
Appeal Decision

Site visit made on 24 October 2017

by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 26th January 2018

Appeal Ref: APP/E1210/W/17/3179380

2 Amberwood Drive, Walkford, Christchurch BH23 5RU

- 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 Robert Govier on behalf of Radmore Homes against the decision of Christchurch Borough Council.
 - The application Ref 8/17/0375/FUL, dated 8 February 2017, was refused by notice dated 12 June 2017.
 - The development proposed is 3 no. single storey dwellings and single detached garage.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Robert Govier on behalf of Radmore Homes against Christchurch Borough Council. This application is the subject of a separate Decision.

Main Issues

3. These are the effect of the proposal on (i) the character and appearance of the area; (ii) the living conditions of occupiers of neighbouring properties with particular reference to noise, disturbance and outlook; and (iii) whether the proposal makes adequate provision for the disposal of waste.

Reasons

Character and appearance

4. The area is characterised by detached dwellings, many of which are single storey in height or one and a half storeys. Although the plot sizes in the area vary, the overall character of the area is one of properties which are set back from the roads. Many properties, including those on Amberwood Drive on the west side of the appeal site, benefit from generous rear gardens. Overall, the area within which the appeal site lies has a feeling of spaciousness and a generally verdant character. This character is reinforced by the open space and trees on the north side of Amberwood Drive and by the belt of trees which runs roughly east-west to the south of the appeal site.
5. The proposed development site would comprise the former rear garden of No 20 and the existing rear garden of No 18 Amberwood Drive. Access would be from a 150 metre long private drive which runs between the rear gardens of properties on Amberwood Drive and Amberwood Gardens.

6. At the southern end of the private drive are two new detached single storey dwellings, occupying the site of one former dwelling. On either side of the private drive, boundary treatments comprise a mix of fences and hedges. Some of these hedges to the north of the proposed dwellings are well established. Towards the southern end of the access, there is a long and narrow strip of land on the east side of the surfaced drive. This runs alongside the rear gardens of two properties on Amberwood Gardens and the side garden of No 17 Amberwood Gardens. The eastern boundary of this part of the appeal site is now defined by a close boarded fence with a trellised top which the Council advise exceeds 2.0 m in height.
7. In terms of layout, the two recently constructed bungalows broadly follow the pattern of development and orientation of the dwellings along the south side of Amberwood Gardens. The plots proposed at the rear of Nos 18 and 20 would contrast with the overall pattern of development by interrupting the rear gardens on Amberwood Drive, significantly shortening rear gardens by inserting built form between existing rear gardens. The two proposed bungalows would have a limited plot size in relation to the footprint of the proposed dwellings and in comparison with the majority of surrounding development. Although the separation between the two dwellings in terms of side boundaries would not be dissimilar to that of other properties, the dwellings would be sited close to the access drive and have relatively short rear gardens.
8. The narrow plot proposed on the east side of the access drive, despite having gardens to front and rear, would be sited close to the access drive and to the side boundary of No 17 Amberwood Gardens. As a result, the dwelling on this plot would appear cramped and constrained. The end of the cul de sac as proposed would comprise predominantly built form or hard landscaping to accommodate car parking, turning and manoeuvring areas with little scope for additional or replacement landscaping. This would be exacerbated by the need for close boarded fencing to secure a private rear garden area for Plot 1.
9. Thus, whilst each dwelling would sit within its own plot, the overall pattern of development which the three dwellings would create would be markedly different from that of their immediate surroundings. Whilst this character now includes the two recently constructed dwellings, these do not define the character and appearance of the area. As a result of the long access drive, the effect of the proposed development on the public realm and the street scene would be minimal. Be that as it may, the proposals fail to respect the character of the area and so would harm that character. This would be evident from the dwellings and gardens immediately surrounding the proposed dwellings.
10. Comments have been submitted regarding the change in the character of the area which has already taken place as a consequence of loss of trees and other vegetation. However, whilst I have noted that there are Tree Preservation Orders affecting the area, there is no indication in the Council's evidence that the works carried out have contravened any restrictions. Therefore, whilst the loss of vegetation which has taken place may be regrettable, it is not a matter which has affected my determination of the current proposals. However, I have taken into account the scope for new landscaping within the proposed development and the tree and shrub planting shown on the landscaping plan

and I consider this to be limited in comparison with the planting evident in surrounding established development.

11. I have noted the appellant's comments that the Council's objections to the proposed layout should be discounted as the reasons for refusal relate to scale, mass and bulk. However, I find that these matters cannot be considered in isolation from the plots and overall layout which are proposed.
12. Taking the proposals as a whole, and notwithstanding the lack of public views of the proposed development, I consider that the three dwellings proposed would result in a cramped development which would be at odds with the prevailing character of the area. I therefore find the proposed development would be unacceptably harmful to the character of the area. In this respect the development would fail to meet the requirements for the design of new development set out in Policy HE2 of the Council's Core Strategy¹ (CS). This policy, amongst other matters, permits development which is compatible with or improves its surroundings in terms of layout, site coverage and landscaping. The proposal would also not meet the expectations of CS Policy HE3 which requires development to protect and seek to enhance the landscape character of the area.

