



Appeal Decision

Site visit made on 4 July 2019

by Thomas Bristow BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2019

Appeal Ref: APP/Q1255/W/18/3214428 42 Springfield Road, Poole BH14 0LQ

- 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 G Purnell against the decision of Poole Council.
 - The application Ref APP/18/00233/F, dated 15 February 2018, was refused by notice dated 24 April 2018.
 - The development proposed is described on the application form as to 'sever land and erect a detached dwelling with associated parking and access'.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. On 1 April 2019 the former Councils of Bournemouth, Christchurch and Poole combined to form a single Authority. Nevertheless, until superseded, the existing development plan documents of the former Councils remain extant.
3. There is some planning history to No 42 and its plot. At the time of my site visit significant alterations to No 42 were underway, following planning permission Ref APP/15/01727/F.¹ Permission was also granted in October 2018 for an ancillary pool building which has yet to be implemented (Ref APP/18/00953/F, the '2018 permission').
4. Circumstances on the ground, in policy terms, and in the nature of the proposal have moved on since a previously unsuccessful appeal for a detached dwelling here in 2016.² Notwithstanding that history, each proposal must be determined on its merits in accordance with the development plan unless material considerations indicate otherwise.
5. In this instance the development plan includes policies of the Poole Local Plan (adopted 13 November 2018, the 'LP'), superseding the former Core Strategy (adopted 19 February 2009, the 'CS'). The Council are of the view that their reasons for refusal still stand, with the relevant policies of the LP in this instance differing little in substance to provisions formerly in place.
6. Similarly since 2016 the National Planning Policy Framework has been updated (the latest iteration being published on 19 February 2019, the 'NPPF'). I have

¹ Which in turn followed planning permission Ref APP/17/00166/F.

² Ref APP/Q1255/W/16/3148170.

also had regard to other material considerations including the Planning Practice Guidance ('PPG'). The appeal process has accorded suitable opportunity for comment on the changing context here, in so far as is relevant and necessary.

Main issue

7. Based on all I have read and seen, the main issue is the effect of the proposal on the character and appearance of the area.

Reasons

8. No 42 is a substantial detached dwelling which has been much altered over time. It is well set back from Springfield Road on elevated ground such that there are expansive view from it of across Parkstone Bay towards the coast (broadly south westwards). There is a rise of around seven metres between the level of the pavement and ground level near the house.³ Consequently, given a substantial front boundary hedge and various mature trees and planting within its plot, No 42 is largely hidden from view from nearby.
9. The principal contribution of No 42 and its land to local character is therefore by virtue of its seclusion from the street scene and natural appearance. That is particularly so when viewed from the south, where the front boundary hedge arcs around access to the property which also serves Nos 38 and 40. Those dwellings were created at some point previously via the subdivision of the formerly more extensive plot to No 42. They are nevertheless detached properties sitting comfortably within relatively spacious plots. By consequence of the visual break resulting from that access, and as the layout of properties along Cherry Close is inconsistent with the prevailing single-row depth arrangement of properties facing Springfield Road, in my view the appeal site has a closer visual connection to the latter.
10. The appeal site is part of the front garden of No 42 and includes an existing swimming pool. At the time of my site visit the site was largely untended and overgrown. As noted above, whilst there has been some change since the previous appeal, my observations in respect of the nature of the appeal site and its surrounding context broadly align with those of the previous inspector (albeit that they are arrived at independently).
11. Springfield Road is primarily characterised by detached dwellings which are regularly arranged in relatively spacious plots, mostly of significantly greater depth than width. Properties are generally generously set back from the pavement, often considerably so. Those features result in a comfortable sense of spaciousness. That is notwithstanding some variety in the arrangement of properties, in their design, and the presence of some more intensive residential uses.
12. Front gardens tend to be well-established, adding to the natural feel of the area. Vegetation has often overgrown and absorbed hard front boundary features. Planting, hedging and mature trees alongside Springfield Road gives the area a distinct verdant character. In reflection of that, the site is

³ Drawing No. 101 revision B.

encompassed within a Tree Preservation Order dating from 1962.⁴ Those characteristic qualities of development repeat in the wider area.

