



Appeal Decision

Site visit made on 20 May 2019

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2019

Appeal Ref: APP/Q1255/W/18/3217369
20 Upton Way, Poole BH18 9LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr I Bailey against Poole Council.
 - The application Ref APP/18/01068/F is dated 6 August 2018.
 - The development proposed is demolition of an existing side extension and make good, divide garden and erect a pair of semi-detached houses and a detached bungalow with associated vehicular access and parking.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Procedural Matters

2. The planning application that gave rise to this appeal was made to Poole Council, which ceased to exist on 1 April 2019, following a merger with Bournemouth Borough Council and Christchurch Borough Council to form the new Bournemouth, Christchurch and Poole Unitary Authority. Provisions within the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 allow for any "plan, scheme, statement, or strategy" prepared by one of the merging authorities to be treated as if "it had been prepared and, if so required, published by the single tier council for the whole or such part of its area as corresponds to the area to which the particular plan, scheme, statement or strategy relates". The status of the Poole Local Plan (2018) (the Local Plan) has not therefore changed as a result of the merger.
3. The Council has confirmed that had it determined the application within the prescribed period, it would have been refused for reasons related to matters of character and appearance and the effects on European protected sites. However, the Council is now satisfied, following the provision of a legal agreement, that the latter of these reasons has been overcome.

Main Issues

4. The main issue in this appeal is, therefore, the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site lies in a wholly residential area, comprised of detached 2-storey houses set back from the road on large plots. There is a wide variety in the

design of the houses, but there is a consistency in their general scale and layout. The street is tree-lined with grass verges, and many of the front gardens have mature planting, giving the area a pleasant suburban and sylvan character. Although the long back gardens of the houses are not readily visible from the street, the feeling of spaciousness to the rear is evident due to the backdrop of trees, and the general absence of buildings in the views between houses.

6. No 20 occupies a wider plot than is characteristic of the area, and planning permission¹ was granted in September 2017 for the division of the existing plot and erection of two semi-detached houses. I note that the Council does not object to this element of the scheme and I have no reason to take an alternative view.
7. However, the truncation of the existing and approved house plots, and the insertion of a bungalow to the rear, would be entirely out of character with the grain and layout of the surrounding area. Although large enough to provide satisfactory outdoor amenity space for the occupants, the gardens would be significantly smaller than any others nearby.
8. The bungalow to the rear would be at a lower level than the existing and proposed houses on the frontage, so would only be visible in glimpsed views from limited vantage points. However, the wide central driveway that would be necessary between the frontage plots would be uncharacteristic of the surrounding area, where the domestic scale driveways do not generally extend far beyond the frontage development. Whilst there is space within the layout for planting to soften the visual effects of the proposed frontage car-parking areas, the driveway between the houses would only serve to amplify the harmful effects from the uncharacteristic form of development to the rear.
9. Although the current proposal now only provides for one bungalow, I concur with the findings of the previous Inspector², that the overall effect of the development would contrast markedly with the grain of development in the area and would interrupt the rhythm and harmony of the street scene. As a result, the development would be harmful to the character and appearance of the area. The proposals would therefore be contrary to Policies PP27 and PP28 of the Local Plan which, amongst other things, seek to ensure that new development reflects local patterns of development and neighbouring buildings, and that plot severances preserve or enhance the area's residential character.

Planning Obligation

10. The appellant has submitted an executed planning obligation confirming payment of a financial contribution towards mitigating measures that would avoid harm to the Dorset Heathland Special Protection Area (SPA) and the Poole Harbour SPA. However, as I am dismissing the appeal, it has not been necessary to consider this matter further.

Other Matters

11. The appeal proposals would provide 3 houses in a sustainable location, which would assist with the government's aim of boosting the supply of homes. The National Planning Policy Framework (the Framework) and the Local Plan both

¹ APP/17/00961/F

² APP/Q1255/W/18/3208615

support the effective use of small sites in sustainable locations for housing. I have given great weight to the benefits of using the site for this purpose, as required by paragraph 68 of the Framework. However, the Framework and the Local Plan also seek to achieve well-designed places that are sympathetic to the surrounding built environment, and I have found that the development would result in harm to the character and appearance of the area.

12. I am also mindful that Policy BP5 of the Broadstone Neighbourhood Plan is supportive of the provision of 1 and 2-bedroomed dwellings in this Inner Zone, and that the proposed bungalow would fall into this category. However, this does not outweigh the harm I have found to the character and appearance of the area, and the resultant conflict with Policies PP27 and PP28 of the Local Plan.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR