
Appeal Decision

Site visit made on 24 July 2019

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2019

Appeal Ref: APP/Q1255/W/19/3225565

143 Alexandra Road, Poole BH14 9EP

- 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 and Mrs Grennall against the decision of Poole Council.
 - The application Ref APP/18/01663/F, dated 11 October 2018, was refused by notice dated 1 March 2019.
 - The development proposed is conversion of the existing boat storage / garage to a 2 bedroom dwelling with associated access and parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The decision to refuse planning permission was made by 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.

Main Issues

3. During the appeal, a financial contribution has been paid to the Council by the appellant, in accordance with the terms of a completed Undertaking under Section 111 of the Local Government Act 1972. The contribution would fund measures to mitigate the cumulative impact of increased visitor numbers from the proposed development, and other developments, on the integrity of the Dorset Heaths Special Protection Area and the Poole Harbour Special Protection Area. As a result, the Council has confirmed that the second and third reasons for refusal have been overcome. As I am dismissing the appeal, it is not necessary for me to consider the proposal any further in respect of the Conservation of Habitats and Species Regulations 2017.
4. Therefore, the main issues in this appeal are:
 - a) the effect of the development on the character and appearance of the area; and,

- b) whether the development would provide suitable living conditions for future occupants with regard to outdoor amenity space.

Reasons

Character and appearance of the area

5. The appeal site lies in a mature residential area, comprising largely of detached 2-storey houses. On the side of the road that contains the appeal site, the buildings are predominantly red-brick, with decorated gables being a characteristic feature. Front gardens are generally enclosed by brick walls and hedges and many of them contain trees and shrubs, giving the area a well-vegetated appearance. The houses are substantial, and occupy large plots, which back on to those of the houses in Crescent Road, which are of a similar character. The large rear gardens combine to provide a significant area of green space between the 2 rows of houses. Although the individual rear gardens are not generally visible from public viewpoints, the sense of spaciousness to the rear is apparent from the large trees that are visible behind the frontage buildings, and the distant views of the houses in Crescent Road which can be glimpsed from Alexandra Road through the gaps between buildings.
6. 143 Alexandra Road has been extended to create a new attached house on its northern side, which involved the sub-division of the rear garden. The original house has also been divided into 2 flats. At the rear of the plot a flat-roofed building of a more contemporary character has been built, which contains an office and boat store associated with one of the flats. This is the building that is the subject of this appeal.
7. I saw that these recent developments have not harmed the spacious character of the area. The new house is of similar character to surrounding houses and has a long rear garden, thus maintaining the prevailing pattern of development. The division of the existing house to flats has been achieved without affecting its appearance as a single building, and without any formal sub-division of the rear garden. The appeal building, with its flat roof and garage doors, appears as the type of functional and subservient outbuilding that may be expected in a large rear garden.
8. The proposal to convert the outbuilding to a separate dwelling, however, would involve the subdivision of the rear garden to create an entirely separate plot. This plot would be much smaller than is characteristic of the surrounding area. It would also significantly reduce the amount of land associated with the existing flats. Although the flats would still have sufficient outdoor space to meet their day to day needs, the plot associated with the building would be much smaller than is characteristic of the area. As a result, the development would be out of keeping with the prevalent grain of development and would not preserve the area's spacious residential character.
9. The proposed dwelling would be located between the rows of houses fronting Alexandra Road and Crescent Road. The insertion of full-length windows in the front elevation of the building would change its apparent character as a functional outbuilding, to a more overtly residential building. The change in character would be readily visible from Alexandra Road whenever the access gates were open. As a result, the building would appear as an incongruous

dwelling intruding into the green space between the 2 rows of houses. It would not, therefore, reflect the local pattern of development.

10. The appellants have drawn my attention to other backland sites in the locality, which are suggested to contribute to the distinctiveness of the area. It is pointed out that the closest of these examples, at 9 Crescent Road, has a similar plot size to that proposed under the appeal scheme. I saw that the house to the rear of 9 Crescent Road was uncharacteristic of the immediate area and served to illustrate how further residential development between the rows of houses could erode the sense of spaciousness. I have not been provided with details of the planning circumstances relating to this development or the other examples, most of which are located some distance from the site, or where the existing context is different. However, the Local Plan was adopted in November 2018 and Policy PP28 specifically addresses plot severance. The identified examples are likely to pre-date this policy and, in any event, I must deal with the case on its individual merits.
11. For the reasons given above I conclude that 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. These policies seek to ensure that proposals reflect local patterns of development in terms of layout and siting, and that plot severances preserve or enhance the area's residential character.

