



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: 18 November 2019

Appeal Ref: APP/V1260/W/19/3234221

19 Wilderton Road, Poole BH13 6ED

- 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 Miss N Stephens against the decision of the Borough of Poole Council.
 - The application Ref APP/18/01671/P, dated 20 December 2018, was refused by notice dated 28 June 2019.
 - The development proposed is demolition of existing building and erection of a replacement building containing 6 no. apartments with associated access and parking arrangement.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal application was made in outline form with detailed access, scale and layout with matters of appearance and landscaping reserved for future consideration. I have treated aspects concerning the appearance and landscaping of the proposal as indicative.
3. The Borough of Poole Council 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 (Local Plan) has not changed following the merger.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of Branksome Park Conservation Area; and
 - the integrity of the Dorset Heathlands Special Protection Area (SPA) and Ramsar, Dorset Heaths Special Area of Conservation (SAC), and the Poole Harbour SPA and Ramsar.

Reasons

Branksome Park Conservation Area (CA)

5. Given that the site falls within the CA, I am required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
6. The distinctive qualities of the CA are defined in the Branksome Park Conservation Area Character Appraisal and Management Plan (CAMP). The appeal site specifically falls within Character Area 2 for which the distinctive qualities include its spacious, sylvan character with low density residential development. Its heavily wooded quality sets it apart from the wider surrounding urban landscape. The lack of engineered footways along the highway edge is also characteristic of this particular area and gives it a more semi-rural feel than elsewhere within and outside of the CA.
7. The appeal site is presently occupied by a bungalow of very limited architectural merit. The contribution of the site to the CA is purely in the absence of any notable building on the site from views within the street scene owing to the density of trees around the site's perimeter. Whilst other neighbouring buildings are more exposed to the highway to varying degrees, the appeal site has retained a more wooded quality.
8. An extant permission exists for the construction of a sizeable replacement dwelling¹ on the appeal site. The appeal proposal seeks to introduce an alternative scheme providing for six apartments within a single flat roof building of similar scale to the approved replacement dwelling. From the evidence, the density of the proposal would be approximately 21.4 dwellings per hectare which would be higher than the established density of the surrounding area.
9. The Council maintains that the site is not within a 'Sustainable Transport Corridor' and I am more persuaded by the evidence put to me in this regard. In any case, the policy relating to development within Sustainable Transport Corridors promotes higher density development, a caveat applies to allow the Council to consider the suitability of such schemes on a case-by-case basis. The Council maintains an in-principle objection to flats within this particular area, maintaining that they are different in character as well as appearance to dwellings typically found within the CA.
10. Whilst I do not consider that such an in-principle objection to the construction of flats is strictly necessary, the manner in which the proposal would present itself as manifestly different from a large detached house within a spacious plot would undermine the cohesion of the CA. Notwithstanding that the appearance of the scheme would be a reserved matter, the form, mass and fixed elements of the external design, including balconies, would give the proposal a box-like design unlike any surrounding dwellings, which even where built in a contemporary style have more variation and articulation in their form. That the scheme would be marginally wider than the extant permission for the replacement dwelling would also be harmful as its scale, bulk and evidently different characteristics would be apparent in views from the roadside.

¹ Planning permission ref APP/17/00268/F

11. The Council raise that the proposal would reduce the verdant qualities of the site, although it appears to include only limited tree removals combined with the reduction of vegetation to allow for widening of the access. These works would not unduly undermine the verdant qualities the wider area, but would result in a degree of additional exposure of the proposed building which would have a more functional form than any buildings found in the surrounding area.
12. I note the appellant's reference to the Lindsay Road appeal case² which provided for a large flatted scheme in place of three bungalows within the same CA, albeit in a different character area. Whilst trees and vegetation are still a significant feature, Lindsey Road already has a presence of more largescale flatted schemes either side of its more engineered highway. Wilderton Road has a more semi-rural and intimate feel, despite that recent developments have resulted in many dwellings being exposed within the street scene. As there are a number of individual dwellings sited and viewed in close association with one another in this area, the proposal would result in a marked change in character.
13. In view of this main issue, the proposal would harm the character and appearance of Branksome Park Conservation Area and would therefore conflict with Local Plan Policies PP27, PP28 and PP30, which, amongst other things, collectively seek to secure a good standard of design and ensure that development enhances or better reveals the significance and value of the site within the conservation area.

SPA, Ramsar and SAC matters

14. The appeal site is within the impact zone of the Dorset Heathlands SPA and Ramsar, Dorset Heaths SAC and the Poole Harbour SPA and Ramsar (the protected sites).
15. 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. Such effects can, following an appropriate assessment, 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.
16. The appellant has provided an obligation under Section 106 of the Town and Country Planning Act 1990 to ensure the payment of the SAMM contributions at the appropriate juncture. 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

17. I note that the appellant raises the matter of the Council's five year housing land supply (5YHLS) which was as at April 2018 considered to be in the region of 6.2 years' supply. Whilst for a short number of weeks, the Council's Local Plan has not been able to be considered 'recently adopted', I consider it

² Appeal ref: Appeal Decision APP/Q1255/W/17/3189976

unlikely given the starting point and the outcome of the Housing Delivery Test results updated in May 2019 that the Council's 5YHLS position would be so changed as to warrant the relevant housing policies being considered out-of-date. Even if they were, the 'tilted balance' would not apply owing to the protection afforded to designated heritage assets under footnote 6 of paragraph 11 d) of the Framework.

18. The proposal would harm the character and appearance of the CA, albeit that the level of harm would be less than substantial. The Framework sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
19. In terms of the benefits of the scheme, the increased density indicates a more efficient use of the site than the existing dwelling and extant permission for its replacement. The scheme would also result in an additional degree of economic gain to the area and provides more dwellings to the housing stock which would offer social benefits.
20. I note also the offer to provide a surfaced footway outside of the site but do not consider that this would be necessary for the scale of development proposed or in the interests of maintaining the character and appearance of the CA. Consequently, this factor weighs neither for or against the proposal.
21. That the impacts of the scheme on the protected sites would be mitigated by the payment of the SAMM contributions and CIL is also a neutral aspect of the scheme.
22. Considered in the round, the benefits of the scheme do not outweigh the harm that the proposal would cause to the character and appearance of the CA, thus conflicting with the development plan and Framework when read together.
23. For the above reasons, the appeal is dismissed.

Hollie Nicholls

INSPECTOR