Living conditions of existing occupiers

13. I have given careful consideration to the potential for additional noise and disturbance to arise from the use of the private drive to serve the proposed dwellings. Change has already been introduced by the construction of the two bungalows in place of the one which was previously served by the drive. The surfaced access drive is sited towards the western side of the access drive corridor. Some of the properties in Amberwood Gardens therefore have a small buffer area between their rear gardens and the drive. However, some properties at the northern end of Amberwood Gardens have short rear gardens. The property immediately to the west of the junction of the access with Amberwood Drive has both a short side and rear garden adjacent to the drive.
14. The overall level of traffic movements anticipated from the proposed development would be relatively low in numerical terms. However, the traffic passing along the back of gardens of around a dozen existing properties would be approximately five times the level of traffic movements experienced when only one dwelling was served by the access drive. The only turning area would be at the head of the private drive. Traffic speeds would be low on what would for the most part be a single track drive but the noise and disturbance from vehicles would be evident for longer than it would take for a vehicle to pass any one given property. Whilst refuse and recycling vehicles would not be expected to travel the length of the drive, the same cannot be said for delivery vans, which are likely to use the drive in addition to residents and visitors vehicles.
15. I consider that the traffic associated with three additional dwellings would be sufficient to create noise and disturbance which would diminish the enjoyment of the rear gardens which adjoin the access drive. The existing position of the drive combined with the proposed layout of the development does not allow for any significant compensatory or mitigating additional landscaping. Despite the existing hedges, I find that the additional traffic would unacceptably harm the

¹ Christchurch and East Dorset Local Plan Part 1 – Core Strategy

amenity enjoyed by occupiers of existing properties, and particularly those near the junction with Amberwood Drive.

16. I have taken into account that the Highway Authority have no objection to the access proposals with regard to matters of highway safety and that the appellants propose passing places on the drive. However, this does not affect my findings with regard to noise and disturbance to existing residents.
17. No 17 Amberwood Gardens is a single storey dwelling. As noted above, a fence in excess of 2m high has been erected along the appeal site boundary such that, when viewed from No 17, the trellis style top of the new fence projects above the close boarded fence. The proposed bungalow on plot 1 would be sited very close to the boundary of its plot and alongside almost the whole length of the side boundary to the rear garden of No 17. Despite the eaves of the proposed dwelling being only 2.3 metres high, the building would be clearly evident from the rear garden of No 17, from the north and west facing windows at the rear of the property, and from the conservatory. I consider that the sense of enclosure to the rear of No 17 which would be created by the proximity of the proposed dwelling would unacceptably harm the outlook from that property and the enjoyment of its garden.
18. The proposals would have a detrimental impact on the living conditions of existing occupiers. This would conflict with CS Policy HE2 insofar as it seeks to protect the residential amenities of existing occupiers and ensuring development minimises general disturbance to amenity.
19. The National Planning Policy Framework sets out as one of its core planning principles that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. I find that the proposal would fail to satisfy that principle.

Whether the proposal makes adequate provision for the disposal of waste

20. An area partially surrounded by close boarded fencing is under construction close to the junction of the private drive with Amberwood Drive in connection with the permitted two dwellings. Given the length of the access drive it would be necessary on collection days for residents to take household waste and recycling to a location adjacent to the public highway. The Council has already found such an arrangement to be acceptable for the recently constructed two dwellings. I consider that the details of the waste collection area, revised to ensure it would be suitable to serve the existing and proposed developments, could have been satisfactorily addressed by condition had the proposal been acceptable in other respects.

Other matters

21. Whilst not a reason for refusal, the appellant has submitted a Unilateral Undertaking making financial provision towards mitigating the impact of the proposal on the Dorset Heathlands. The applicant submits that this undertaking would satisfy Policy ME2 of the CS and the Council's related Supplementary Planning Document². However, as I am dismissing the appeal for other reasons, there is no requirement for me to assess this further.

² The Dorset Heathlands Planning Framework 2015 – 2020 Supplement Planning Document.

Overall assessment

22. I have taken into account that Policy KS1 of the Local Plan provides for a presumption in favour of sustainable development. The proposal would make a contribution towards the housing requirements of the Borough which are set out in Policy KS4. The site is in an accessible location within a built up area. However, I have found that the proposal would not be compatible with its surroundings and would fail to adequately protect the living conditions for occupiers of existing properties. In these respects the proposals would fail to comply with CS Policy HE2. As Policy HE2 applies to the design of all developments, including those which meet the needs of housing provision and the location of development, the proposals would conflict with the development plan when considered as a whole.

Conclusion

23. For the reasons given above, I conclude the appeal should be dismissed.

J E Tempest

INSPECTOR