
Appeal Decision

Site visit made on 15 November 2016

by Alex Hutson MATP CMLI MArborA

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

Decision date: 9th December 2016

Appeal Ref: APP/Q1255/W/16/3155516

22 Junction Road, Hamworthy, Poole, Dorset BH16 5DB

- 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 R & S Properties against the decision of Poole Council.
 - The application Ref APP/16/00527/F, dated 4 April 2016, was refused by notice dated 27 May 2016.
 - The development proposed is alterations and additions to form additional dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for alterations and additions to form additional dwelling at 22 Junction Road, Hamworthy, Poole, Dorset BH16 6DB in accordance with the terms of the application, Ref APP/16/00527/F, dated 4 April 2016, subject to the following conditions:
 - 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: 5988-1; 5988-2; and 5988-3.
 - 3) Prior to the occupation 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 development hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. The on-site renewable energy sources shall be implemented in accordance with the approved details and shall be retained and maintained thereafter.
 - 4) Prior to the occupation of the development hereby permitted, details of secure cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The secure cycle parking facilities shall be implemented in accordance with the approved details and shall be retained thereafter.
 - 5) Notwithstanding the vertical cladding to the front elevation as shown on plan 5988-3, the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
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Preliminary matter

2. One of the Council's reasons for refusal relates to a lack of a financial contribution to mitigate the effects of the proposed development upon the Dorset Heathlands¹. However, the appellant has subsequently submitted an agreement under Section 111 of the Local Government Act 1972 to provide for this payment. Furthermore, the Council has confirmed that payment has been received in accordance with the agreement. Consequently, the Council has withdrawn their reason for refusal in respect of this matter. I deal with this matter under the *Dorset Heathlands* heading below.

Main issue

3. The main issue is the effect of the proposal on highway safety.

Reasons

Highway safety

4. The appeal site comprises a three bedroom, two-storey, end of terrace dwelling and its associated side and rear garden, located at the end of a section of Junction Road that is a cul-de-sac. The proposal would alter and extend the appeal property to form an additional two bedroom dwelling. No on-site parking would be provided as part of the proposal.
5. The Council's Parking and Highway Layout in Development Supplementary Planning Document 2011 (SPD) sets out the parking requirements for the Borough. The SPD identifies that within Parking Zone 3, within which the appeal site is located, one parking space would be required for the type of development proposed.
6. I acknowledge that the appeal site is within close proximity to bus routes to the town centre and Hamworthy train station. However, whilst the location may discourage some car use by any future occupiers, it does not necessarily mean that they would not own a car. As such, I would concur with the Council that provision should be made.
7. Nevertheless, during my site visit, which occurred mid-morning, I was able to walk around the local streets in the area, including the wider parts of Junction Road. Whilst only a snapshot in time, I observed that along Junction Road, including the cul-de-sac part of it, on-street parking opportunities were indeed considerable. There is no substantive evidence before me to demonstrate that this situation would be likely to alter significantly throughout the day or evening, including at weekends, notwithstanding that many dwellings in the area do not have on-site parking.
8. Moreover, whilst the Council indicates that at the time they visited the site the area was 'quite congested', and has supplied some photographs, this is not sufficient, in my view, and furthermore without any detailed parking survey information, to demonstrate on-street parking in the area is at full capacity. In addition, whilst the Council raises the concern that cars park within the turning head near to the appeal site, there are no parking controls along the road that could restrict this from occurring in any event.

¹ Dorset Heathlands Special Protection Area, Dorset Heathlands Ramsar Site, Dorset Heathlands Special Area of Conservation and Dorset Heathlands Special Area of Conservation (Purbeck and Wareham) and Studland Dunes