13. LP and NPPF policies pull in different directions. On the one hand there is support, via LP policy PP2 and NPPF paragraphs 68, 122 and 123 under certain circumstances, for the development of smaller sites and for increasing or optimising residential density (alongside support for provision of new housing in general terms). LP policy PP2 gives an indicative minimum residential density of 50 dwellings per hectare ('dpa') in sustainable transport corridors, as is the location of the appeal site. However such support is not unquantified. And no one development plan policy, nor element of the NPPF, automatically outweighs any other.
14. LP policy PP27 sets out that development should reflect or enhance local patterns and characteristics of development. Similarly LP policy PP28 explains that plot subdivision 'will only be permitted where there is sufficient land to enable a type, scale and layout of development... in a manner which would preserve or enhance the area's residential character'. Accordingly LP policy PP2 explains that higher densities will need to be considered on a case by case basis. Being sympathetic to local character is a principle which accords with NPPF paragraph 127, and is reiterated in the PPG regarding the layout and inter-relationship between buildings and local distinctiveness.⁵
15. The proposal is to create a dwelling of contemporary asymmetric design. It would be cut into the bank, accessed directly from Springfield Road, with a tiered form and associated side garden space, and a green roof. As was noted by the previous inspector, the appeal site is not significantly smaller than other nearby residential plots. The proposal has been altered since application Ref APP/15/01729, notably in respect of the proposal for a deeper area of soft landscaping fronting Springfield Road, a greater minimum set-back distance of five metres to the garage, and a narrower driveway.⁶ The 2018 permission is for a substantial structure with a footprint of around 201 square metres compared to 180 for the dwelling proposed, set back into the plot by approximately 3.6 metres. I also note that the appellant contends that the vegetation and hedge within the plot, outwith the protections accorded by the TPO, could be removed irrespective of the outcome of the appeal and without the need for specific consent.
16. However, whilst in overall extent the appeal site is comparable with others nearby, in dimensions and depth it differs markedly from the prevailing nature of plots in the area. Whilst not modest in absolute terms, relative to many nearby plots it is significantly less deep. The appellant states that the footprint of the dwelling would occupy around 35% of the plot, albeit that there are no figures of comparable ratios before me. However from my site visit it appears that figure is likely significantly greater than is typical along Springfield Road. The proposed dwelling would be set hard against a rear retaining wall without a meaningful front garden. I was unable to identify other properties nearby

⁴ Notwithstanding that, subject to adherence to the measures in the Arboricultural Tree Survey, Impact Assessment and Method Statement prepared by Treecall Consulting Ltd, dated 1 February 2018, established trees on site could be suitably safeguarded.

⁵ Including Reference ID: 26-023-20140306 and 26-020-20140306.

⁶ As detailed in the supporting Planning and Energy Resources Statement of February 2018.

similarly arranged, nor that are as significantly sunken in the landform as the proposal (albeit that would serve to moderate its visual prominence).

17. The appellant contends the set-back of the proposed dwelling from the pavement would be comparable to other properties nearby, given in particular that the garage would be to large extent obscured from view by virtue of the area of embankment and soft landscaping proud of it. The set back of Nos 37, 39 and 40 Springfield Road are given in support of that position, with the appellant explaining that the nearest visible element of the dwelling proposed would be approximately 10 metres away from the pavement. However No 40 is not accessed directly from Springfield Road. Nos 37 and 39, stated to be some 5.9 metres and 9.2 metres into their plots, are moreover atypically close to the pavement compared with the prevailing layout of properties nearby as described above.
18. I am told, in itself, the proposal would effectively amount to a density of 20 dwellings per hectare ('dph') compared to 25dph at Cherry Close. I have set out how, neither in terms of the pattern of development nor visually, is Cherry Close a suitable comparator. Nevertheless I understand that the residential density of 44 Springfield Road, two blocks of flats and by consequence a relatively intensive use, is instead lower at 15 dph. Whilst density in numerical terms is only a rough approximation for the effects of a scheme, it appears that the resultant level of density from the proposal would be out of keeping (albeit to a limited extent).
19. I accept that the larger area of soft landscaping towards the site frontage of the plot and narrowed vehicular access would moderate the effect of the proposal compared to the previous scheme. However comparisons relative to an unsuccessful scheme do not, in themselves, serve to justify development. It is inevitable that any screening resulting from the bank and planting, retained or replaced, would only partially obscure the dwelling proposed. Regardless of its finish or colour, substantial retaining walls are without parallel in the immediate area. They would inherently result in an engineered and unduly harsh addition to the comfortable natural character of the area.
20. Given the significance of earthworks proposed and the construction of retaining walls, it is highly likely that replacement planting would also take some time to mature. As with the previous inspector I have concerns as to the permanence of landscaping. A condition requiring that boundary features are retained in perpetuity would, in all likelihood, be unreasonable. Moreover it appears that it would be advantageous to future occupants of the proposed dwelling to seek to reduce or moderate natural screening along the plot frontage. That would be in order to make best advantage of expansive views in this direction noted above. Such pressures are unlikely to arise in connection with the occupation of No 42 as it stands, given its relative elevation in the topography.
21. The 2018 permission, albeit for a substantial building, remains for a single storey structure that would appear as a simple subservient ancillary building to No 42. I understand that the dwelling proposed would be around 1.35 metres taller than it. Regardless of that figure, the scheme would appear more substantial, being two storeys in height when viewed from around the access proposed. Notwithstanding my reasoning above regarding boundary features, I note that the 2018 permission would directly entail no greater effect on the

openness of the appeal site (by virtue of the intention in that instance to retain or to replace any lost natural screening during construction).

