

Appeal Decision

Site visit made on 3 January 2017

by C Jack BSc(Hons) MA MA(TP) MRTPI

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

Decision date: 26 January 2017

Appeal Ref: APP/Q1255/W/16/3157251

46 & 48 Panorama Road, Poole BH13 7RE

- 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 David Quill against the decision of Poole Council.
 - The application Ref APP/16/00171/F, dated 1 February 2016, was refused by notice dated 8 June 2016.
 - The development proposed is to demolish the existing dwellings and construct two detached replacement houses with integral garaging.
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Decision

1. The appeal is allowed and planning permission is granted to demolish the existing dwellings and construct two detached replacement houses with integral garaging at 46 & 48 Panorama Road, Poole BH13 7RE in accordance with the terms of the application, Ref APP/16/00171/F, dated 1 February 2016, subject to the Schedule of Conditions to this Decision.

Main Issues

2. The main issues are the effect of the proposed development on i) the character and appearance of the area, including the adjacent Sandbanks Conservation Area and ii) whether the proposed development would be safe from flooding.

Reasons

3. The appeal site is situated in the Sandbanks area of Poole on the waterward side of Panorama Road, with direct access to the Poole Harbour shoreline at the rear. There are two existing residential properties on the site, which have a rundown appearance and the site is partly enclosed by temporary hoardings. 46 Panorama Road is a two-storey house occupying the front of the site, facing onto the road. The replacement house proposed for No 46 is referred to in the appeal as House 2. 48 Panorama Road is a single-storey dwelling situated on a small mound to the rear of No 46. The replacement house proposed for No 48 is referred to as House 1.
 4. The site lies adjacent to the boundary of the Sandbanks Conservation Area (SCA), a designated heritage asset. The area is predominantly residential in character, with a wide variety of mainly detached properties. A public footpath to the foreshore runs along one side of the site, with the Royal Motor Yacht Club (RMYC) immediately beyond. Trees are a notable feature of the area, particularly Monterey Pines, of which there are specimens subject to a Tree Preservation Order within the appeal site that make a positive contribution to the street scene.
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Character and appearance

5. House 1 would have three storeys, with the lower ground floor essentially cut into the mound. House 2 would have two storeys. Both would be of modern design and materials and have off street parking, an integral garage and a rear garden. The Council has no in-principle objection to the proposed flat roofs design, but is concerned that, in combination with the proposed height, width, scale and horizontal emphasis, the replacement houses would not be in keeping with the surroundings.
6. I acknowledge that the proposed design would be notably different to the traditional style of the existing buildings. However, I consider that it would relate appropriately to the varied nature of the built surroundings, which includes a number of replacement or refurbished properties of modern appearance. The form and layout of the proposal would respond to the site and adjacent properties, including the curved design to the first floor of House 2, which would address the corner of the site with the road and with the footpath without being unduly prominent. The proposed footprints of the replacement buildings would not be significantly different in size to the existing footprints and the front of House 2 would be set back from the front of neighbouring 44 Panorama Road, albeit to a lesser extent than No 46 currently is.
7. House 2 would be wider than No 46 and accordingly significantly wider than No 44. However, this would not be out of keeping in the local area, where the width of properties is generally varied, albeit the road-facing elevation of No 44 is noticeably narrower than others nearby.
8. House 1 would be significantly taller and more visually imposing than the existing bungalow, including because it would be visible above House 2 when viewed from the road. However, this view would be framed and softened by the existing mature trees and would not be dissimilar to the relationship between No 44 and the substantial detached house of modern design behind it, 2 The Horseshoe, which can also be seen from Panorama Road but is not unduly prominent. Furthermore, House 1 would not be as tall as the ridge of 2 The Horseshoe, which would be particularly relevant in shoreline views, where House 1 would not be dominant or out of keeping in scale and appearance in relation to the varied neighbouring shoreline houses, which include examples of markedly modern design, flat roofs and various materials.
9. In shoreline views towards the SCA, the proposal would be seen against the backdrop of the large boathouse and yard at the RMYC. The RMYC would also be predominant in views towards the site from within the majority of the SCA beyond. The existing site, with its rundown appearance, does not contribute positively to the setting of the SCA. Moreover, there is no significant evidence before me that the existing houses are of any architectural or historic merit that would make them particularly worthy of retention. Accordingly, I consider that the proposed scheme would enhance the character and appearance of the site and therefore of the setting of the SCA.
10. I conclude that the proposed development would not harm the character or appearance of the area, including the adjacent Sandbanks Conservation Area. I therefore find no conflict with adopted Policies PCS 5 and PCS 23 of the Poole Core Strategy 2009 (CS), which respectively set out broad locations and criteria for residential development, including that the design of buildings

