
Appeal Decisions

Site visit made on 4 July 2017

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 1st August 2017

Appeal A Ref: APP/E1210/W/17/3171598

3 Seaview Road, Walkford, Christchurch BH23 5QJ

- 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 L McMaster against the decision of Christchurch Borough Council.
 - The application Ref 8/15/0654, dated 19 November 2015, was refused by notice dated 19 January 2017.
 - The development proposed is to demolish the existing outbuilding/garage and construct a new dwelling.
-

Appeal B Ref: APP/E1210/W/17/3171958

3 Seaview Road, Walkford, Christchurch BH23 5QJ

- 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 L McMaster against the decision of Christchurch Borough Council.
 - The application Ref 8/16/0901/FUL, dated 25 May 2016, was refused by notice dated 19 January 2017.
 - The development proposed is the demolition of an existing garage and construction of a cottage.
-

Decision

1. Appeals A and B are dismissed.

Procedural Matters

2. The appeal proposals mainly differ in dwelling scale and size, and the extent of rear private outdoor space. In appeal A, the dwelling would be single storey with first floor roof accommodation above whereas in appeal B, the dwelling would be wholly single storey. In appeal A, the depth of the dwelling would be greater than the appeal B proposal and therefore it would have than less rear private open space than the smaller proposal. Additionally the appeal B plot would be enlarged by way of additional land behind the adjacent building at Forest House. There would also be some minor differences in vehicle parking layout.
3. The planning application form details the address of the proposed development as 3A Seaview Road. As this is the number of a neighbouring property, the appeal site address has been detailed as 3 Seaview Road as indicated on the submitted plans.

4. Unilateral Undertakings have been submitted to secure a contribution towards Strategic Access Management and Monitoring measures for each appeal proposal. This would provide mitigation against any adverse effects of the developments on the Dorset Heathlands Special Protection Area (SPA). I will comment upon this in my reasoning.

Main Issues

5. The main issues common to both appeals are (a) the impact on the character and appearance of the area, and (b) the living conditions of the residents of the existing and proposed dwellings, having regard to privacy and the provision of private outdoor space.

Reasons

Character and appearance

6. The appeal site comprises residential curtilage land to the rear of 3 Seaview Road and includes a garage. The appeal B proposal contains additional land behind the neighbouring Forest House. 3 Seaview Road lies on a gravelled track close to a junction with Chewton Farm Road. The buildings along this track are generally large, set in spacious plots, irregularly sited and mainly face onto woodland. Although more regularly positioned, the dwellings along Chewton Farm Road, are also sited in spacious and verdant surroundings, with fields on one side of the road. Such a pattern of development and context gives the area an attractive and distinctive semi-rural character and appearance.
7. The proposals would result in a dwelling in a backland location behind an irregularly sited row of dwellings facing onto Seaview Road. There is a backland sited dwelling at 3A Seaview Road which is sited to the rear of the location of the appeal dwellings. Additionally there would be a backland sited dwelling adjacent to that at No 3A accessed off Chewton Park Road. However the prevailing pattern of development along Seaview Road and Chewton Park Road is of frontage dwellings and spacious plots. Crucially, the plot sizes of both proposals, including appeal B, would also be noticeably smaller than the majority of the dwelling plots in the area. Furthermore both appeal dwellings would have less space about them as a result and so the developments, even the smaller appeal B dwelling, would appear relatively cramped within this context.
8. Forest House has been subdivided into flats but it still has a spacious communal space to the front. There is a block of flats on land adjacent to No 3 with garages and parking behind but nevertheless it is also set in spacious grounds. For these reasons, these developments do not unduly impact upon the identified spacious and verdant qualities of the area. Dwellings along Avenue Road are set in more regular sized plots with a more regular building line. Whilst this gives the road a more urban character and appearance, it is sited some distance away from the appeal site and its context.
9. Despite the backland nature of the plots, the public visibility of either dwelling would be noticeable from the open driveway from Seaview Road. Along with the comings and goings of vehicles and domestic activity, the dwelling would not suggest an ancillary development and therefore there would be an adverse effect on both the character and appearance of the area. Although some new

boundary hedging has been planted, there is no guarantee that such planting would remain for the lifetime of the development. Vegetation can die back or be removed for any number of reasons, such as disease, storm-damage or human accident, and inevitably any replacement vegetation can take time to establish.

