
Appeal Decision

Site visit made on 21 June 2017

by Andy Harwood CMS MSc MRTPI

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

Decision date: 18 July 2017

Appeal Ref: APP/E1210/W/16/3165478

12 to 14 Glenville Road, Walkford, Christchurch BH23 5PY

- 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 Atkins of Harlequin Homes against the decision of Christchurch Borough Council.
 - The application Ref 8/16/1703/FUL, dated 15 August 2016, was refused by notice dated 15 December 2016.
 - The development proposed is the erection of 2 No 3 bedroom houses.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 No 3-bedroom houses at 12 Glenville Road, Walkford, Christchurch BH23 5PY in accordance with the terms of the application, Ref 8/16/1703/FUL, dated 15 August 2016, subject to the conditions set out in the attached Schedule to this decision.

Preliminary Matters

2. A planning obligation (S106) has been submitted by the appellant requiring a payment to the Council. This was submitted in order to mitigate possible effects of the proposed increased population that would lead to impacts upon biodiversity. However the Council has confirmed that the site is beyond 5km of the Dorset Heathland and that the S106 is not required to comply with their supplementary planning document and they have now adopted a Community Infrastructure Levy Charging Schedule. As the S106 is not necessary to make the development acceptable in planning terms it would not comply with regulation 122(2) of the Community Infrastructure Regulations 2010 or the policy tests within the Framework. I have not taken the S106 into account.
3. The proposal was amended through the application process. I will consider the proposal in relation to the pair of semi-detached, 3 bedroom dwellings as considered by the Council when making the decision. I will not consider the superseded plans.
4. I have used the address as stated on the appeal form and Council decision which is more accurate than the address on the planning application form.

Application for costs

5. An application for costs was made by Mr Atkins of Harlequin Homes against Christchurch Borough Council. This application is the subject of a separate

Decision.

Main Issues

6. The first main issue is the effect of the proposal upon the living conditions of neighbouring occupiers with respect to outlook, additional activity and privacy. The second is the effect of the proposal on the character and appearance of the site and surrounding area.

Reasons

Living conditions

7. The appeal site is within a heavily built-up, busy residential area. Many of the dwellings are 2 storeys with first floor windows with high vantage points enabling occupants to look over adjoining gardens and towards neighbouring dwellings. Given the tight grain of development, some activity within garden areas is also noticeable from nearby properties.
8. The dwellings would be accessed from the same driveway as the recently constructed dwellings on the adjoining land. The 2 additional dwellings would bring some additional vehicles between Nos 10 and 12 Glenville Road. I have no evidence to indicate that the degree of increased activity would add significantly to noise along that driveway. Additional families would create some additional activity in front and within rear garden areas but normal use of gardens by 2 families would not lead to a substantial increase in disturbance in my opinion. Some additional deliveries and visitors would be generated but from the evidence provided this would make a minor difference to activity in the area.
9. The driveway would curve round in front of the proposed dwellings to provide a circulation and parking area alongside the rear boundary of Nos 12 and 14 Glenville Road. This would provide some space at the rear of those adjoining gardens. There would be a substantial space between the new dwellings and the elevations of those dwellings as well as the terraced dwellings within Plantation Drive to the rear. This would not be a tight relationship with these adjoining dwellings or their garden areas and I do not consider that the outlook from those properties would be affected to a harmful degree. Although there would be some additional overlooking from the first floor windows of the dwellings towards the dwellings in front and behind, this would be at a reasonable distance. Given the tight knit nature of development nearby, there is inherently a degree of overlooking of neighbouring properties. The proposal would create some additional overlooking this would be towards parts of neighbouring dwellings that are already overlooked and overall, there would not be a significant loss of privacy.
10. Since refusing the planning application, the Council has approved a detached 2 storey dwelling in a similar location as the 2 dwellings that are subject of this appeal (8/17/0212/FUL). This approved dwelling would have less volume but would still be a substantial building in a similar position relative to neighbouring properties. There would be more space around the building at roof and first floor level but additional activity would take place close to the adjoining gardens and some additional overlooking would result. If I were to dismiss this appeal, it seems probable that the alternative scheme would be implemented.

The impacts of the current proposal would be even less significant when taking account of this fallback development.

