

# Appeal Decision

Site visit made on 30 July 2019

**by John D Allan BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20<sup>th</sup> August 2019**

---

**Appeal Ref: APP/Q1255/D/19/3230867**

**La Font, 26 Bury Road, Poole, BH13 7DF**

- 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 Taylor against the decision of the Borough of Poole Council.
  - The application Ref APP/18/01611/F, dated 13 December 2018, was refused by notice dated 28 March 2019.
  - The development proposed is described as '*Extension and internal alterations to 2-storey detached dwelling. Alterations to driveway, including new gates and access to create second opening, giving separate entrance / egress*'.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the Branksome Park Conservation Area.

## Reasons

3. The appeal property is a contemporary, two-storey dwelling located within the Branksome Park Conservation Area. The Council adopted the *Branksome Park Conservation Area Character Appraisal and Management Plan* (CACAMP) as Supplementary Planning Guidance in 2006. This describes an area of informal road layouts and varied architecture combining with dense evergreen hedges, turf embankments, and generous wooded plots to give it its special and unique character. For the most part trees and natural vegetation dominate although I saw that this is not always so, some new developments along Bury Road being cases in point, where the houses are prominent within the street scene. However, these are the exceptions rather than the norm, and it is significant that the CACAMP identifies the negative impact some new developments have had in recent years upon the area's landscape character through the removal of large areas of mature and dense vegetation, leaving new buildings clearly visible from the road rather than, more characteristically for the area, glimpsed between trees.

4. Part 2.7 of the CACAMP provides a summary list of the key elements that define the area's character and appearance. Although not expressly stated here, it is evident from reading the document as a whole, and from my own observations, that the area's overriding sylvan character is derived from a combination of mature vegetation and a sense of space and openness. This is further endorsed by the CACAMP's character area description for Bury Road (Middle), where the appeal property lies. I saw that bungalows or dormer bungalows no longer typify this section of Bury Road, but the need to ensure that buildings do not become too large for their plots is properly recognized within the CACAMP and I share the appellants' expressed view that, even though the architecture in places may have altered, the area still largely maintains its verdant and open character. This overall assessment leads to a proper understanding of the area's special interest and its significance as a heritage asset, consistent with the outlines given within the Historic Environment Good Practice Advice in Planning: 2 published by Historic England, entitled *Managing Significance in Decision-Taking in the Historic Environment*.
5. The appeal property occupies a fairly large plot, typical for the area. The building is orientated at an angle to the road and has a strong horizontal emphasis to its design. Despite this it maintains separation to the side boundaries of the plot and neighbouring buildings, such that there is a good balance between the visual presence of the dwelling and the landscape character for the area.
6. The appeal proposal would extend the property to one side, bringing the remodelled building closer to the boundary with No 28. There is extensive planting between the two buildings, and I accept that this would be largely unaffected by the extension. I also accept that further planting could be introduced. However, there would be a noticeable encroachment of built form into space at the side of the existing dwelling that is open. A gap between the building and side boundary would be retained, and this would be larger when measured at the front of the extension compared with the rear, due to the angled position of the dwelling. However, when approaching the appeal site from the north, the size of the gap would not be sufficient to avoid a perception that the dwelling would span almost the majority width of its plot. In addition, from this approach the two-storey part of the extension would visually coalesce with the built form of No 28 that would be seen in the background.
7. I cannot agree with the appellants that as a result of the proposed works the open and verdant character and setting of the conservation area would be enhanced and better revealed. In my assessment, despite the sympathetic and integrated form of the proposed extension in relation to the existing house, the dwelling would appear excessively wide and uncomfortable on its plot. Although the spacing with No 24 on the opposite side would be unaffected, overall the setting of the dwelling would be less spacious. This would directly conflict with parts of Design Code 9 of the CACAMP, which deals with gaps between buildings. Although it is not necessarily the case that any planting would be lost to the side of No 26, the balance between the built form and landscape setting would shift. The increased dominance of the dwelling would harmfully impact upon the openness of the area. This is a factor that contributes to the area's special interest and consequently the area's significance as a heritage asset would be compromised.

8. Part of the proposal would include the provision of a second point of access to Bury Road to create a 'carriage type' drive to the front of the dwelling. This would be close to a street tree identified by both main parties as a Monterey cypress and annotated as T4 by the appellants. The appellants' revised Arboricultural Impact Assessment and Method Statement (AIAMS) dated March 2019 identifies the tree as a class 'C' category tree, being a tree of low quality with an estimated remaining life expectancy of at least 10 years. Nevertheless, the AIAMS describes the tree as mature, which implies that it still has one-third of its life expectancy left, and that its physical and structural condition was fair, meaning that it was generally healthy with some defects but only of low significance. I have no reason to dispute these findings, and in this condition, I share the Council's view that it is a prominent tree with a high degree of visual amenity, which contributes to the verdant character of the area.
9. The AIAMS addresses the proposed installation of a new gate to the proposed access. This would fall well within the theoretical Root Protection Area for T4. It explains the need for exploratory holes to be hand dug to establish the presence of roots prior to any foundations for the gate's piers or the track for the gate being installed. The implication of this is that the necessary works could impact upon the tree's root system as the AIAMS states that the exploratory hole or the route for the gate's running track may need to be repositioned.
10. Based upon the information that is available to me, the implications of the works in the fixed position shown upon the health or longevity of the tree are unknown. This part of the appeal proposal could potentially impact upon a tree that, by virtue of its age, size and visual presence, currently makes a valuable contribution to the special character of the conservation area. This adds further to my concern.

#### *Other matters*

11. The appellants have drawn my attention to the Council's 'A Design Code' SPG, adopted in 2001. I have only been provided with extracts from this guidance but there is nothing that I have seen from that document which would alter my findings in this case as they relate to the impact of the appeal proposal upon the character and appearance of the area.
12. I have noted the concerns expressed by the occupiers of 28 Bury Road. I have dealt with the relationship of the appeal proposal with the shared boundary between both properties in terms of the spatial qualities and character of the area. Despite the proximity of the appeal proposal to the neighbouring dwelling I am not persuaded by any substantive evidence that there would be any significant impact upon the neighbours' living condition in terms of an overbearing impact, particularly given the spacious size of the plot to No 28. I note that nearby trees within the neighbours' plot are covered by a Tree Preservation Order and that the proposed extension would project close to these. There is little information available regarding the potential impact of the proposal upon these trees other than a suggested position for tree protection fencing to the rear of the appeal property. Had I concluded differently upon the main issue in this case, this would have been a matter I would have likely

needed to seek further information about from the main parties, but in the circumstances this has not been necessary.

13. I have noted that since the Council's decision a revised scheme has been submitted to, and approved by, the local planning authority (Ref APP/19/00527/F). This has had no bearing upon my findings that are based on the merits of the case that is before me.

### **Conclusion**

14. For the reasons given, I find that the proposal would harm the character and appearance of the Branksome Park Conservation Area. The proposal would thereby conflict with the general design principles of Policy PP27 of the Poole Local Plan (PLP) by failing to reflect or enhance the local pattern of development, and PLP Policy PP30, which deals with heritage assets, by failing to enhance or better reveal the significance and value of the site within the street scene and wider setting. Although the harm to the significance of the conservation area as a designated heritage asset would be less than substantial, I have not identified any public benefits to the proposal that would weigh in its favour. There would therefore also be conflict with the National Planning Policy Framework insofar as it deals with conserving and enhancing the historic environment.
15. Accordingly, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*John D Allan*

INSPECTOR