9. I acknowledge the Council's argument that the consent of small schemes with no on-site parking provision could have a cumulative impact in respect of on-street parking pressure. On this matter, the Council makes reference to other similar sites in the area where development similar to that proposed could come forward in the future. Nevertheless, no specific sites have been drawn to my attention that would allow me to consider this matter further, and there is no evidence of any planning applications since the date of the Council's decision notice, either consented or pending, which could affect on-street parking capacity in the area. As such, I have no substantive reasons to consider that any harmful cumulative impacts would arise in this instance. Furthermore, each case should be considered on its own merits.
10. I therefore conclude that whilst contrary to the Council's parking standards, any on-street parking requirement for one additional car generated by the proposal, could be safely accommodated on the roads within the vicinity of the appeal site. Furthermore, I do not consider that it has been demonstrated by the Council that even if there was a material deficiency of on-street parking spaces, it would be bound to have a harmful effect on highway safety.
11. I therefore consider that whilst the proposal would fail to provide the required level of on-site parking to meet the Council's parking standards, it would not be likely to result in any additional on-street parking that would harm the safe use of the highway or cause inconvenience or transport problems for highway users or for any users of the proposal, including any users with restricted mobility.
12. Consequently, the proposal would not result in harm to highway safety and would therefore accord with Policies DM7- Accessibility and Safety and DM8- Demand Management, of the Poole Site Specific Allocations and Development Management Policies Development Plan Document 2012 (DPD); and Policies PCS15- Access and Movement and PCS26- Delivering Locally Distinctive, Self-Reliant Places, of the Poole Core Strategy 2009 (Core Strategy). These policies require, amongst other things, development not to compromise highway safety and to create safe and accessible places. The proposal would also comply with the aims and objectives of the National Planning Policy Framework (the Framework) which seek development to provide safe and suitable access and which recognise that development should only be prevented or refused on transport grounds where cumulative impacts are severe.
13. Whilst the Council cites conflict with Policy PCS5- Broad Locations for Residential Development, of the Core Strategy, this policy does not specifically relate to highway safety and is therefore not of particular relevance to this main issue.

Dorset Heathlands

14. The appeal site is located within 400m-5km of the Dorset Heathlands. The agreement and associated financial contribution seek to address Policy PCS28- Dorset Heaths International Designations, of the Core Strategy; and Policy DM9- Green Infrastructure, of the DPD. These policies require development not to adversely affect the integrity of international designations and that any necessary mitigation measures are provided. The Dorset Heathlands Planning Framework 2015-2020 Supplementary Planning Document 2016 (DHPF) sets out the measures required to avoid harm to the Dorset Heathlands, including in respect of the type of development proposed, setting out that financial

contributions are required towards Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM).

15. The Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which would secure a contribution towards SANG. The DHPF sets out that SAMM contributions, to which the agreement directly refers to, would fund non-infrastructure projects such as educational activities, wardening, volunteer arrangements and monitoring. I agree that the payment is necessary to make the development acceptable in planning terms, is directly related to the proposal and is fairly and reasonably related in scale and kind. As such it satisfies the policy tests in paragraph 204 of the Framework as well as the statutory tests in regulation 122 of the CIL Regulations 2010 (as amended). I am therefore satisfied that the proposal would not adversely affect the integrity of the Dorset Heathlands and would comply with Policy PCS28 of the Core Strategy and Policy DM9 of the DPD. It would also comply with Paragraph 118 of the Framework which seeks adequate mitigation for European sites.

Other matters

16. The Council makes reference to a number of recent appeal decisions² in support of their case. However, the sites to which these appeal decisions relate do not appear to be within the vicinity of the appeal site and are therefore unlikely to share the same context. I also note that two of the appeal decisions relate to proposals for the development of flats and cannot, therefore, be reasonably compared to the development of a two bedroom, single family dwelling in terms of the number of vehicles or parking demand likely to be generated. I therefore afford limited weight to these appeal decisions in my consideration of this appeal. Furthermore, each case must be determined on its own merits.
17. I acknowledge a number of third party concerns, including in respect of emergency services access, access for construction vehicles, neighbour living conditions matters, the character and appearance of the area and the proposed rear access from the appeal site onto a footpath. However, these matters were not raised as a concern by the Council and did not form part of their reasons for refusal. On the basis of the evidence before me and my own observations, I have no substantive reasons to take a different view on these matters.

Conditions

18. I have had regard to the planning conditions suggested by the Council. I have amended some of these for clarity and conciseness. In addition to the statutory time limit condition, a condition specifying the relevant drawings is necessary as this provides certainty. A condition relating to materials is necessary in the interests of character and appearance. A condition relating to renewable energy is necessary in the interests of the sustainable use of resources. I also agree a condition relating to secure cycle parking is necessary in the interests of sustainable transport.
19. However, given the modest scale of the development hereby permitted and that no landscape features of any importance would be removed, I do not consider that a landscaping condition is necessary in this instance.

² Ref APP/Q1255/W/16/3145682, Ref APP/Q1255/W/15/3133988 and Ref APP/Q1255/W/15/3004500

Conclusion

20. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be allowed.

Alex Hutson

INSPECTOR