The Planning Inspectorate

Appeal Decisions

Site visit made on 20 November 2018

by J Wilson BA BTP MRTPI DMS

Inspector appointed by the Secretary of State

Decision date: 15th January 2019

Appeal A - Ref: APP/Q1255/W/18/3201621
14 Links Road, Poole, Dorset BH14 9QR

- 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 & Mrs Adams against the decision of Poole Council.
- The application Ref APP/18/00161/F, dated 31 January 2018, was refused by notice dated 4 April 2018.
- The development proposed is a 5 No. bedroom dwelling house.

Appeal B - Ref: APP/Q1255/W/18/3210393
14 Links Road, Poole, Dorset BH14 9QR

- 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 & Mrs Adams against the decision of Poole Council.
- The application Ref APP/18/00802/F, dated 12 June 2018, was refused by notice dated 14 August 2018.
- The development proposed is a 4 No. bedroom dwelling house.

Decision

1. Both Appeals A and B are dismissed.

Preliminary matters

2. In July 2018, the revised National Planning Policy Framework (The Framework) was published. The main parties have had an opportunity to comment on the significance of the changes and I have had regard to the revised Framework in determining these appeals.

3. On 13 November 2018 the Council adopted the Poole Local Plan (Local Plan). Policies in the Core Strategy (2009) and the Development Management DPD (2012) have been superseded and carry no weight. Policies in the Poole Local Plan now have the weight of fully adopted policies. The main parties have had the opportunity to make representations on this change. I have taken into consideration representations made in reaching my decision.

4. The application site is within 5Km of a Site of Special Scientific Interest (SSSI) which is part of the designated Dorset Heathlands Special Protection Area (SPA) and Ramsar site, it is also part of the Dorset Heaths SAC (Special Area of Conservation). The proximity of these European sites (SPA and SAC) means that determination of the application should be undertaken with regard to the requirements of the Habitat Regulations 2010. Signed planning obligations have been concluded in respect of both appeals and the Council have advised

that this satisfactorily addresses the requirements for mitigation. On this basis they have confirmed reason for refusal number 3 in respect of both appeals is no longer applicable. I will return to this matter later in my decision.

Main Issues

5. The main issue is the effect of the development on: a) the character of the area; and b) protected trees.

Reasons

Character of the area

6. The Borough of Poole Characterisation Study[1] does not form part of the Development Plan however it provides context to the characteristics of the area and is a material consideration. The appraisal characterises area by typology and the Council states that the area is one of large detached houses with well-defined gaps between buildings. The study sets out that the urban grain is loose owing to the large size of the plots, the spaciousness of which allows for substantial amount of planting including mature trees. This reflects what I saw on my visit to the site and the surrounding area including that there is variable massing between buildings. Design details vary between older buildings and those of contemporary design. Whilst there are examples of buildings which are set back from the road the prevailing character is of frontage development with deep rear gardens benefiting from mature and extensive boundary planting.

7. The Characterisation Study identifies threats to the character of this type of area including: new development resulting in a loss of trees and landscaping; loss of gaps between buildings; and development being placed inappropriately close to trees, a matter to which I will return.

8. The Council do not take issue with the scale of the proposed building however they argue that the useable area of the site is significantly smaller than the prevailing character of development. With limited external amenity space, enclosed by a perimeter of mature trees it would result in a cramped development which would be out of character. In my view development in either configuration would fail to make a positive improvement to the quality of the built environment as required by the Framework.

9. The appellants say that refusal of either scheme on the basis of character does not stand up to comparisons with other approved schemes where plot severance has taken place. The appellants make reference to six schemes arguing that four are crucial in the context of plot severance within the same post code area. The appellants also argue that the Council erred in their consideration of the scheme in that their comparison with other outbuildings does not take into account that nearby examples are similar in height to the appeal proposal. As such they argue that the appeal proposals cannot be described as out of character. The appellants also reason that the proposal cannot be considered out of character when views of the site would be limited and that there is precedent for development of the size proposed.

10. I have limited details of all the proposals which have been compared and in this regard it limits the weight that can be attributed to those comparisons. From what I have seen and read there are some similarities but also a marked

[1] (April 2010)

number of differences to the cases cited which include complete redevelopment of sites and other frontage development albeit in the rear gardens of other properties. In any event I have considered these appeals on the basis of their individual merits and the comparisons do not alter my findings in respect of either of the appeals before me.

11. The appellants stress that local decisions should not seek to impose architectural styles or particular tastes in design. Design in the terms of the development plan and the Framework is about more than simply the building style. Whilst I note that the detailed design of the building is not a point of contention there would remain a marked inconsistency in the form of the development in comparison to plots in the vicinity relative to the plot size. These matters are common to both appeals and are not resolved through the alternative proposal for a four bedroomed house (Appeal B). In my view both schemes conflict with adopted policy for the reasons outlined.

