The Planning Inspectorate

Appeal Decision

Site visit made on 25 October 2016

by R J Marshall LLB DipTP MRTPI

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

Decision date: 19 December 2016

Appeal Ref: APP/Q1255/W/16/3155194
113-115, Foxholes Road, Poole, BH15 3NE

- 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 D Farrar and D Fincham against the decision of Poole Council.
- The application Ref APP/16/00471/F, dated 21 March 2016, was refused by notice dated 5 May 2016.
- The development proposed is Demolish existing bungalow no. 113 Foxhills Road, create new shared access road, and construct 1 no. two storey detached house, 1 no. two storey chalet bungalow, and 3 no. 1.5 storey detached houses, and open car port structure over 2 no. parking spaces. Existing dwelling no. 115 Foxhills Road to be retained.

Decision

1. The appeal is dismissed.

Background

2. One of the grounds on which permission had been refused was on harm to the Dorset Heathlands Special Protection Area (SPA) in the absence of a financial contribution towards mitigation measures. The appellant has subsequently provided an upfront payment, to the Council's satisfaction, to contribute towards the required mitigation. The Council has acknowledged its receipt and the appellants have provided a legal agreement clearly linking the money paid to the required mitigation. As such I am satisfied that the SPA reason for refusal has been satisfactorily overcome. This is reflected in my choice of issues below.

Main Issues

3. The main issues in this appeal are: **first**, whether the proposed development is a good design that would be appropriate in its context; and **second**, whether satisfactory living conditions would be provided for the occupier of the proposed house at No. 113 Foxholes Road.

Reasons

First issue

4. The appeal site is in an established residential area containing a mix of detached and semi-detached houses and bungalows of varied designs and styles. The site fronts onto Foxholes Road, a lengthy road fronted by

development typical of the wider area. Currently on the site are 2 detached bungalows towards the road frontage which have lengthy rear garden backing onto a local school. These gardens slope down fairly steeply to the rear.

5. The proposed development would retain the existing bungalow at No. 115. The adjoining bungalow, No.113, would be demolished and replaced by a house set further back on the site. Set yet further back on the site would be a chalet bungalow located close to its south-west boundary. At the far end of the site would be a row of three 1.5 storey dwellings occupying almost its full width. No. 115 would continue to be served by its own access. Adjoining this would be a new access leading between Nos. 115 and 113 to the rear of the site. In 2015 the Council granted permission for a not dissimilar development, albeit one that did not provide the chalet bungalow midway down the site, contained a different access arrangement and had the 3 rearmost dwellings set further from the back boundary.

6. Contrary to the view of the Council I consider that the proposed dwellings would have sufficient space around them to accord acceptably with the character and appearance of the area. For dwellings in the vicinity are located quite close to each other and garden sizes vary. In this context I see no harm in the proximity of the proposed dwellings one to another and nor to the garden sizes that would be provided.

7. A pleasing attribute of the site had been a row of 5 protected oak trees on its rear boundary. Sadly 4 were diseased and had to be removed. This leaves just one oak tree on this boundary at its western edge. Replacement planting has been undertaken on the remainder of the boundary.

8. The nearest of the proposed dwellings to the retained oak tree would be well removed from its root protection area. Thus its construction would cause no harm to the tree. This new dwelling would also be far enough away from the tree canopy for it to be unlikely to lead to future requests to lop or fell it. Thus this attractive tree, and the degree to which it adds to the pleasantly verdant nature of its surroundings, would be unharmed.

9. Had the other oak trees been replaced by English oaks as the Council would prefer I have no doubt that the proposed houses at this end of the site would be too close to them. For over the passage of time, albeit a substantial period, the tree canopies would begin to intrude on their rear gardens and lead to requests for felling or lopping. Thus long term the proposed development would have detracted from the character and appearance of the area.

