The Planning Inspectorate

Appeal Decisions

Site visit made on 9 April 2019

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2019

Appeal A Ref: APP/E1210/W/18/3213670
1a Bracken Way, Highcliffe, Christchurch BH23 5LW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr David Cracklen against the decision of Christchurch Borough Council.
- The application Ref 8/18/0330/FUL, dated 5 February 2018, was refused by notice dated 18 April 2018.
- The development proposed is described as sever land and erect a detached 2-bed dwelling with associated access, parking and landscaping.

Appeal B Ref: APP/E1210/W/18/3215134
1a Bracken Way, Highcliffe, Christchurch BH23 5LW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr David Cracklen against the decision of Christchurch Borough Council.
- The application Ref 8/18/1832/FUL, dated 11 July 2018, was refused by notice dated 14 September 2018.
- The development proposed is described as sever land and erect a detached 2-bed dwelling with associated access, parking and landscaping – revised scheme.

Decision

1. Appeal A and Appeal B are dismissed.

Procedural Matters

2. Appeal A and Appeal B relate to the same site. The appeal proposals are both for the erection of a two-bedroom dwelling with associated access, parking and landscaping, but differ in their detail, with particular regard to the appearance of the building and the site's layout. Whilst I shall consider each proposal on its individual merits, I will deal with them in a single document, given that both schemes have much in common, and in the interests of brevity.

3. Throughout the decisions, I shall refer to the proposals as Appeal A and Appeal B respectively, in accordance with the way they are listed in the banner header above.

4. The National Planning Policy Framework (the Framework), which was revised in July 2018, was subsequently updated on 19 February 2019. This was published alongside the Government's Housing Delivery Test (HDT) results for local authorities in England. References to the Framework within this decision relate to the latest version published in 2019.

Main Issues

5. The main issues are, in respect of Appeals A and B, the effect of the proposals on the character and appearance of the area and, in respect of Appeal A, the effect of the proposal on Dorset Heathlands Special Protection Area (SPA), Ramsar Site and Dorset Heaths Special Area of Conservation (SAC).

Reasons

Character and appearance

6. The appeal site lies within a part of Bracken Way, which is predominantly characterised by a mixture of detached and semi-detached properties of a similar appearance, set within proportionately sized plots. A number of semi-detached properties have been subject to additional residential development, resulting in the creation of small terraces. Further down the road, the character of the street scene changes, as it primarily comprises detached bungalows. Properties in this area are typically set back from the road frontage and follow a consistent front building line. This, together with the mature trees and front boundary hedges, gives the area a pleasant suburban feel.

7. The appeal site comprises a two-storey detached dwelling which sits prominently at the corner of Bracken Way and Ringwood Road. Along the Ringwood Road frontage, the property is significantly screened by the established mature landscaping. There is a detached garage to the rear of the house, which benefits from a vehicular access onto Bracken Way.

8. Both proposals would significantly protrude beyond the established front building line along Bracken Way. As a result, the proposed dwelling would appear unduly prominent within the street scene, and out of keeping with the prevailing pattern of development in this area. This would be exacerbated by the constrained size of the appeal site, which means that the proposals would appear cramped, particularly as, in both instances, the footprint of the building would occupy a significant proportion of the plot.

9. The undue prominence of the new dwelling within Bracken Way would be emphasised further by the introduction of a gabled roof form in relation to Appeal A, and a cropped gable and Juliet balcony which would appear as alien features in respect of Appeal B. The fact that the proposed dwelling would respect the established rear building line, and include features to reduce its scale and mass, would do little to address the unacceptable visual impact of the development within the street scene.

10. The congested nature of the development would be further illustrated by the new dwelling's proximity to the side boundaries, and rear boundary, particularly in respect of Appeal A. The limited depth of the plot may not be widely perceived within the street scene. Nevertheless, the resulting scheme would be viewed as an overly intensive form of development which would exceed the capabilities of the existing plot to comfortably accommodate an additional dwelling, causing harm to the character and appearance of the area. This harm could not be mitigated by the use of sympathetic materials, or new hedge planting along the front boundary which, in any event, would inevitably take time to mature, and could not be guaranteed to be maintained and retained in the long term.

