
Appeal Decision

Site visit made on 24 January 2017

by R J Jackson BA MPhil DMS MRTPI MCMi

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

Decision date: 10 February 2017

Appeal Ref: APP/Q1255/W/16/3160892
47 Enfield Road, Poole BH15 3LJ

- 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 Ms Sue Swan against the decision of Poole Council.
 - The application Ref APP/16/01093/F, dated 13 July 2016, was refused by notice dated 13 September 2016.
 - The development proposed is to sever the land to the rear of 45 & 47 Enfield Road, demolish existing garage and erect a 2 bedroom bungalow with gardens and parking.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. An amended plan was submitted during the consideration of the application by the Council amending the access arrangements. The Council made its decision based on the amended plan and I also have used it.
3. The Council refused the application for two reasons, firstly relating to the effect on the character and appearance of the area and secondly relating to the effect on the Dorset Heathlands¹. However, in a letter to the Planning Inspectorate dated 23 December 2016 the Council indicated that an undertaking pursuant to Section 111 of the Local Government Act 1972 (as amended) and a contribution towards Strategic Access Monitoring and Management (SAMM) had been received the second reason "therefore no longer applies".

Main Issue

4. That being the case, the main issue is the effect on the character and appearance of the area.

Reasons

5. The appeal site lies in a residential area and forms the rearmost part of the rear gardens of a pair of semi-detached bungalows although one has had a roof conversion. The properties in the area are generally bungalows, although a number have had roof conversions. There are a number of houses including the pair of semi-detached properties immediately to the north in Old Farm

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.

- Road. The land form is generally flat although after a short distance it slopes down to the west.
6. The appeal site is directly adjacent to Enfield Avenue. Opposite, to the east, is a row of detached bungalows. These are closely spaced with only small gaps between properties, and these gaps are often filled by sections of fence or gates. The area has a spacious character due to the lengths of the gardens which can be glimpsed in views between properties and from cross roads, such as that facing the appeal site.
 7. The proposal is for the demolition of an outbuilding and the erection of a two bedroom bungalow facing Enfield Avenue. This would be located a short distance back from the road to allow parking in front of the property.
 8. There are no other dwellings on the western side facing Enfield Avenue between Enfield Road and Old Farm Road. Although the property would be located adjacent to an outbuilding in the rear garden of 69 Old Farm Road due to its size this structure appears as an outbuilding, and the proposed dwelling would appear as an isolated property. While there is the row of bungalows opposite this would be harmful to the street scene.
 9. While there would be space behind the dwelling at the bottom of the gardens facing Enfield Road the garden of the proposed property would be very small and the property would appear cramped both within its site and in the street scene and harmfully out of character with the area where garden areas are spacious.
 10. As such the proposal would be harmful to the character and appearance of the area. It would therefore be contrary to Policies PCS5 and PCS23 of the Poole Core Strategy (the PCS) which require that residential development will be expected to contribute positively to the character and function of Poole, 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 respects the setting and character of the site, surrounding area and adjoining buildings by virtue of its amenity space and density. It would also be contrary to paragraphs 58 and 64 of the National Planning Policy Framework which requires development to respond to local character, reflecting the identity of local surroundings, and indicates that permission should be refused for development that fails to take the opportunities available for improving the character of an area.

Other matters

11. The site lies beyond 400 m but within 5 km of the Dorset Heathlands. Natural England, the Government's specialist advisor, indicates that in this location, in the absence of suitable mitigation, additional residential development will have, in combination, a significant adverse impact on the integrity of the sites. This is taken through in the PCS and Policy DM 9 of the Poole Site Specific Allocations and Development Management Policies Development Plan Document. In addition the relevant Councils have published 'The Dorset Heathlands Planning Framework 2015 - 2020 Supplementary Planning Document' to provide a mechanism of providing mitigation through a range of measures which are identified in the document.

12. Through the appeal process I am the competent authority for the purposes of the Conservation of Species and Habitats Regulations 2010 (as amended), and notwithstanding the Council's agreement that the matter is resolved I need to be satisfied that the proposal, either on its own or in combination with other plans or projects, would not have a significant adverse effect on the Dorset Heathlands.
13. I have not been supplied with the documentation to show that appropriate mitigation would be in place to avoid any such effects and therefore cannot be so satisfied. However, as I am minded to dismiss the appeal for other reasons I need not take this matter further.
14. The appellant has referred to what she considers as other comparable developments in the locality. However I do not have full details of these schemes and the considerations, including policy context, which led to those decisions. In any event, each case needs to be considered on its own individual merits.

Conclusion

15. While the proposal would provide the benefit of an additional dwelling in a location where residential development is acceptable in principle, I find that the harm I have identified outweigh that benefit.
16. For the reasons given above I conclude that the appeal should be dismissed.

RJ Jackson

INSPECTOR