dorset BH13 6HE, in accordance with outline planning application Ref APP/15/01598/P, dated 23 October 2015, subject to the conditions set out in Annex A to my Decision.

Procedural Matters

2. The appeal application was made in outline with all matters reserved for future consideration. Plans indicating a proposed site layout and elevations are included within the appeal application. It is agreed between the two main parties that these are for illustrative purposes only. I have made my Decision on this basis.
3. An application for costs was made by the appellant against Poole Council. That application is the subject of a separate Decision.

Main Issue

4. The effect of the appeal proposal on the character and appearance of the locality.

Reasons

Character and Appearance

5. The appeal site includes a two storey house in a run-down condition set within a large garden including planting and some large trees. Some trees within the appeal site are included within the Borough of Poole Tree Preservation Order 81/1996. It sits to the rear of The Pines, which includes a number of blocks of flats and its parking areas. One of its parking areas is sited close to the boundary with the appeal site. It is accessed by a shared driveway that runs to one side of The Pines.
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6. The Avenue is a tree lined road. Blocks of flats in spacious grounds predominate. To the rear of The Avenue nearer Forest Road, development is tighter with smaller blocks of flats and houses with more modest gardens. However, overall, the character and appearance of the locality generally is sylvan and spacious comprised of dwellings with a variety in type, size and design.
7. The existing building is a medium sized two storey house with pleasant detailing. I have no substantive evidence to suggest that it is of special architectural or historic interest. Whilst it does contribute to the varied character and appearance of the locality and its loss would be regrettable new development could equally contribute. On this basis, this would not, in itself justify refusing the appeal proposal.
8. Although layout is a matter for future consideration, the illustrative layout included in the appeal application satisfies me that five dwellings could be accommodated on the appeal site in a manner that would provide a spacious and sylvan development that would integrate successfully into this locality. There would be adequate space to ensure that protected trees and boundary planting could remain. It could accommodate a development with adequate rear gardens, space in front and to the side of the dwellings with satisfactory space for additional planting to soften the development. Whilst I acknowledge that development on the appeal site could be visible from The Avenue, I noted on my site visit, other development that could be seen from The Avenue to the rear of the blocks of flats. Therefore, the appeal development would not appear out of place. Whilst scale and appearance are matters for future consideration, the illustrative elevations indicate development of two and a half storeys. Such development could have an acceptable relationship with neighbouring development, including The Gables and The Pines, which could be separated from the proposed houses by trees and planting.
9. It has been brought to my attention that a number of conservation areas are close by. I have very limited information on each. However, as I have found that the appeal development would successfully integrate into the locality it follows that it would preserve the character and appearance of those conservation areas.
10. All in all, I conclude that the appeal development would not adversely affect the character and appearance of the locality and would generally accord with Poole Core Strategy (2009) Policy PCS 5. That policy states that proposals for residential development will be expected to contribute positively to the character and function of Poole and its communities. In particular, it would accord with CS Policy PCS 5 (iii), which states that residential proposals involving plot severance 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.

Other Matters

11. The appellant has submitted a planning obligation to secure a financial contribution towards measures to avoid or mitigate against any adverse effect on the Dorset Heathlands. The Council confirm that this has resolved their initial objection in this regard. As the proposed financial contribution is necessary to make the development acceptable in planning terms, directly

related to the development proposed and fairly and reasonably related in scale and kind to the development proposed, it weighs in favour of the appeal.

12. Whilst I note that access is a reserved matter for future consideration, the illustrative layout indicates the use of the existing access from The Avenue. As this is wide enough to accommodate a two-way flow with a footpath and good visibility at its junction with The Avenue, I have no reason to take a different view to the Council on this matter. Further, the illustrative layout indicates that parking could be accommodated within each plot along with communal visitors' parking. Such a development would not result in additional on-street parking or the necessity for parking on adjacent sites. In summary, the appeal development could be accommodated on the appeal site without adversely affecting the safety of road users or the convenience of neighbours.
13. Whilst provision of access to future development at 36A The Avenue is suggested by some objectors, such a proposal is not before me. I have also noted comments regarding the Right of Way over The Pines which may cast doubt on the certainty of the proposed development being carried out. However, this is not a planning matter. I have very limited evidence to suggest that local schools, recreation provision or utilities could not accommodate the four additional residential units proposed.
14. Any harm to bats at the appeal site could be controlled through a suitably worded planning condition. I have no substantive evidence of harm to any other ecology. Whilst some disruption to neighbours during construction would be inevitable, this would be for a limited period only and there is some separation between neighbours and the appeal site. Therefore it would be unlikely to be harmful. As the appeal development would be well screened by existing planting, could include new planting and due to the separation distance from neighbouring development, noise and disturbance from future occupiers including from moving wheelie bins would be unlikely to be harmful.
15. I note comments regarding the consultation that the Council undertook as part of the appeal planning application. However, this is a matter between those affected people and the Council in the first instance.

Conditions

16. I have considered the conditions suggested by the Council to ensure consistency with paragraphs 203 and 206 of the Framework and Planning Practice Guidance: Use of Planning Conditions. Subject to minor revisions and simplifications I have agreed to most. For clarity and in the interest of proper planning I have imposed the standard commencement, compliance with approved plans and submission of reserved matters conditions. Details of bin storage and the proposed collection regime could be dealt with at a later stage and is not necessary at this stage. A condition to ensure a bat survey is carried out as part of the layout design process is necessary to preserve a protected species. The provision of details at this stage of on-site renewable energy sources will help to ensure a sustainable development results.

Conclusion

17. For the above reasons and taking into account all other matters raised, including those of third parties, I conclude that the appeal should be allowed.

R Barrett

INSPECTOR

ANNEX A

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with drawing number 1:1250 Location Plan supplied by Xerocad serial number 1579935 received 12 November 2015 and site plan marked 90700 received 12 November 2015.
- 5) Concurrent with the submission of details to discharge the reserved matters of 'layout' a bat survey of the site including the existing building shall be undertaken and submitted for the approval of the local planning authority together with a scheme of mitigation measures appropriate to the survey's conclusions. The mitigation measures shall be implemented wholly in accordance with the agreed scheme.
- 6) Prior to the commencement of the development hereby permitted, details of the use of on-site renewable energy sources to meet a minimum of 10% of predicted energy use of the residential development, shall be submitted to and approved in writing by the local planning authority and subsequently implemented, retained and maintained.