should contribute positively to those attributes of a particular street which distinguish it, and requirements in relation to local distinctiveness, including that development should respect the shoreline character. I also find no conflict with adopted Policies DM 1 and DM 4 of the Poole Site Specific Allocations and Development Management Policies 2012 (SSADMP), which respectively set out general design criteria and criteria specific to development in the coastal zone, including that it would be required to protect and enhance the features that contribute to the character and appearance of the shoreline and coastal hinterland.

11. In light of my reasoning above, I further conclude that the proposed development would not harm the setting of the SCA. I therefore find no conflict with adopted Policy PCS 23 of the CS, which among other things seeks to ensure that development adjacent to conservation areas preserves or enhances their character and retains important historical or architectural features. It would also accord with the relevant expectations of the National Planning Policy Framework in this regard.

Flooding

12. It is apparent from the appellant's Flood Risk Assessment that the site lies within Flood Zone 1 however, the rear site boundary abuts the edge of Flood Zone 3. The replacement houses would both be sited within Flood Zone 1. The finished ground floor level of House 2, at 2.7mAOD, would be an improvement over the existing situation at No 46, where the appellant advises the floor level is at 1.91mAOD. On this basis, and considering that the proposal relates to replacement dwellings, the Environment Agency (EA) has no objection to the proposed development. Notwithstanding this, the EA would prefer the finished ground floor level of House 2 to be raised to 3.6mAOD, which would be above the 1 in 200 year tidal flood level, in order provide sufficient flood risk protection for the lifetime of the development.
13. In this regard, I acknowledge the Council's concerns that further increasing the floor levels of House 2 would be likely to require an increase in the overall height of the building, and could potentially compromise the design. In the absence of any alternative drawings I cannot consider this in any significant detail. However, given that the height of the buildings fronting this part of Panorama Road steadily decreases in the direction of the SCA, culminating at House 2, this is a concern to which I nonetheless give moderate weight because it could affect the character and appearance of the proposal.
14. Notwithstanding this, although the flood risk protection provided at House 2 would not be optimal for the design life of the building, it would offer a significant improvement over No 46. That existing dwelling could be reoccupied thereby placing the occupants at a significantly greater risk of flooding compared to occupants of the proposed replacement dwelling. Accordingly, the redevelopment of the site represents an opportunity to reduce the impacts of flooding, and would not increase flood risk overall.
15. I am therefore satisfied that the proposed development would be adequately safe from flooding and I find no conflict with adopted Policy PCS 34 of the CS, which seeks to ensure that development would avoid the risk of harm from flooding.

Other Matters

16. The site lies immediately adjacent to Poole Harbour Site of Special Scientific Interest (SSSI), which is part of the Poole Harbour Special Protection Area (PHSPA), a European designation, and Poole Harbour Wetland of International Importance under the Ramsar Convention (Ramsar Site). The site also lies within 5km of the Dorset Heathlands Special Protection Area (DHSPA), another European designated site.
17. Natural England advises that, given the nature and scale of the proposal, there is not likely to be an adverse effect on the PHSPA, Ramsar Site or the SSSI. There is no significant evidence before me to suggest otherwise, and I see no reason to disagree with this position. Accordingly, I am satisfied that there would be no likely significant effects arising from the development, which therefore would not affect the overall integrity of the PHSPA and Ramsar Site or the features of special interest for which the SSSI is notified.
18. It is established that any development resulting in a net increase in the number of dwellings within 5km of the DHSPA, without avoidance measures, would be likely to have a significant effect on the SPA within the meaning of the Conservation of Habitats and Species Regulations 2010. As the proposed development relates only to replacement dwellings there would be no such net increase. I am therefore satisfied, in the absence of any significant evidence to the contrary, that there would be no likely significant effects arising from the development and no conflict with the adopted Dorset Heathlands Planning Framework 2015-2020 Supplementary Planning Document. Accordingly, I am also satisfied that the development would not affect the overall integrity of the DHSPA.
19. The Council's Officer Report indicated that it intended the lack of a bat survey to form the basis of an additional reason for refusal, which was omitted from its decision notice in error. However, the Council acknowledges that no evidence of bats was found in the survey subsequently submitted with the appeal, albeit No 46 was found to offer potential to support roosting species, and that compliance with the Biodiversity Mitigation Plan could be secured by condition.

