



Appeal Decision

Site visit made on 10 September 2019

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2019

Appeal Ref: APP/Q1255/W/19/3226875

1 North Road, Poole, BH14 0LT

- 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 W Yeoman, Reef Properties Ltd against the decision of Poole Council.
 - The application Ref APP/19/00115/F, dated 31 January 2019, was refused by notice dated 28 March 2019.
 - The development proposed is described as 'demolish existing properties and erect 5 x 1 bedroom apartments together with on site parking'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 1 April 2019, Borough of Poole Council merged with Bournemouth Borough Council and Christchurch Borough Council to become a Unitary Authority, Bournemouth, Christchurch and Poole (BCP) Council. The development plans for the merged local planning authorities remain in place for the area within the BCP authority which they relate to, until such time as they are revoked or replaced. It is therefore necessary to determine this appeal with reference to policies set out in the plans produced by the now dissolved borough council.
3. I note that the refusal of the Council to grant planning permission for a previous application at the site has also been appealed. That appeal¹ will be the subject of a separate decision. Although it is for a similar flatted development, the two schemes are different following the appellant making some changes to this appeal proposal. I have therefore determined this development on its own merits and on the evidence before me.

Application for costs

4. An application for costs was made by Reef Properties Ltd against BCP Council. This application is the subject of a separate Decision.

Main Issues

5. The main issues are the effect of the development on the character and appearance of the surrounding area and designated nature conservation sites.

Reasons

Character and appearance

¹ Ref APP/Q1255/W/19/3223224.

6. The appeal site is situated at the end of a row of relatively modest detached and semi-detached two-storey residential properties running along the north side of North Road. Set on higher ground, and set back from the site by the highway, verge and landscaped grounds, Bournemouth and Poole College lies to the rear and side. At the time of my site visit, the flat-roof building opposite the site, at 1-3 Commercial Place, was in the process of being demolished. The surrounding area clearly therefore involves a number of different uses, scales and forms. As illustrated in the appellant's appeal statement, this includes some relatively large buildings in the vicinity of the site, such as the college, Park Place and the civic centre. I note that the area is also likely to change in the future, with extant planning permissions involving an increase in built form, such as for a six-storey flat-roof building – granted permission at appeal² – opposite the site, and other sites allocated for development, such as housing to the south beyond Commercial Road.
7. Bounded by highway on three sides, the site forms a corner plot and is visible in the surrounding area. The existing building on the site is larger than the properties in the row it adjoins, is set slightly apart from them, is located in an irregular and relatively spacious plot, and has a subtly different palette of materials. However, with its pitched roof, gable facing the road and two-storey height, it reflects the relatively simple form, domestic scale and generally consistent characteristics evident on the row of adjoining properties. The site is therefore experienced as forming part of and contributing to that row.
8. For these reasons and despite some views of the site being framed by the flat roof buildings to the north and south, it is not read as acting as a transition between the domestic scale and the larger built form in the surrounding area. Due to a combination of location and separation distances, the various larger existing and permitted buildings in the surrounding area are also set in different contexts to the site. They are therefore not determinative as to the acceptability of appeal proposal. Confirming this, I note the inspector's findings for the six-storey building opposite refers to that plot's location to the nearby civic buildings, which is not the case with this site given its greater degree of separation to that area.
9. The proposed apartment block would have a significantly greater mass, scale, bulk and footprint than the row of adjoining properties and would be set significantly forward of them. It would therefore appear as a conspicuous feature which would not sufficiently relate to its domestic scale surroundings. Although its southern elevation, including a gable and pitch roof facing North Road, would be similar to adjoining properties, the building would contain a variety of external materials, projecting and set-back elements, roof heights, and pitched and flat roofs. This would give it a complex, cluttered and disjointed appearance which would detract from the modest character and simple appearance of the adjoining row. It would therefore not achieve the stated intention to be read, in a similar manner to the building at the North Road-Danecourt Road junction, as an acceptable focal point and suitable conclusion to the row. Orientated at an angle from the row, much of its east elevation – which includes the relatively inactive undercroft parking area – would also be highly visible from the public realm. Accordingly, the development would appear as an incongruous feature that would be out of character with the surrounding built environment to which the site relates.