10. The Appellant has drawn my attention to policy H9 of the Borough of Christchurch Local Plan (LP) 2001. Whilst this policy does not prohibit development, it restricts development where it would adversely affect the special character and amenity of the established residential area within the Chewton Farm Estate area. Here the proposed dwellings would be significantly at odds with the prevailing pattern of development for the reasons indicated and therefore the distinctive character and appearance of the area would be adversely affected.
11. In conclusion, the developments would harm the character and appearance of the area. Accordingly, the proposals would conflict with policy HE2 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy (CS) 2014 and policies H12 and H9 of the LP, which collectively and amongst other matters, require high quality design reflecting and enhancing local distinctiveness having regard to scale, bulk, height and visual impact, that development should be appropriate in character, scale and design in relation to its immediate locality and that the special character and amenity of the Chewton Farm Estate should not be adversely affected.

Living conditions

12. In appeal A, there would be a first floor window facing onto the rear private outdoor space of the flats at Forest House. This would result in the loss of privacy for the neighbouring residents by reason of its proximity. The side rooflights would face onto a parking area at 3A Seaview Road and such windows would be within the slope of a roof. Thus, together with the opportunities to obscure glaze most or all of these windows, there would be no adverse loss of privacy to the occupiers of this neighbouring property. In appeal B, there would no first floor openings and therefore no overlooking of neighbouring properties.
13. In appeal B, there would be a significant area of private open space for the occupiers of this one bedroom flat. Although the level of private outdoor space would be smaller for the appeal A proposal, it would still be sufficient in size for normal everyday domestic activities, such as clothes drying and relaxation, given the size of residential unit proposed. Both proposals would result in the reduction of private outdoor space for 3 Seaview Road and Forest House. However both developments would still retain significant spaces for their needs.
14. In conclusion the appeal A development would harm the living conditions of the occupiers of Forest House by reason of the loss of privacy. Accordingly this proposal would conflict with policy HE2 of the CS and policy H12 of the LP, which collectively and amongst other matters, require high quality design and the amenities of existing and future residents to not be adversely affected by loss of privacy. Appeal B proposal would not harm the living conditions of both the proposed and neighbouring properties for the reasons indicated.

Other considerations

15. The Appellant would intend to live within a new dwelling on the site in order to care for an elderly relative. However personal circumstances will seldom outweigh planning considerations as works of a permanent nature will remain long after the personal circumstances have ceased to be material. In this case, there would be harm of a significant nature to the character and appearance of the area. Similarly the self-build nature of the proposals would not be outweighed by this harm.
16. The contents of the submitted obligations to secure mitigation measures for a SPA are supported by Natural England. As the appeals have been dismissed on the substantive merits of the case I shall not consider them further as the proposals are unacceptable for other reasons.
17. Under the National Planning Policy Framework (the Framework), there would economic and social benefits but these would be limited by reason of a single additional dwelling being proposed. The proposal would utilise land making prudent use of resources but there would be a significant environmental impact by not protecting the built environment. In this regard, there would be adverse impacts on the character and appearance of the area. Additionally there would be adverse impacts on the living conditions of a neighbouring property in appeal A. Even if I have considered the tilted test within paragraph 14 of the Framework to apply, these adverse impacts would significantly and demonstrably outweigh the benefits for both proposals. Consequently the presumption in favour of sustainable development would not apply.
18. The proposals have been subject to lengthy pre-application discussions which have led to the submission of the proposals. In light of this, I acknowledge the Appellant's expectations of a more positive response to the proposals but both appeal proposals have been considered on their particular planning merits. Comments about the way the Council handled the application are noted but these are matters of local government accountability that have little bearing on the planning merits of the appeal.

Conclusion

19. For the reasons given above, and having regard to all other matters raised, including support, I conclude that the appeals should be dismissed.

Jonathon Parsons

INSPECTOR