Conditions

20. I have considered the various conditions suggested by the Council, to which the appellant has no objection, as well as those suggested by other parties, including Natural England and the Environment Agency. Where necessary I have amended the conditions for clarity or accuracy. I have not imposed a condition in relation to an increased finished ground floor level of House 2, as this is not necessary for the reasons set out above in relation to flooding. I have also not required that the landscaping scheme must be permanently retained as I do not find it necessary to control the landscaping of the private garden areas in perpetuity because it would be unreasonable to impose that level of control.
21. In addition to the standard time limit, I have imposed a condition specifying the approved plans, as this provides certainty. Conditions relating to materials and landscaping are required in the interests of character and appearance. A condition relating to the control of construction noise is necessary due to the significant bird sensitivities of the area. A condition in relation to front boundary treatment and associated visibility splays is necessary in the interests

of highway safety. A detailed arboricultural condition is necessary in the interests of safeguarding protected trees. A condition to secure the provision of the access, car parking and turning facilities, and permeable surfacing is necessary to ensure the satisfactory and sustainable operation of the development. A condition to ensure compliance with the approved Biodiversity Mitigation Plan is necessary in the interests of biodiversity including protected species. Conditions relating to obscured glazing and screening, the restriction of additional windows, and the use of the roof area are necessary in the interests of privacy and the character of the area. A condition relating to renewable energy sources is required in the interests of sustainability.

Conclusion

22. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

Catherine Jack

INSPECTOR

SCHEDULE OF 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: 1318 21; 1318 22; 1318 23; 1318 24; 1318 25; 1318 26; 1318 27; 1318 28; 1318 29; and 1318 30.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the approved plans.
- 4) No percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbA_{max} measured to the nearest point of the Poole Harbour SSSI) shall be undertaken during the bird overwintering period (October to March inclusive).
- 5) Notwithstanding the approved plans, details of a scheme for the front boundary treatment and gates, including pedestrian visibility splays either side of the vehicular access, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the first residential occupation of the development and retained and maintained at all times thereafter. The approved pedestrian visibility splays shall be kept permanently clear of all obstructions over 0.6 metres above the level of the adjoining highway.
- 6) Prior to commencement of the development on site an up-to-date arboricultural method statement and tree protection plan prepared by a suitably qualified person and providing comprehensive details of construction works in relation to trees shall be submitted to and approved in writing by the local planning authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:
 - a) a specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing;
 - b) a specification for scaffolding and ground protection within tree protection zones in accordance with BS5837;
 - c) a schedule of tree works conforming to BS3998;
 - d) details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
 - e) plans and particulars showing the siting of the service and piping infrastructure;
 - f) a full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access

- driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- g) details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the local planning authority of the findings of the supervisory visits; and
 - h) details of all other related activities which have implications for trees on or adjacent to the site.
- 7) The landscaping shown on the approved plans (including provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels) shall be carried out as follows:
- a) the approved landscaping shall be fully implemented with new planting carried out in the planting season following the first occupation of the dwellings or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the local planning authority;
 - b) all planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting; and
 - c) the landscaping shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species.
- 8) The development hereby permitted shall not be occupied until the access, vehicle parking and turning areas and garaging have been provided in accordance with the approved plans and all hard surfaces shall either be constructed of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the site. All such facilities shall thereafter be retained and kept available for the parking and turning of vehicles.
- 9) The dwellings hereby permitted shall not be occupied until the first floor windows shown on the east elevations of the approved plans have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.
- 10) Prior to the first occupation of House 1 an obscure glazed screen of a minimum of 1.8 metres in height shall be erected along the east side of the first floor rear terrace. Details of the screen, including the type of obscured glazing, shall be submitted to and approved in writing by the local planning authority before the screen is installed and once installed the screen shall be retained thereafter.

- 11) A scheme to ensure a minimum of 10% of predicted energy use of the development is met from on-site renewable energy sources shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to the first occupation of the houses hereby permitted and once installed the on-site renewable energy sources shall be retained thereafter.
- 12) The development hereby approved shall be carried out in complete accordance with the Biodiversity Mitigation Plan prepared by KP Ecology and dated 9 August 2016.
- 13) The roof area of the dwellings hereby permitted shall not be used as a balcony, roof garden or similar amenity area.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed above ground floor level on the east elevation of the dwellings hereby permitted.