22. The proposal before me would have a lesser visual effect than the scheme to which the previous appeal related. However the corollary is that the dwelling proposed would appear more tightly squeezed within an inadequately-sized plot, exacerbating its inconsistency with the prevailing pattern of development. The proposal would appear discordant with reference to the spacious and verdant character of the area, drawing the eye by consequence, and detracting from the otherwise harmonious character in this location. I therefore conclude that the proposal would result in unduly cramped and incongruous development detrimental to local character and appearance, in conflict with the relevant provisions of the LP policies and elements of the NPPF cited in paragraph 14 above.

Other matters

23. The Council's second reason for refusal was that, in the absence of an appropriate contribution towards mitigating effects on ecology resulting from increased recreational pressure and potential for disturbance to the Dorset Heathlands Special Protection Area and Poole Harbour Special Protection Area ('SPAs'),⁷ a likely significant adverse effect in that respect could not be ruled out. The appeal site falls within the five kilometre zones of influence of the SPAs, with reference to the Dorset Heathlands Planning Framework 2015-2020 Supplementary Planning Document (adopted January 2016, 'SPD') and the and also via the Poole Harbour Interim Scheme (published 2 January 2019, pending adoption of a formal planning document).
24. The potential for adverse effects to ecology and habitats, the protection of which being the purpose for which the SPAs are designated, increases in line with the number of dwellings nearby. Birds can be disturbed by recreational activities, predation from domestic pets, and from habitats being unavailable from time to time by consequence. In the abstract, avoidance or mitigation of effects to the SPAs would be achieved by site-specific measures and off-site provision, including by way of Suitable Alternative Natural Greenspace ('SANG'), to redirect those who would have made use of the SPA, or via contributions towards Strategic Access Management and Monitoring arrangements ('SAMM').
25. The appellant has provided an undertaking, pursuant to Section 111 of the Local Government Act 1972 as amended, dated 10 June 2019. That contains a financial contribution towards SAMMs consistent with the approach in the SPD and Interim Scheme referred to above. Consequently, given the scale and nature of the proposal relative to the established residential character of the area which is not specifically protected on account of its ecological value, the evidence before me does not indicate that unacceptable effects to ecology would be likely to result (albeit that, following recent case law, likely significant effects to sites designated under European legislation may only be ruled out, where mitigation is proposed, via the mechanism of appropriate assessment).⁸

⁷ Designated pursuant to European legislation, which overlap a number of other environmental designations.

⁸ People Over Wind and Sweetman v Coillte Teoranta, Environment – Conservation of natural habitats [2018] EUECJ C-323/17, with regard to the application of Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017.

However even were no likely significant effects to ecology to result in line with LP policies PP32 and PP33 and NPPF paragraph 170, that would be neutral in the planning balance rather than representing a positive factor weighing in favour of allowing the appeal.

26. Notwithstanding intricacies with Housing Delivery Test data applied via the implementation arrangements in NPPF paragraph 215 and associated appeals brought to my attention by the Council,⁹ with regard to NPPF paragraphs 67 and 73 the Council explain that they are presently able to demonstrate a five year land supply of deliverable housing sites relative to needs ('5YLS'). There is no robust evidence before me to the contrary, albeit that I accept that the LP represents an uplift in intended housing provision relative to the CS and that there are pressing needs for housing nationally.
27. The proposal would have certain benefits including resulting in an incremental numerical addition to housing stock, in supporting employment during construction, and as future occupants would bring trade to nearby services and facilities. I note the appellant's intention for the dwelling to be built to high levels of accessibility and sustainability. However the benefits of one new home would inevitably be modest, particularly relative to the stepped housing target in the LP which varies from 500 to 815 homes annually over the plan period. Moreover, following my reasoning in paragraphs 13 and 14 above, neither the support for new housing in the LP nor NPPF is at the expense of ensuring that all integrates appropriately with its surroundings. Consequently no other matters are sufficient to justify allowing the appeal.¹⁰

Conclusion

28. For the above reasons, having had regard to the development plan as a whole, the approach in the NPPF, and to all other relevant matters including the representations of those nearby, I conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR

⁹ Ref APP/Q1255/W/18/3203055 and APP/Q1255/W/18/3203055.

¹⁰ Inherent in that reasoning is that the adverse effects of the proposal would significantly and demonstrably outweigh the benefits (notwithstanding that the most important policies in this instance relate to design and align with the approach in the NPPF).