

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: 22 November 2019

Appeal Ref: APP/Q1255/W/19/3234250

Land Rear of 97A & 99 High Street & 18A Lagland Street, Poole BH15 1AH

- 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 J A Hawkes & Sons Limited against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/19/00708/F, dated 4 June 2019, was refused by notice dated 30 July 2019.
 - The development proposed is erection of a 4 storey block forming 8no. self-contained flats with associated access and parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the Town Centre Heritage Conservation Area and the setting of nationally and locally listed buildings; 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

Character and appearance

3. The site falls within the Poole Town Centre Heritage Conservation Area (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.
4. The appeal site is situated within the High Street part of the CA. From the Character Statement¹ (2012), I consider that the significance of the CA relates to the primacy of the High Street as the historic commercial core of the town, along with the age, form and historic fabric of many of the buildings that enclose the narrow street.
5. The site is also in close proximity of two grade II listed buildings: 87 - 89 and 91 High Street. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I should have special regard to the desirability of preserving the listed buildings or their settings.

¹ Town Centre Heritage, Part 2: Character Statement (2012)

6. No 87 and 89 High Street are listed for their significance as the earliest buildings of an important group of 18th century merchants' town houses. Its features of particular interest are those on the principal elevations and roofs which are visible from High Street and some internal features.
7. No 91 High Street is a C19 building listed for its noteworthy shop front but also includes a house, rear warehouse and its yard wall of which the age, form and historic fabric are also of special interest.
8. The site is also in close proximity of a number of locally listed buildings, including 93 – to 99 High Street. They are all listed for their architectural interest with period detailing, primarily on their principal elevations facing into High Street.
9. The appeal site is situated to the rear of High Street and is not visible in views therefrom. The area surrounding the appeal site has a more varied character than High Street, given the varied forms, arrangement and construction materials of the buildings and boundary treatments. As a gap between two existing buildings of limited architectural interest, and defined to the rear by a substantial brick wall, the appeal site makes a limited contribution to the character and appearance of the CA. Given the siting to the rear of the listed building and NDHAs, the appeal site makes a neutral contribution to their settings.
10. The appeal proposal would introduce a four storey building within the existing gap between 99 High Street, and Nos 18A and 20 Lagland Street. There is an extant planning permission for a three storey block containing six flats on the same site² and the additional storey is the notable difference between the two schemes.
11. At either end of the building, narrow sections would be set back from the building's frontage and would be almost a storey lower than the main part of the roof. The majority of the flat roof would exceed the height of the rear brick wall by approximately 2 metres, but would be no higher than the ridge height of No 99 High Street.
12. The small sections set in and down from the main flat roof height would have a modest effect on the overall mass and bulk of the building. However, they help to give the building some more articulation and make it appear to respectfully step down to the heights of neighbouring buildings, making it a more coherent form of development within the street scheme. Considered overall, the scheme would assimilate well with the scale and appearance of surrounding buildings and would not be visually prominent or obtrusive in the street scene. In that it would provide a well-designed building within an otherwise underutilised and poor quality space, the proposal would make a positive contribution to the street scene and wider setting.
13. In view of this main issue, the proposal would enhance the character and appearance of the CA and the settings of the listed buildings and NDHAs. The proposal would therefore comply with Policies PP27 and PP28 of the Poole Local Plan (2018) which require a good standard of design from all new developments and for schemes involving flats, require that the scale and massing of the building, including the width, height and roof profile and spacing

² Planning permission reference: APP/17/00514/F

is in keeping with neighbouring buildings and the established pattern of development in the street. The proposal would also comply with Local Plan Policy PP30 which requires that proposals enhance or better reveal the significance and value of the site within the street scene and wider setting for sites within a conservation area or within the setting of listed or locally listed buildings.

SPA, SAC and Ramsar sites

14. The appeal site is within influence of the Dorset Heathlands SPA, Dorset Heathlands Ramsar, Dorset Heaths SAC, the Poole Harbour SPA and Poole Harbour Ramsar (hereafter collectively referred to as 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. The parties do not dispute that this can be mitigated through contributions to infrastructure delivered through CIL and by Strategic Access Management and Monitoring (SAMM). The SAMM elements are required to be addressed outside of CIL.
16. I have not been provided with any confirmation that a planning obligation or other form of agreement has been completed that either has, or would secure the mitigation payments. Consequently, I cannot be satisfied that the proposal would provide adequate measures to avoid and mitigate its potential adverse effects on the integrity of the protected sites.
17. In view of this main issue, the proposal would conflict with Local Plan Policies PP32 and PP39, which collectively seek to ensure that development is only permitted where it would not lead to an adverse effect upon the integrity, either alone or in-combination, directly or indirectly, on nationally, European and internationally important sites.

Planning balance and conclusion

18. Whilst the proposal would maintain and enhance the character and appearance of the conservation area, it would fail to mitigate the effects on the protected sites. Consequently, for the reasons set out above, the appeal is dismissed.

Hollie Nicholls

INSPECTOR