
Appeal Decision

Site visit made on 28 November 2017

by H Porter BA(Hons) PGDip IHBC

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

Decision date: 11 December 2017

Appeal Ref: APP/E1210/W/17/3181729

11 Blackberry Lane, Christchurch BH23 3QZ

- 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 Thomas William George Chivers & Brian Anthony Chivers against the decision of Christchurch Borough Council.
 - The application Ref 8/17/0913/FUL, dated 3 April 2017, was refused by notice dated 9 June 2017.
 - The development proposed is to sever land and erect 1 no. 2 bedroom house with parking.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The Council's second reason for refusal concerns the effect of the proposed development on Dorset Heathlands Special Protection Area (SPA), Ramsar Site and Dorset Heaths Special Area of Conservation (SAC). Subsequent to the Council reaching its decision, the appellants have submitted a Unilateral Undertaking in respect of securing provision of financial contributions towards the management of the SPA. I will return to this matter later in my decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site fronts Blackberry Lane in a late-20th century development on the outskirts of Christchurch. The area has a strong suburban character, defined by modestly-scaled brick or rendered houses, of relatively simple design. There is a mix of detached houses and short terraces, grouped by types that share a common design approach and material treatment. Houses address the primary routes through the area, reflecting, combined with the regular plot rhythm and layout, the careful spatial planning of the suburb. There are no street trees in the vicinity, but the open frontages, grass verges and views to mature planting within private rear gardens combine to contribute to the overall sense of a spacious and verdant environment.

5. The appeal concerns the flat and roughly square rear garden plot associated with Number 11 Blackberry Lane (No 11). The existing garden extends to Briar Close, which as a secondary route, has no residential development fronting it. The absence of housing on the north side of Briar Close gives views to the mature rear gardens and off-sets the density of built form. In terms of its undeveloped nature and the mature planting around its borders, the appeal site contributes positively to the area's appearance and reflects its character as a verdant and carefully planned suburb.
6. The proposed development would subdivide the rear garden associated with No 11 and erect a detached two-storey dwelling, with access off Briar Close. The proposal would be the only dwelling fronting this secondary route and, while it would introduce an active frontage, it would change the prevailing building line and hierarchy of streets and spaces that characterise the area. Though the remaining garden for No 11 would not be uncharacteristically small, the proposed new dwelling would be on a comparatively small plot. Notwithstanding that Number 2 Meadowland has a similarly small plot, this is the exception rather than the norm. Even with the provision of a shallow front garden and off-street parking, overall, the development would appear cramped and conspicuously out of place.
7. The mature hedging that bounds the appeal site would be substantially reduced along Briar Close. Though not afforded any special protection or identified as a significant feature within the townscape, the existing hedge contributes positively to the green backcloth that characterises the north side of Briar Close. Even though a portion of hedging will be retained, and mindful that it would be removed without planning permission, it is the combination of the built form, loss of garden and hedging that would diminish the open and verdant characteristics of the site. I do not consider that the impact of the proposal in this regard could be suitably mitigated through a landscaping condition.
8. In terms of its detailed design, the proposal would also be uncharacteristic. The stepped frontage and dual roofs, the pattern of fenestration and front boundary wall would not reflect the stylistic qualities of other dwellings in the area. In certain circumstances a departure from traditional forms may be appropriate. However, in this context, the appeal proposal would not relate well to any of the existing dwellings in the vicinity and as a result would appear harmfully discordant.
9. I therefore consider that the proposal would cause material harm to the character and appearance of the area, contrary to Policy HE2 of Part 1 – Christchurch and East Dorset Local Plan Part 1 Core Strategy, 2014 and Saved Policy H12 of the Borough of Christchurch Local Plan, 2001, insofar as they require new development to be compatible with or improve its surroundings, including in terms of layout, scale, bulk and visual impact; and seeks to ensure proposals are appropriate in character, scale, design and materials to the immediate locality.

Planning balance

10. The proposal would contribute one new dwelling, which would make a small but nonetheless beneficial contribution towards the supply of housing. The dwelling would contribute to a mix of housing available and would be located where there would be options to travel without reliance on private cars, with a

range of facilities and services easily accessible to it. There would be short-term economic benefits associated with the construction phase, and future occupiers would also beneficially feed into the local economy. A lack of harm in terms of highway safety, parking, or in respect of neighbours living conditions are all neutral factors that do not weigh in the balance in its favour. On the other hand, the provision of just one house is very minor and, even though it would utilise urban land, in so doing it would materially harm the character and appearance of the area. The detrimental environmental impact of the proposal would therefore outweigh the totality of the social and economic benefits. The proposal would therefore not constitute sustainable development for the purposes of the National Planning Policy Framework.

Other matters

11. In accordance with the Dorset Heathlands Planning Framework 2015 – 2020 Supplementary Planning Document (SPD), the Council require a financial contribution to secure funds to mitigate against any adverse effect of the development on the Dorset Heathlands. The appellant has submitted a UU in order to satisfy this requirement, and to address the concerns of the Council set out in the Decision Notice. However, as planning permission is not being granted, there is no need for me to consider the matter of mitigation or the execution of the UU further.
12. I have had regard to other matters raised by interested parties, including difficulties of parking, loss of privacy and light, and the adverse impact on local wildlife. The Council have not raised any objection in relation to these matters and, as I am dismissing the appeal on the main issue for the reasons given above, I have not pursued them further.

Conclusion

13. Although the proposed development would make a modest contribution to housing supply, this benefit would be outweighed by the harm to the character and appearance of the area I have identified above. For this reason, and having considered all matters raised, I conclude that the appeal should be dismissed.

H Porter

INSPECTOR