12. The appellants argue that the density of the site would be consistent with others in the vicinity and that the Council has dismissed that similar plots have been agreed elsewhere. The acceptability of the site for development is not simply a size comparison and must consider a wider range of issues. The fitting in of either scheme in the available gap between the existing trees would not, in my view represent good design in terms of the character of the site.

13. For these reasons the developments would conflict with policies PP27 and PP28 of the Poole Local Plan (2018) (Local Plan) and to the aims of the Framework. These amongst other things seek to ensure that development reflects local patterns of development including the layout; siting; building lines and built site coverage and where plot subdivisions are only permitted where there is sufficient land to be able to achieve development in a manner which preserves the areas residential character.

Trees

14. Construction activity for both appeal proposals would be close to a number of trees protected by a tree preservation order, such protection is given where it is judged that their removal would have a significant negative impact on the local environment. The wider area has a significant number of mature trees particularly where rear gardens back on to each another. In respect of appeal A the proposed dwelling would be clearly seen between the existing properties rather than the verdant backdrop and to this extent the contribution which the trees make to the amenity of the area would be diminished. Less so by Appeal B however the structure would still partially obstruct the visibility of the trees.

15. Both buildings are proposed in a location which would impact on the canopy of protected trees. There are differing positions taken by the arboricultural advisors. The Council argue that whilst some issues have been resolved following discussion the relationship with three protected trees has not been resolved and that the extent of works to the trees would result in them being disfigured despite the appellants' contention that works would be a one off. Nonetheless they will continue to grow and the Council argues they will require additional works in the future. Moreover they express further concerns that the excessive shading and dominance which would be caused by the trees on the proposed dwellings would be likely to result in an oppressive environment for the occupiers of the proposed building. In contrast the appellants tree report

assesses that no harm would come to the trees and as the work is limited longer term effects on the trees are within the control of the Council.

16. It is evident that there would be very limited space between the proposed structure and the protected trees at both the front and the rear of the proposed buildings. From the evidence before me I remain unconvinced that the longer term health of the protected trees would not be harmed. Coupled with this the limited amenity space would be heavily shaded by the trees such that the proximity and relationship would not be sustainable in the long term. In contrast the appellants state the appeal schemes should not be an attempt by the Council to predict what may or may not happen in the future. In my view the canopies had a different extent than that shown on the submitted plans and I consider that in either scenario the only way to gain an improvement in sunlight to the dwellings would be to undertake further works to the trees.

17. The appellants take issue with the Council's suggestion that falling limbs from the protected trees would be problematic suggesting that such issues are superfluous concerns. However the impact of development on protected trees is a legitimate concern.

18. I consider there would be a very high likelihood that new pressures placed on the protected trees would risk jeopardising their future by the creation of pressures which do not currently exist. These are significant and material issues in relation to trees afforded statutory protection. The character of the site is heavily wooded and the loss of mature trees would erode this character and cause harm undermining the reasons why the trees were protected. As there is no certainty that the health of the trees would not be compromised in the short or long term the risk a credible one.

19. Taking all these factors into account both proposals would conflict with Policy PP27 of the Local Plan and to the aims of the Framework. These seek to ensure that development achieves the highest quality of design which responds to the natural features on the site in order to ensure that it does not result in the loss of trees which make a significant contribution to the character of an area.

Other matters

20. The appellants argue that there is a need to significantly boost the supply of housing to ensure that the local plan meets the identified need for housing and that national policy seeks to optimise the potential of sites in order to deliver the required level of housing. However the Poole Local Plan has only recently been adopted and there is no evidence before me that the Council has a shortfall in its supply such that the provisions of the Framework in respect of lack of supply would outweigh the development plan policies.

21. I note that no objection has been raised by the Council in relation to the impact on neighbouring dwellings or on the impact of the use of the access drive to service the vehicular access similarly and no objection offered by natural England. Whilst these aspects are positive they are not outweighed by the harm which has been identified in relation to the main issues.

22. The appellants argue that the plot is unusually large. I note that the red line area includes both the proposed plot and the existing house and garden; even though the overall density would be relatively low the layout and relationship would not reflect the prevailing characteristics in the area. The appellants also

argue that Appeal B is a legitimate fall-back position. Whilst it is acknowledged that efforts have been made to resolve the Councils concern the second proposal does not represent a fall-back position as it could not proceed nor would it justify the alternative appeal scheme.

23. The Council has advised that the contribution levels for the Dorset Heathlands management mitigation have increased since their comments withdrawing reason for refusal three. Given my findings on the main issues I do not need to consider this matter further.

24. The Council has highlighted that since the refusals a new policy has been introduced to require a contribution to mitigate the impact of recreation associated with new residential units upon Poole Harbour however this states that the interim scheme is pending formal adoption so this does not affect the outcome of these appeals.

Conclusion

25. For the reasons given, both appeal A and appeal B are dismissed.

Janet Wilson

INSPECTOR