
Appeal Decision

Site visit made on 25 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/16/3165205

22 Wharncliffe Road, Highcliffe, Christchurch BH23 5DE

- 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 Jackson Developments against the decision of Christchurch Borough Council.
 - The application Ref 8/16/1183/FUL, dated 20 June 2016, was refused by notice dated 4 December 2016.
 - The development proposed is demolish existing buildings and erect block of 6 apartments.
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Decision

1. The appeal is allowed and planning permission is granted to demolish the existing buildings and erect a block of 6 apartments at 22 Wharncliffe Road, Highcliffe, Christchurch BH23 5DE in accordance with the terms of the application, Ref 8/16/1183/FUL, dated 20 June 2016, subject to the conditions set out in the attached Schedule.

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 condition of occupiers of neighbouring properties with particular regard to outlook and privacy.

Reasons

3. The appeal site is located within an established residential area characterised by a mixture of building styles and sizes. There is little in the way of coherence and the general character of Wharncliffe Road is one of variety. It exhibits a range of property types including large apartment blocks, bungalows and two-storey buildings of modern, contemporary design.
 4. The site itself is situated on the corner of Wharncliffe Road and Wharncliffe Gardens and is currently occupied by a large bungalow set within a generous plot. To the east is No 24, a traditional style building which has been the subject of a number of alterations and which extends considerably into its plot. Directly opposite at No 35 is a more modern building of contemporary design with large glass windows which front onto the highway, and face towards the appeal site.
 5. 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
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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, scale and design of the immediate locality and does not adversely affect the privacy of existing occupiers.

6. The proposal would involve the replacement of the existing bungalow with a structure which was considerably larger in both size and scale. However, although the location of the site on a corner plot gives it a degree of prominence, its height and size would be reflective of that of many of the other properties located along Wharncliffe Road. Furthermore, its contemporary design would ensure that the proposed development would integrate well with No 35 opposite enhancing local distinctiveness and contributing to the existing varied character of the street.
7. While I acknowledge that this section of Wharncliffe Road is composed mostly of individual dwellings, they are in the main large and, in some cases, substantial structures. The appeal proposal would not be materially larger nor would it appear overly prominent within its surroundings. While I accept that visually the street scene will alter, in view of the varied character of Wharncliffe Road, I do not consider it would materially impact on the character and appearance of the surrounding area.
8. The Council has also raised concerns regarding the impact on the living conditions of neighbouring occupiers with particular regard to outlook and privacy. However, in terms of privacy, the eastern elevation contains few windows and the Council accepts that it would not result in any material loss of privacy for the occupiers of adjacent No 24. I agree with that assessment. Furthermore, the separation distances indicated would significantly limit any views into other neighbouring properties, ensuring that any loss of privacy would not be material.
9. Likewise, with regard to outlook, the Council has not identified any particular properties of concern but I noted that the boundary between the appeal site and No 24 was well screened which would go some way to mitigate any loss of outlook experienced by the occupiers of this dwelling. As the nearest of the neighbouring dwellings, and the one upon which the proposals' impact would be greatest, I am also satisfied that it would not materially alter the existing outlook for the occupiers of other neighbouring dwellings.
10. Consequently, I do not consider that the proposed development would be incompatible with its surroundings or out of keeping with the character of the surrounding area. Likewise, I do not consider that it would not adversely affect the privacy or outlook of neighbouring occupiers. As such, I find no conflict with CS Policy HE2 or LP Policy H12 which together seek to protect against such harm.

Other Matters

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) (“the SPD”), which replaces the previous regime. It requires a financial contribution to be made for each new residential dwelling to fund a range of measures to mitigate the impact of development on these protected sites. In order to address this reason for refusal the appellant has submitted a unilateral undertaking in respect of the contributions sought. I am satisfied that the UU secures the necessary contributions and, as such, satisfies the requirements of the SPD.

12. I have had regard to the concerns of local residents made at both application stage and as part of this appeal. However, I have not seen anything which would indicate that there would be any material loss of light to neighbouring properties or that the proposal would result in any significant increase in noise or fumes from vehicles. Likewise, I have not seen any robust evidence which would indicate that the proposal would have any significant impact on local infrastructure, either individually or cumulatively.

Conditions

13. I have had regard to the various planning conditions that have been suggested by the Council. Those relating to materials are appropriate in the interests of character and appearance. In addition to the standard time condition, a condition requiring the development to be carried out in accordance with the approved plans is necessary in order to provide certainty. Likewise, I consider conditions requiring the submission of further details regarding hard and soft landscaping as necessary to ensure that any impact of the proposed development on the surrounding area is limited. A number of these conditions need to be discharged before work commences on site as these relate to matters which need to be resolved on a fully coordinated basis.

Conclusion

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

Rory Cridland

INSPECTOR

SCHEDULE

CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawing Nos: 8740-100A; 8740-101A; 8740-102A; 8740-103A;
8740-104
- 3) No development shall commence until details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples.
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) a statement setting out the design objectives and how these will be delivered;
 - ii) earthworks showing existing and proposed finished levels or contours;
 - iii) means of enclosure and retaining structures;
 - iv) boundary treatments;
 - v) vehicle parking layouts;
 - vi) other vehicle and pedestrian access and circulation areas;
 - vii) hard surfacing materials;
 - viii) minor artefacts and structures [e.g. furniture, play equipment, refuse or other storage units, signs, etc.];
 - ix) proposed and existing functional services above and below ground [e.g. drainage, power, communications cables, pipelines etc. indicating alignments, levels, access points, supports as relevant];
 - x) retained historic or other landscape features and proposals for restoration, where relevant;
 - xi) renewable energy installations where relevant;
 - xii) lighting, floodlighting and CCTV;
 - xiii) water features;
 - xiv) an implementation programme, [including phasing of work where relevant].
 - xv) indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be maintained in accordance with an approved scheme of maintenance.

- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) Before the development is first occupied a schedule of landscape maintenance for a period of 5 years shall be submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.