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# Appeal Decision

Site visit made on 24 May 2017

**by Andy Harwood CMS MSc MRTPI**

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

**Decision date: 29 June 2017**

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**Appeal Ref: APP/Q1255/W/16/3163440**  
**4 Brackenhill, Poole BH13 6LT**

- 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 and Mrs R Wilsher against the decision of Poole Council.
  - The application Ref APP/16/01447/F, dated 20 September 2016, was refused by notice dated 2 November 2016.
  - The development proposed is "demolish existing house and garage and construct 2 No detached houses".
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## Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing house and garage and construction of 2 No detached houses at 4 Brackenhill, Poole BH13 6LT in accordance with the terms of the application, Ref APP/16/01447/F, dated 20 September 2016, subject to the conditions set out in the attached schedule.

## Preliminary Matters

2. The appellants have paid a financial contribution under the provisions of the Local Government Act 1972 to address concerns that the Council had as expressed in the second reason for refusal relating to biodiversity interests nearby. The Council confirms that this has satisfied their concerns in that respect. The matter is no longer in dispute between the main parties and I give no weight to the undertaking which is not before me.
3. Since this appeal was submitted, the Council has approved a proposal for 2 dwellings on this site (APP/17/00110/F). This is a material change in circumstances and I will take that planning permission into consideration.

## Main Issue

4. The effect of the proposal on the character and appearance of the site and surrounding area.

## Reasons

5. The appeal site is within Brackenhill which is a cul-de-sac in a primarily residential area containing a range of dwelling styles. The road is characterised by large pitched roof dwellings some of which are bungalows behind mature landscaping giving the road a pleasant suburban feel.
6. The existing bungalow at the appeal site is large and set down on the site with

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there being a slight drop down from road level to the front of the property. The public view from the road of the site is therefore dominated by the roof-slope of the existing building set behind the garden landscaping. The land at the rear drops away significantly in the direction of Lakeside Road. The garden is terraced with patios and lawns as well as substantial trees towards the lower parts of the site, some of which are covered by a Tree Preservation Order. These trees provide a strong visual screen on that side of the property.

7. The proposal is for 2 detached but closely positioned dwellings with a modern design which would be split-level buildings, with 2 storey at the front and 3 storeys at the rear. From the front, the dwellings would be a little higher than the existing dwelling, much higher than the dwelling at No 3 which is also on lower land in a discrete location at the end of the cul-de-sac and a similar height to the dwelling at No 5. Although the proposed dwellings would be detached a screen attached to each of them would present a fin type structure which in effect would screen much of the gap between the properties. These would be strident modern features but would not look out of place on what would be contemporary looking dwellings. Notwithstanding the contemporary design approach, the long sloping roofs would respect the form of the existing dwelling and some of those nearby.
8. The grain or density of development would be greater with the inclusion of 2 dwellings on a plot that currently includes 1. This is however a large plot. There would be sufficient space at the front to accommodate a reasonable level of landscaping to help the development integrate with the attractive front gardens of nearby dwellings. The rear gardens would remain of substantial size. In terms of the tight relationship of the dwellings to each other, this would be very similar to the valid fallback position of the approved scheme for 2 semi-detached dwellings to which I give substantial weight, given that it is likely to implemented notwithstanding the outcome of this case. The tighter grain would not be harmful to the character and appearance of the area particularly when taking on board the alternative scheme.
9. I have also considered the previous dismissed appeal on this site for 2 detached dwellings<sup>1</sup>. Those dwellings would have been a much bulkier and more brutal design. That proposal would have had a much more significant impact upon the street-scene, creating a more apparent, dominating change within the small cul-de-sac, more noticeable for neighbouring occupiers.
10. In relation to the main issue, the proposal would have an acceptable impact upon the character and appearance of the site and surrounding area, particularly the street-scene within Brackenhill. The proposal would involve sufficient land to accommodate a development of this scale, density and layout that would preserve the character and appearance of the residential area as required by Pool Core Strategy Policy<sup>2</sup> (CS) PCS5. The Proposal would also respect the setting and character of the site, surrounding area and adjoining buildings and would comply with CS Policy PCS23. In these respects, the proposal would constitute a good design, as required by paragraph 56 of the National Planning Policy Framework (Framework).

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<sup>1</sup> APP/Q1255/W/16/3146935

<sup>2</sup> Pool Core Strategy, adopted February 2009

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## Other Matters

11. The dwellings would be positioned away from the neighbouring boundaries. The form of the dwellings would not interfere with neighbouring living conditions due to their position, activity within the gardens or from any modest increase of traffic movements and parking related to a further dwelling.

## Conditions

12. I have imposed a condition specifying the relevant drawings as this provides certainty that the development will be implemented as proposed.
13. A condition is suggested regarding energy efficiency and as the Council has policies within the CS and given a similar condition has been attached the previous approval, I have included it here. I have also required further details of materials although do not consider that that samples will be necessary. I have included a condition to secure the submission of a further landscaping scheme. This is along the lines suggested by the Council but I have simplified it and have not explicitly required any particular re-planting as those matters can be considered on their merits at that time. The tree protection measures will also be secured to ensure that the trees at the rear are not adversely affected by the development which will retain that important buffer to Lakeside Road. I have also used simplified conditions relating to the implementation of drainage and parking areas. It is not clear from the plans where cycles would be stored but there would be a good amount of space and the lack of such details would not put occupants off of using cycles.
14. It is unnecessary to attach a condition or informative regarding the kerb lowering and footway works as that is within another form of control.

## Conclusion

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

*A Harwood*

INSPECTOR

## SCHEDULE OF 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: 0306-PL-06revG; 0306-PL-50revC; 0306-PL-52revA; 0306-PL-53revA; 0306-PL-54revA; and 0306-PL-55revA.
- 3) Prior to the commencement of the development hereby permitted, details of on-site renewable energy sources (to meet a minimum of 10% of predicted energy needs of the proposed development) must be submitted to and approved in writing by the Local Planning Authority. The approved on-site renewable energy sources must then be: installed and operating within 1 month of building work on both proposed buildings being substantially completed, and retained/maintained thereafter.

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- 4) No development shall commence until further details of the materials to be used in the construction of the external surfaces of the dwelling 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.
  - 5) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include 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 as recommended on the Tree Protection Plan of the Tree Survey and Arboricultural Impact Assessment and Method Statement dated 23rd September 2016.
  - 6) All tree protection measures shall be implemented prior to the commencement of development on site. 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.
  - 7) Prior to the commencement of development details of a sustainable drainage scheme must be submitted to, and approved in writing by, the Local Planning Authority. The drainage scheme must be implemented in accordance with the approved scheme prior to the occupation of either of the dwellings hereby approved, thereafter maintained and retained.
  - 8) Prior to the commencement of development details of the proposed southern access into the application site must be submitted to, and approved in writing, by the Local Planning Authority. The proposed access must then be constructed in accordance with the approved details prior to the occupation of that dwelling.
  - 9) The development hereby permitted shall not be brought into use until the access, turning space, vehicle parking shown on the approved plan and details have been constructed, and these shall thereafter be retained and kept available for those purposes at all times.