11. The appellant has referred to a number of applications for the erection of a two-storey side extension[1] and new dwellings[2], which have been granted by the Council in the immediate vicinity. Except for the fact that the new houses constitute infill developments fronting Bracken Way, these residential schemes, and the side extension, bear little resemblance with the appeal proposals which, in any event, I am required to assess on their individual merits, in the context of the street scene as a whole.

12. For the reasons set out above, I therefore conclude that both appeal proposals would result in unacceptable harm to the character and appearance of the area and therefore conflict with the design aims of Policy HE2 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy[3] (CS) and Saved Policy H12 of the Borough of Christchurch Local Plan[4].

Habitats Regulations

13. The appeal site lies within 5km of protected heathland. As detailed within the Dorset Heathlands Planning Framework 2015-2020 Supplementary Planning Document (the Dorset Heathlands SPD), Natural England consider that developments up to 5 kilometres from Dorset Heathlands[5], either on their own or in conjunction with other proposals, are likely to have a significant adverse effect on the integrity of these protected areas.

14. The Dorset Heathlands SPD therefore requires new development located within 5km of these protected areas to make a financial contribution towards heathland mitigation measures. Strategic Access Management and Monitoring (SAMM) contributions are secured through planning obligations.

15. Having regard to the recent judgment of the Court of Justice of the European Union[6] dated 12 April 2018, I must be satisfied that, as the decision maker, an Appropriate Assessment has been undertaken, to ensure the proposal's compliance with Habitats Regulations. In this particular instance, the cumulative effects resulting from potential developments within the area administered by the Council have been assessed as part of the preparation of the Dorset Heathlands SPD, which dates from 2016. The SPD is based on extensive research and provides an appropriate basis on which to mitigate the effects of the appeal proposal.

16. A signed Unilateral Undertaking, which would provide the required financial contributions to be made in accordance with the mitigation strategies, has been submitted by the appellant. Subject to this contribution, I am satisfied that any potential adverse effect resulting from the proposal on the integrity of Dorset Heathlands would be mitigated.

17. For the foregoing reasons I therefore conclude that, in respect of Appeal A, the proposal would not be likely to have a significant effect on the Dorset Heathlands SPA, Ramsar Site, Dorset Heaths SAC, alone or in combination with other plans and projects, and I find no conflict with the Dorset Heathlands SPD.

[1] Local Planning Authority reference 8/85/0301/F (granted 22 July 1990).
[2] Local Planning Authority references 8/16/2721/FUL (granted 14 February 2017), 8/11/0320 (granted 14 September 2011) and 8/18/1429/FUL (granted 23 August 2018).
[3] Adopted April 2014.
[4] Adopted March 2001.
[5] Dorset Heathlands Special Protection Area, Dorset Heathlands Ramsar Site, Dorset Heathlands Special Area of Conservation and Dorset Heathlands Special Area of Conservation (Purbeck and Wareham) and Studland Dunes.
[6] People over Wind, Peter Sweetman v Coillte Teoranta, Case C-323/17.

Other Matters

18. My attention has been drawn to the HDT results for Christchurch and East Dorset, which show that the number of dwellings delivered over the last three years is below the total number of homes required (75%). The implementation arrangements, which are set out in Annex 1 of the Framework, explain what constitutes delivery substantially below the housing requirement. For the HDT results published in November 2018[7], footnote 7 of the Framework applies where delivery was below 25% of housing required over the previous 3 years. The tilted balance as set out in paragraph 11(d) of the Framework would therefore not be engaged in this instance in respect of the HDT.

19. Paragraph 73 of the Framework states that a 20% buffer should be added to the supply of specific deliverable sites where there has been significant under delivery of housing over the previous three years. Footnote 39 indicates that this is to be measured against the HDT, where the result falls below 85% of the housing requirement. Whilst, as noted above, the HDT results for Christchurch are less than 85%, I have not been provided with any substantive evidence to suggest that the Council does not have a five-year supply of deliverable housing sites.

20. Moreover, even if I were to consider that the Council did not have a five-year housing land supply, the harm which I have identified would significantly and demonstrably outweigh the modest benefits resulting from the provision of one additional dwelling. Taken as a whole, neither of the appeal proposals would, consequently, constitute sustainable development which the Framework carries a presumption in favour of.

Conclusion

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

S Edwards

INSPECTOR

[7] Which were published in February 2019.