Outdoor amenity space

12. The proposed dwelling would be served by an enclosed outdoor amenity space to the north, together with a narrow area to the front of the building. Whilst very much smaller than the surrounding gardens, the amount of outdoor space would be sufficient for the everyday needs of the occupants, and would provide a relatively private space for outdoor relaxation.
13. Two protected trees, a horse chestnut and a sycamore, lie close to the northern boundary of the site, and overhang the main outdoor amenity area. At the time of my site visit, almost the entire outdoor amenity area was receiving sunlight, with just a narrow strip shaded by the building itself. The trees were only casting shade on the rear boundary hedge/fence. I am mindful, however, that my visit was in the middle of the day in summer. The appellants have provided photographs showing that the area also receives a significant amount of sunlight at various times of the day in March, although this is when the trees would not be in full leaf. The March photographs also demonstrate that the low height of the building results in a limited shading impact on the garden. It is therefore evident that the proposed amenity area does receive sunlight at various times of the day and year.
14. However, in considering the impact of the trees on the living conditions of occupants of the dwelling, it is necessary to assess the potential for future growth and spread of the canopies. Although the trees lie to the north of the amenity space, their continued growth could result in overhanging branches that obstruct sunlight throughout the year. The trees make a significant contribution to the character and appearance of the area, so it is important that conditions are not created whereby there is reasonable justification for pruning or felling. Such a situation could arise if the trees cast shade over the outdoor amenity space for significant parts of the year. In the absence of a Tree Report from a suitably qualified expert, to demonstrate that there will not be a

significant conflict in the future, I conclude that there is a likelihood that the outdoor amenity space would not prove satisfactory in the long term, resulting in pressure to reduce or fell the protected trees.

15. For the above reasons, I conclude that the proposals for outdoor amenity space would not provide suitable living conditions for future occupants in the long term, due to the potential conflict with the protected trees. The development would therefore be contrary to Policies PP27 and PP28 of the Local Plan, which seek to ensure that satisfactory usable external amenity space is accommodated in new development. The potential for future pressure to prune or fell the trees adds weight to my findings of harm under the issue of the character and appearance of the area.

Planning Balance

16. The appellants assert that the Council has only met 68% of their assessed need under the Housing Delivery Test. However, I have not been provided with the evidence that supports this view. The Council has not disputed this statement or provided evidence to demonstrate that it has a 5-year supply of deliverable housing sites. However, as the Local Plan was only adopted in November 2018, it seems unlikely that there is already a shortage of identified sites. It has therefore not been demonstrated that the “tilted balance” required under paragraph 11(d) of the National Planning Policy Framework (the Framework) would apply. However, even if I were to conclude that it should apply, I still find that the harm to the character and appearance of the area would significantly and demonstrably outweigh the relatively minor benefits of providing one new dwelling.
17. The appellants cite paragraph 68 of the Framework in support of the proposal. In particular they refer to 68(c), which requires great weight to be given to the benefits of using suitable sites within existing settlements for homes, and 68(d) which encourages the sub-division of large sites where this could speed up the delivery of homes. I have found that the site is not a suitable site for a dwelling due to the resultant harm to the character and appearance of the area. It is also not the sort of large site that could be subdivided and delivered more quickly by several developers as envisaged by paragraph 68(d).
18. The development would, however, make a small contribution to the government’s objective of boosting the supply of homes, as expressed in paragraph 59 of the Framework. This benefit is, however, modest and the Framework needs to be considered as a whole. Whilst it supports the provision of housing in sustainable locations, it also seeks to ensure that development is sympathetic to local character and provides a high standard of amenity for future occupants. The modest benefits that would ensue from the development do not outweigh the harm that I have found to the character and appearance of the area and the living conditions for future occupants.

Conclusion

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

Nick Davies
INSPECTOR