



Appeal Decision

Site visit made on 28 October 2019

by Mrs H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2019

Appeal Ref: APP/Q1255/W/19/3234698

71 Kingland Road, Poole, BH15 1TN

- 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 & Mrs S & C Fields against Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/19/00456/P, is dated 12 April 2019.
 - The development proposed is demolition of the existent guest house and erect a part 2 storey / part 2 storey block of 8 flats with car parking and vehicular access.
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Decision

1. The appeal is dismissed and planning permission for demolition of the existent guest house and erect a part 2 storey / part 2 storey block of 8 flats with car parking and vehicular access is refused.

Preliminary Matters

2. The appeal application was made in outline form with appearance and landscaping reserved for future consideration. I have treated any aspects of the submitted plans pertaining to the appearance of the proposal and landscaping of the appeal site as purely indicative.
3. The application was submitted against the failure of the Council to determine the application within the prescribed period. Since the appeal was lodged, the Council has indicated that, had it been in a position to determine the application, it would have refused it for reasons relating to the effect of the proposal on the character and appearance of Poole Park Conservation Area (CA) and on the setting of the grade II listed park and garden, Poole Park. Another reason for refusal would have related to the effect of the proposal on future and neighbouring occupiers, with particular regard to loss of outlook, privacy and noise.

Main Issues

4. In view of the above, the main issues are the effect of the proposal on:
 - the CA and the setting of the grade II listed park and garden, Poole Park; and
 - future occupiers of the scheme and neighbouring occupiers at No 47 Mount Pleasant Road, with particular regard to loss of outlook, privacy and noise.

Reasons

Effect on heritage assets

5. As the appeal site lies within the CA, I am required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing its character or appearance.
6. The CA is characterised by its expansive area of open parkland. A collection of architecturally worthy and interesting structures, including the entrance lodge buildings and civic offices, nestle amongst or adjoin the Park. The area also has a verdant character, with trees and vegetation filtering views of urban development surrounding the park.
7. The appeal site also lies within the setting of the grade II listed Historic Park and Garden (Poole Park). Section 66(1) of the Act also requires that I pay special regard to the desirability of preserving any listed building or its setting.
8. From the listing description and other evidence before me, I consider that the significance of the Grade II Registered Park is its late C19 plan and features including the circuit of drives and walks, the entrance lodges, and structural planting which collectively formed the vision of a 'People's Park and Recreation Ground'. The Park was designed by John Elford and is generally level with extensive views from the principal walks and drives across the lake and across Poole Harbour. Despite the distant views afforded, the mature trees and shrubbery along the northern boundary of the Park substantially screen the adjacent late C19 and C20 properties.
9. One of the entrance lodges to the Park, Seldown Lodge, lies in close proximity to the appeal site and is a two storey dwelling constructed in brick with ornate detailing. Along with the elaborate gate piers, these features make up the western entrance to the park. These buildings are locally listed and fall to be considered as non-designated heritage assets (NDHAs).
10. The current guest house on the appeal site occupies a corner position and whilst larger, is built in the same style as adjacent dwellings, Nos 67 and 69. Whilst it is a C20 dwelling with some Arts-and-Crafts design elements, it is unobtrusive and has a neutral effect on the setting of the heritage assets.
11. The appeal proposal would introduce a building of much larger scale than the existing building onto the appeal site and it would be sited towards the outer boundaries of the site, almost adjoining the side boundary where a generous set back currently exists. The increased scale, complicated roof arrangements and the domineering position on the site would make the building an imposing feature which a site in such a sensitive position could not capably accommodate without detracting from the prominence of the nearby heritage assets.
12. The proposal would include numerous projecting elements, including gables and window bays, and a tower feature. Rather than providing the building with a coherent form they would give it a misplaced sense of grandeur, overpowering the Seldown Lodge building and associated gate piers with their more domestic scale and intricate features.