10. However, the trees the appellant has planted are Cypress Oaks. It seems that they are tall columnar trees that would not have the same extensive crown. On this basis I consider that the proposed dwellings would be sufficiently removed from these trees to enable them to grow reasonably unhindered and to remain to provide some additional greenery to the area. And although the Council says that the appellant should be required to plant English Oaks given the conditions on the TPO consent this does not, without further evidence or explanation, appear to be borne out by the information before me.

11. So in the respects above the proposed development would be acceptable on this issue. However, I have substantial concerns about the amount of hard surfacing proposed within that part of the site leading down from the rear of the replacement dwelling at No. 113 towards the back of the site. From this

point onwards, which is a substantial proportion of the site, the proposed access road would start to widen out substantially to more than 3 car widths and would remain as such down to the proposed houses at the rear. Some of this area would be used for visitor car parking. This substantial area of hard surfacing would add significantly to the hard surfaced area also to be provided as a turning area and parking spaces for the proposed dwellings. As a consequence there would be a degree of hard surfacing that would result in an unduly harsh form of development. This would be unattractive in its own right and would be out of accordance with the more verdant surroundings of the woodland to the south-west and extensive gardens directly to the north-east. And although the extent of the hardurfacing would not be greatly visible from Foxholes Road it would be seen from adjoining houses and by those living on and using the site. It would, thereby, detract from the way the immediate locality is perceived.

12. In arriving at my view above I am mindful of backland development locally to which appellant has referred and which I saw. However, these schemes differ from the proposal before me either in terms of their surroundings or their scale. Moreover, in one instance I found the degree of hardstanding so extensive as to create a rather unattractive environment and one that, ideally, should not be replicated. I do not consider these cases, therefore, to support the appellants' scheme.

13. I have in mind also the fact that permission already exists for 4 dwellings on the site. In comparison with this scheme the proposed development would have a rather more attractive entrance from Foxholes Road and provide a more spacious frontage for the new house at No. 113. However, neither this nor other differences referred to lead me to conclude, as the appellant alleges, that the current scheme is more acceptable.

14. It is concluded that the proposed development would not constitute a good design and would not be appropriate in its context. It would conflict with Policies PCS05 and PCS23 of the Poole Core Strategy (2009) in so far that they require new development to contribute positively to the character of Poole, exhibit a high standard of design and respect the setting and character of the site.

Second issue

15. A proportion of the rear garden of the proposed house at No. 113 would be adjacent to the side wall of the adjoining house at No. 111. However, from what I saw the degree to which the adjoining house is removed from the boundary with the appeal site, and the extent to which the rear garden of No. 113 will extend beyond the rear wall of No.111, should prevent any undue degree of overshadowing. The apellants' shading diagrams tend to bear this out and the Council has provided to technical evidence to the contrary. I do not find the appeal case referred to by the Council on this matter to be particularly persuasive as the circumstances of that case would seem to differ significantly from that before me.

16. It is concluded that the proposed development would provide satisfactory living conditions for the occupier of the proposed house at No. 113 Foxholes Road. It would comply with Policy DM1 of the Poole Site Specific Allocations and Development Management Policies in so far that it seeks to ensure satisfactory living conditions.

Other matters

17. The proposal would provide additional housing in an urban area reasonably well connected to public services and facilities and would provide an additional house over and above that which would be provided on a permitted scheme.

Overall balance and conclusion

18. The proposed development would provide acceptable living conditions for future residents for the reasons outlined. And the provision of additional housing in a reasonably sustainable location would be of some, albeit minor, economic, social and environmental benefit. Thus to some degree the proposal would meet the 3 dimensions of sustainable development set out in the National Planning Policy Framework (the Framework). However, the social and environmental dimensions also require new development to create a high quality built environment and to contribute to protecting and enhancing the built environment. For the reasons I have given the proposed development would fail in these respects, and in the overall balance it is this that I find decisive. Thus seen in the round this would not be sustainable development.

19. For the reasons given above it is concluded that the appeal should be dismissed.

R J Marshall

INSPECTOR