² Ref APP/Q1225/W/17/3180900.

10. In coming to this view, I have taken account of the entrance feature aligning with the eaves of 3 North Road, the windows breaking the eaves line and the accommodation being provided within the roof space, the change in the building's vernacular to reflect the influence of the college, the dividing of the building's façades to break up its bulk and mass, and the activity associated with the provision of five flats. It has been put to me that the row of properties to the east of the site have also been extended and altered, contain limited landscaping, involve a varied rear building line, and the development at the North Road-Danecourt Road junction is set forward of its adjacent building. Be that as it may, these matters do not lead me to a different conclusion.
11. My attention has been drawn to various other buildings, extant permissions and proposals in the wider area. However, with limited details of those and with some appearing to be some distance away, I have little evidence which indicates their relevance to the acceptability of this scheme.
12. For the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area. I therefore find that it conflicts with Policies PP27 and PP28 of the Poole Local Plan (PLP). Amongst other aspects, these require development of a good standard of design which reflect local patterns of development and are in keeping with the roof profile, layout, siting, scale, bulk and mass of surrounding buildings.
13. The Poole Park Conservation Area (CA) is relatively close and is visible from the site across the highway and junctions to the south-west. However, given the degree of separation and the presence of other built form in the surrounding area, I am satisfied that the development would not harm the setting of the designated heritage asset. The Council also do not allege in its Decision Notice that the development would harm the setting of the CA nor that it would conflict with development plan policies related to designated heritage assets.

Designated sites

14. The site is located within 5 kilometres of a site of Special Scientific Interest (SSSI) which is designated as the Dorset Heathlands Special Protection Area (SPA) and Ramsar site and the Dorset Heaths Special Area of Conservation (SAC). The Council indicate that it is also within close proximity to Poole Harbour, which is an SPA, Ramsar site and SSSI.
15. Additional accommodation within this area has the potential to increase recreational pressure on these sites, resulting in disturbance to the sites and their species. In-combination with other plans and projects, the development would therefore have a likely significant effect on them.
16. During the appeal, the appellant provided a financial contribution to the Council to mitigate this and completed an agreement under section 111 of the Local Government Act 1972 in relation to the financial contribution. Indicating that these are in accordance with the 'Dorset Heathlands Planning Framework 2015-2020 Supplementary Planning Document' and the 'Poole Harbour Recreation Mitigation, Interim Scheme', the Council subsequently confirmed that its second and third refusal reasons were therefore resolved.
17. However, I am dismissing the appeal for other reasons. Accordingly, it is not necessary for me, as competent authority, to undertake an Appropriate Assessment of the implications of the project for the above sites in view of the

sites' conservation objectives, under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, because it could not lead me to a different decision.

Planning Balance

18. The development would create new housing which is in demand. Sufficient access, parking, cycling and refuse provision would be provided. The Council have not raised concerns in relation to highway safety, flooding or the effect of the development on the living conditions of adjoining residents. The site is situated within an accessible location, within walking distance of various services and facilities of the local centre and near to cycle routes and public transport options. This would reduce reliance on the private car, as supported by the local plan. It has been put to me that the site, representing a windfall opportunity, also falls within the sustainable corridor identified by the Council, that opportunities exist for windfall development in this area which will help meet Poole's significant housing requirement, and that the local plan identifies that future growth is likely to come from intensification of development within the urban area.
19. Be that as it may, these matters do not outweigh the harm I have identified nor provide justification for development that conflicts with the development plan. Given my findings that the development would harm the character and appearance of the surrounding area, the appeal proposal cannot reasonably be described as constituting a more efficient use of land. I also have little substantive evidence that the policies which are most important for determining the application are out-of-date. Accordingly, the presumption in favour of sustainable development does not apply.

Conclusion

20. For the above reasons, the appeal is dismissed.

Tobias Gethin

INSPECTOR