
Appeal Decision

Site visit made on 5 August 2019

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2019

Appeal Ref: APP/Q1255/W/18/3218781

**Oak Corner Place (Land Adjacent to 2 Hamilton Road), Hamworthy, Poole
BH15 4EW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr N Rubenstein (OOTA Property Limited) against the decision of the Borough of Poole Council.
 - The application Ref: APP/18/01110/P, dated 15 August 2018, was refused by notice dated 29 October 2018.
 - The development proposed is for the erect of a detached dwelling with garden and off road car parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal seeks outline permission with matters reserved except for access, layout and scale. In so far as the submitted plans and drawings show details of matters other than the access, layout and scale, I have treated those as being purely illustrative.
3. Since the decision was taken by the Council, the Poole Local Plan was adopted in November 2018, which is now the statutory development plan for the site. An update of the policies has been provided. Furthermore, the Local Planning Authority is now part of Bournemouth, Christchurch and Poole (BCP) Council from April 2019. Nevertheless, until superseded, the existing development plan documents of the former Councils remain extant.
4. The Council confirms that the site is within an area of this new authority which has a sufficient housing land supply.
5. This information has been provided with the Council's statement, which has been provided to the appellant.

Main Issues

6. The main issues are the effect of the development on:
 - The character and appearance of the area.
 - The living conditions of future occupiers of the proposed dwelling.

- The ecological importance of nearby European Protected Sites.

Reasons

Character and Appearance

7. The proposed house is on a plot of land to the side of No 2 Oak Corner/Hamilton Road. The site is near to the junction in which Hamilton Road and Legion Road meet with Coles Avenue. The dwellings at the corners of this junction are set within spacious plots and also set back from the junction. This appears as a purposeful urban design layout, allowing for a spacious and verdant junction setting.
8. The proposed dwelling would fill much of the plot of land to the side of the house at Oak Corner, adjacent to Hamilton Road. This would have a significant effect of eroding the spacious character of this urban area near to the junction. As such, the proposed dwelling introduced into this plot which would result in it being an incongruous addition to the area's layout.
9. Furthermore, the dwelling would be positioned significantly forward of the building line that is prominent as a feature along this side of Hamilton Road. This would therefore be an intrusive addition to the street scene that would fail to accord with its existing layout and pattern of development. There may be other examples of dwellings set forward of the building line, but this is not the prevailing characteristic.
10. In terms of plot size, the proposed house would sit in a plot significantly smaller than most others in the area. There are a few exceptions, but the majority of houses sit in spacious plots with sizable gardens. Again, the proposed plot size would not accord with this characteristic of the area.
11. Furthermore, there is also nothing in the planning history of the site that would suggest this proposed siting of a house as appropriate. I also note the intention for additional landscaping and the design which attempts to 'turn the corner' on this corner plot site, but these factors do not address the issue of eroding the spacious character which the plot contributes to the area, for example.
12. Overall, whilst I do not consider the proposal has an adverse effect to the balance of the adjacent semi-detached pairs due to the variety of house types locally, the proposed development would be harmful to the character and appearance of the area and therefore be contrary to policies PP27 and PP28 of the Poole Local Plan 2018. These policies seek to, amongst other things, require development to be of a good standard of design and reflect local patterns of development, including provision of sufficient space where plot severance is involved.
13. However, I do not regard the proposal as being in conflict with policy PP02 of the Local Plan (LP) as this primarily refers to the broad location of development.

Living Conditions – Future Occupants

14. The proposed house is in a confined site with many of the windows having a northerly aspect. This may limit the amount of light attained by these windows. However, the number of windows, which the appellant states would be large glazed features, would provide sufficient light and sunlight-heat to the inside of

the proposed house. The full details of the exterior of the proposed house is not submitted at this stage, but I have no substantive reason before me to regard that the interior would be a poor standard for future occupants.

15. The proposed layout of the site would provide a small area of amenity space to the rear of the house, which would likely be relatively overshadowed area. However, there is an area to the side of the house which is more sizable and would not be overshadowed to any significant extent. This area of garden would be adjacent to the highway, which would limit privacy. However, the proposed plans indicate a hedgerow along the boundary with Hamilton Road which could produce sufficient levels of privacy. Considering the street scene, I would have no concern with a hedgerow boundary from a visual perspective. Whilst the amenity space layout is not ideal, it would be enough to provide for future occupants without harming their living conditions.
16. To conclude on this issue, the proposed development would provide satisfactory standards of amenity for future occupants, in accordance with policy PP27 of the Poole Core Strategy 2018. This policy seeks to ensure development provides acceptable standards of amenity for future occupants to the site.
17. However, I do not regard the proposal as being contrary to the other Local Plan policies stated by the Council on this issue, based on the evidence before me.

European Ecology Sites

18. The Council's third 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 ('SPAs'), 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').
19. The Council indicates that there would be a need for the development to provide mitigation of potential impacts on the Dorset Heathlands Special Protection Areas. As part of the Dorset Heathland Planning Framework a contribution will be taken from all qualifying residential development to fund Strategic Access Management and Monitoring (SAMM).
20. In the Council's statement, they also highlight that with the adoption of the Poole Local Plan the 'Poole Harbour Recreation Interim Scheme' has been adopted, to ensure against development harm to the Poole Harbour SPA and Ramsar designations. This would require a further contribution towards the Poole Harbour recreation SAMM.
21. The appellant has submitted a legal agreement to meet the requirement set out in the Dorset Heathlands Planning Framework and the Poole Harbour Recreation Interim Scheme. Had I been minded to allow the appeal it would have been necessary for me to undertake an Appropriate Assessment of the development in order to confirm its effect and need for mitigation. I would have also required a consultation response from Natural England.
22. However, even if there were no likely significant effects to ecology to result in the proposals being in line with LP policies PP32 and National Planning Policy

Framework (the Framework) paragraph 170, that would be neutral in the planning balance rather than representing a positive factor weighing in favour of allowing the appeal.

Other Matters

23. The appellant has stated that the site is currently used for dumping of waste against the appellant's wishes. However, whilst I recognise this would be a problem for the appellant, I do not regard there needs to be the development of a house for this to be addressed. Essentially, this issue does not outweigh the harm the development would result in.
24. I note that the proposal would result in a dwelling in an accessible urban location, contributing towards the housing land supply. However, this would be a modest contribution just being a single dwelling and would not outweigh the issues raised above.
25. The dwelling would be relatively small and so would be more 'affordable' than some larger houses in the area. However, this would not be affordable as per the definition set out in the Framework. As such, I give this matter little weight. I do also note, however, that there could be a local need for smaller family houses, but this matter does not outweigh the harm I have identified above.
26. There has been no objection from the Council on matters such as parking and refuse storage, but these are neutral matters and do not weigh positively in favour of the proposal.
27. The appellant has made clear that the proposed dwelling would include environmental/energy saving features, which would be beneficial to the development. There would also be economic benefits of having a new house built. However, this is a single house and so I would only give these matters limited weight in the planning balance.

Conclusion

28. For the reasons given above, having considered all matters raised, the appeal should be dismissed.

S Rennie

INSPECTOR