
Appeal Decision

Site visit made on 3 April 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 16 May 2017

Appeal Ref: APP/E1210/W/16/3164638

8-10 Grove Road East, Christchurch, Dorset BH23 2DQ

- 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 M Brooks against the decision of Christchurch Borough Council.
 - The application Ref 8/15/0573, dated 2 October 2015, was refused by notice dated 11 August 2016.
 - The development proposed is subdivision of existing plots, erection of 2 detached bungalows, formation of access and parking and associated works
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the surrounding area and on the living conditions of occupiers of neighbouring properties with particular regard to noise and disturbance.

Reasons

3. Grove Road East is a pleasant residential street characterised by traditional two-storey properties which generally front the highway. Dwellings are mostly set within larger than average, spacious plots which extend to the rear and which contain a variety of outbuildings and other structures. The wider area contains a mixture of house types and styles with generally more modest plot sizes and higher densities of residential development. While backland development is not commonplace along Grove Road East, it is nevertheless a recognisable feature within the wider area.
 4. Policy HE2 of the Christchurch and East Dorset Local Plan – Part 1 Core Strategy (2014) (CS) requires new development to be of a high quality which reflects and enhances local distinctiveness. It sets out a number of criteria against which proposals will be assessed including their visual impact and whether they are harmful to nearby properties in terms of general disturbance to amenity. Similarly, Policy H12 of Christchurch Local Plan (2001) (LP) permits development provided that, amongst other things, it respects the character of the locality and does not result in unacceptable levels of disturbance to occupiers of neighbouring properties.
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5. The appeal site comprises what is essentially the rear garden area of Nos 8 and 10, the former a two storey traditional building while the latter a more modest bungalow. The proposal would involve the subdivision of the site and the erection of two detached bungalows to the rear of these properties. Although they would not conform with the mostly 2 storey development surrounding the site, in view of their location generally in line with Nos 8 and 10, their visibility from the road would be considerably limited.
6. Furthermore, although they would be visible from the rear of neighbouring dwellings, they would integrate well with the neighbouring outbuildings, some of which I observed to be quite substantial, as well as with the more modest form of No 10 itself. I do not therefore consider the outlook would materially alter. While I note the Council's concerns regarding their siting, overall, they would integrate well into their surroundings and would not have any noticeable impact on the character and appearance of the surrounding area. I am therefore satisfied that the character and appearance of the surrounding area would not be adversely affected. As such, I find no conflict with CS Policy HE2 or LP Policy H12 in this respect.
7. Turning then to the effect of the proposal on the living conditions of occupiers of neighbouring properties, the proposal would intensify the use of this site and would introduce additional activity into an area currently used for mostly leisure purposes. However, I have seen nothing which would suggest that the sorts of activities likely to take place would be in anyway at odds with the surrounding residential development.
8. Nevertheless, the proposed access would be located between Nos 8 and 10, on what is currently the access way serving the rear of No 8. At present, its impact on the occupiers of these properties is limited with little, if any, noise and disturbance resulting from the vehicular use of this access. The proposed scheme, however, would introduce third party vehicular movements in close proximity to the side of these properties. With around 8 windows along its side elevation, its impact on the occupiers of No 8 would be noticeable. Without further information, for example on the number of movements likely to be generated, their impact on existing noise levels and their impact on the habitable rooms of Nos 8 and 10, I cannot be certain that any harm would remain within acceptable levels or could be sufficiently guarded against by means of a condition.
9. Consequently, although I have found that the proposal would not be detrimental to the character and appearance of the surrounding area, I am not persuaded that any disturbance to neighbouring occupiers would remain within acceptable levels. This would be contrary to CS Policy HE2 and LP Policy H12 both of which seek to protect against such harm.

Other Matters

10. The appellant has referred me to a number of recent appeal decisions with the most similar to the appeal scheme being those at nearby No 4¹ and Nos 26 and 28² Grove Road East. In respect of the former, while I agree with the conclusions of the Inspector in regard to the impact on the character and appearance of the area, it was clear from the evidence submitted that the

¹ APP/E1210/W/16/3158361

² APP/E1210/W/14/3000591

impact on the living conditions of the host property were considerable different. The side elevation of No 4, which sits alongside the access, has only one window which does not appear to serve any habitable room. In addition, with only 1 property proposed, the number of vehicles using the access would be lower. Likewise, in terms of the latter, the conclusions arrived at by that Inspector were clearly predicated upon the fall-back position in that appeal and the presence of a large workshop, other outbuildings and an extensive hard standing area³. Accordingly, I am satisfied that neither provides a justifiable precedent for the scheme currently proposed

11. The Council's second reason for refusal relates to the impact of the development on the Dorset Heathlands Special Protection Area and Ramsar Site and the Dorset Heaths Special Area of Conservation. The Council has confirmed as part of its written evidence that it has, since the application was determined, adopted a new Supplementary Planning Document (Dorset Heathlands Planning Framework 2015 – 2020), which replaces the previous regime. It requires a financial contribution to be made for each new residential dwelling to fund a range of mitigation measures. In order to address this reason for refusal the appellant has submitted a unilateral undertaking in respect of the contributions sought. Had the circumstances leading to the grant of planning permission been present, it would have been necessary to consider whether the UU secures the necessary mitigation measures. However, as I am dismissing for other reasons, I have not considered this matter any further.

Planning Balance and Conclusion

12. The appellant has asserted that the Council is unable to demonstrate an up to date 5 year supply of deliverable housing sites and that, accordingly, paragraph 14 of the national Planning Policy Framework is engaged. I do not have sufficient evidence before me to reach a firm conclusion on this either way. However, even were I to conclude that there was a shortfall of the level suggested by the appellant, in the absence of any detailed information to the contrary, I consider the likely harm to the living conditions of the occupiers of Nos 8 and 10 Grove Road East would significantly and demonstrably outweigh the modest benefits that would accrue from the proposal, the greatest of which would be its contribution towards local housing supply.
13. For the reasons set out above, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR

³ and the scope this provided for vehicular and other activity to take place