11. In relation to the first main issue, the proposal would have an acceptable effect upon the living conditions of neighbouring occupiers. The relationship of the proposed dwellings would be compatible with surrounding development and the amenities of existing dwellings would not be adversely affected. This would comply with Policy H12 of the Local Plan (LP)¹ and Policy HE2 of the Core Strategy (CS)² and the requirement in paragraph 17 of the National Planning Policy Framework (the Framework) to secure a good standard of amenity for all existing and future occupants of land and buildings.

Character and appearance

12. Along Glenville Road dwellings are laid out facing directly onto the road. There are however also examples such as bungalows to the rear of No 20 and also the new dwellings adjoining the appeal site, where dwellings have been constructed behind those fronting the road. These dwellings are noticeable from the road and the area is tightly packed albeit with some spaces and landscaping between which softens the environment.
13. The Christchurch Character Assessment³ (CCA) for the Chewton Common – Walkford area describes the broad area as having varied character with no strong continuity of housing patterns or styles which confirms what I saw. With respect to the neighbourhood of Highcliffe and Walkford, the CCA refers to the lack of capacity to physically absorb much new development. It also acknowledges the collections of houses with larger rear gardens that could provide some infill cul-de-sac development opportunities and that development could not be accommodated without some impact on the townscape character.
14. The proposed pair of dwellings would be set between the existing dwellings at Nos 12 and 14 Glenville Road and terraced dwellings in Plantation Drive. The relationship between the new dwellings and the existing properties would be similar to the recently erected dwellings alongside which are in turn set behind No 8 and 10 Glenville Road. Space would be retained around the pair of dwellings on the side next to the new development as well as next to the long rear garden of No 16 Glenville Road. The dwellings would not appear cramped alongside other buildings given the degree of separation. The proposal would be compatible with recently emerged patterns of development in the area and would reflect local distinctiveness.
15. In relation to this main issue, the proposal would have an acceptable effect on the character and appearance of the site and surrounding area. This would comply with LP Policy H12 and CS Policy HE2. The proposal would constitute a good design, as required by paragraph 56 of the Framework.

Other Matters

16. Some concern has been raised regarding access to play space. Even if there is a current lack of provision nearby, these dwellings would have reasonably sized rear gardens where children living at those properties could play. From the

¹ Borough of Christchurch Local Plan, adopted March 2001

² Christchurch and East Dorset Local Plan, Part 1 – Core Strategy Version for Council Adoption, April 2014

³ Christchurch Borough-wide Character Assessment, adopted November 2003

evidence before me, it does not appear that the proposal would make a significant difference to demands on facilities elsewhere.

17. Provision for vehicle parking and turning has been confirmed as acceptable by the Council's Highway advisors. I agree that the proposal is acceptable in these respects.
18. The Framework states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development on residential gardens. I have not had any policies drawn to my attention that would weigh against the proposal simply because the site was formerly garden land.

Conditions

19. I have imposed a condition specifying the relevant drawings as this provides certainty that the development will be implemented as proposed. I have also considered the suggested conditions to more closely adhere to the tests for conditions set out in the Framework.
20. I have simplified the necessary conditions relating to materials, a construction method statement, the submission of boundary treatment, refuse storage, vehicular access crossing as well as turning and parking areas. I have also reflected current advice within the Planning Practice Guidance (PPG) regarding conditions precedent.
21. Although the Council's statement refers to the withdrawal of normal 'permitted development' allowances, a condition has not been suggested. The PPG states that such conditions will rarely pass the test of necessity and should only be used in exceptional circumstances. Such circumstances have not been demonstrated in this case.

Conclusion

22. 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: '8676/200 Rev N' and '8676/201 Ref F'.
- 3) No development shall commence until further details of the materials to be used in the construction of the external surfaces of the dwellings 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.

- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) No development above finished floor levels shall take place until details of screen fencing or walling along the side and rear boundaries of the approved plots have been submitted to and approved in writing by the local planning authority. These works shall be carried out in accordance with the approved details before any part of the development is first occupied and retained thereafter.
- 6) No development above finished floor level shall take place until details of storage of refuse and recycling facilities for the dwellings have been submitted to and approved in writing by the local planning authority. These works shall be carried out in accordance with the approved details before any part of the development is first occupied and retained thereafter.
- 7) No dwellings shall be occupied until the access from Glenville Road has been constructed to a specification that has been submitted to and approved in writing by the Local Planning Authority.
- 8) The development hereby permitted shall not be occupied until the turning and parking shown on drawing '8676/200 Rev N' has been constructed. Thereafter, these areas shall be maintained, kept free from obstruction and available for the purposes specified.