13. Whilst the street scene plan appears to show the scale of the building being comparable to buildings to the rear, such as No 47 Mount Pleasant Road, those buildings are generously set back from the road, screened by the boundary wall, trees and shrubbery on the northern edge of the Park and do not present themselves within the street scene in the same way as the appeal building. The appeal site is particularly exposed given its prominent corner location with low boundary walls. The proposal would display a noticeably greater scale, bulk and massing when compared to the existing building and neighbouring buildings of a more domestic scale.
14. I note the appellant's references to other existing largescale flatted schemes at various locations around Poole Park, largely outside of the CA. The Metropolitan and Quarterdeck are buildings in their own settings where larger scale buildings are more commonplace, i.e. the Civic Centre. The former St Joseph's Convent site is more spacious and buildings that surround it are predominantly largescale flatted blocks built in a traditional vertical arrangement. Whilst the Twemlow Avenue scheme is the most comparable in terms of scale and setting, its spacious set back from the entrance and its simple, coherent form and appearance contribute positively to the character of the area which set it apart from the appeal scheme for the reasons outlined.
15. For the reasons given above, the proposal would fail to preserve or enhance the character or appearance of the CA. It would also harm the setting of the listed Poole Park and also harm the settings of the NDHAs. This would conflict with Policies PP27, PP28 and PP30 of the Poole Local Plan (2018) (Local Plan). Read together, these policies seek to ensure a good standard of design with proposals displaying an appropriate scale, mass and extent of plot coverage whilst also preserving or enhancing the historic, architectural and archaeological significance of heritage assets and their settings.

Effect on future and neighbouring occupiers

16. The proposal would introduce a substantial length of side wall in close proximity of the boundary shared with the flats at No 47 Mount Pleasant Road. Whilst there is some existing vegetation in this area of the site and on the boundary with Poole Park Road, it would still result in a substantial built mass being visible from the south-east facing windows of those flats and would limit the ability of occupants of those flats to appreciate an open aspect in this direction. For these reasons, the proposal would be harmful to the living conditions of neighbouring occupiers at No 47 Mount Pleasant Road.
17. Given the outline nature of the scheme and potential that the parking arrangements, landscaping of the site and placement of glazed openings could be altered at reserved matters stage or restricted by condition, I have not considered in detail the potential impacts of privacy for the neighbouring occupiers or the effects on the future occupiers in terms of outlook or privacy.
18. However, for the reasons outlined above, the proposal would be harmful to the living conditions of neighbouring occupiers. It would therefore conflict with Local Plan Policy PP27, which, amongst other things, seeks to ensure that new development does not result in a harmful impact upon amenity for both local residents and future occupiers.

Other Matters

19. I note that the Council has no objection concerning the loss of tourist accommodation provided by the existing building. I have no reason to reach an alternative view.

Designated sites

20. The appeal site is within the impact zone of the Dorset Heathlands Special Protection Area (SPA) and Ramsar, Dorset Heaths Special Area of Conservation (SAC) and the Poole Harbour SPA and Ramsar (the designated sites).
21. It cannot be ruled out that residential development in this location, both individually and cumulatively with other schemes, would have significant effects on the features of interest of the protected sites due to increased recreational use and other domestic activity. The parties do not dispute that this can be mitigated through contributions to infrastructure delivered through the community infrastructure levy (CIL) and by Strategic Access Management and Monitoring (SAMM). The SAMM elements are required to be addressed outside of CIL and the appellant has both submitted the requisite agreement¹ and paid the relevant contributions for this purpose.
22. However, as the circumstances that could have led to the granting of planning permission are not present, it is not necessary for me to ascertain the appropriateness and delivery of the mitigation within an Appropriate Assessment. Consequently, as I am dismissing the appeal for other reasons, I have not taken this matter further.

Planning Balance and Conclusion

23. The proposal would harm the character and appearance of the CA and the setting of the listed park and garden, albeit in both cases the harm identified would amount to "less than substantial harm" which the National Planning Policy Framework ('the Framework') advises must be weighed against the public benefits. The proposal would also harm the settings of the aforementioned NDHAs and harm the living conditions of neighbouring occupiers.
24. The benefits of the proposal include the provision of seven new homes in a sustainable location and their associated contribution to the housing stock. The construction phase would generate economic benefits and the future residents of the dwellings would generate economic benefits in the local area. I afford these benefits moderate weight in the overall balance.
25. However, the moderate benefits from the appeal scheme do not outweigh the identified harm. The proposal would therefore conflict with the development plan as a whole and would also conflict with national policy outlined in the Framework.
26. For these reasons, the appeal is dismissed.

Hollie Nicholls

INSPECTOR

¹ Under S111 of the Local Government Act 1972