
Appeal Decision

Site visit made on 6 November 2019

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 03 December 2019

Appeal Ref: APP/Q1255/W/19/3236032

Land rear of 85-87 High Street, Poole BH15 1AH

- 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 under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr S Real of Real Building Contractors Limited against Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/19/00256/F is dated 1 March 2019.
 - The application sought planning permission for erection of a block forming no.10 self-contained flats with associated access and parking (revised scheme) without complying with a condition attached to planning permission Ref APP/18/00390/F, dated 24 May 2018.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location plans Drg No. MDS 1203/P200 rev D received 19/03/2018 Proposed Elevations Drg No. MDS 1203/P201 rev F received 19/03/2018 Proposed Floor Plans Drg No. MDS 1203/P202 revision E received 19/03/2018.
 - The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal has been made against non-determination of the planning application. The Council has however provided a draft report which outlines a number of concerns. I have taken these into account in defining the main issues below.
3. Whilst the Council was considering the application, Borough of Poole Council merged with adjoining local planning authorities to become Bournemouth, Christchurch and Poole Council. Until such time as it is replaced, the relevant development plan however remains the Poole Local Plan adopted 13 November 2018 (the Local Plan).
4. An application for costs was made by Mr S Real of Real Building Contractors Limited, against Bournemouth, Christchurch and Poole Council. This application is the subject of a separate Decision.

Main Issue

5. The main issue is the effect that development without complying with the disputed condition would have on the character and appearance of the area, including whether it would preserve the setting of the Old Meeting House, and whether it would preserve or enhance the character or appearance of the Town Centre Heritage Conservation Area (the Conservation Area).

Reasons

6. The appeal site is located within the Conservation Area. The significance of the Conservation Area partly derives from the historic street and plot layout, including buildings which form a main frontage on High Street, and the surviving boundaries of linear burgage plots to their rear. These features are noted and described in the Town Centre Heritage Part 2: Character Statement 2012 (the TCHCA).
7. The appeal site has a frontage on Langland Street, but forms part of the block of land which lies to the rear of buildings which front the east side of High Street. Consistent with the pattern outlined above, this block is largely subdivided into plots defined by continuous linear boundaries. The appeal site lies to the rear of one such plot.
8. Land within the block is of mixed age and architectural character, but stands at a reasonably consistent 2-3 storeys. This consistency, combined with the framework of plot boundaries, pedestrian routes which run alongside them, and the high visibility of the backs of High Street buildings, provides the block with a distinct identity within the broader townscape. This identity is made more apparent by modern tower block and flat developments to the south, and on the opposite side of Langland Street, whose considerable height, scale, massing and differing layout provides a clear contrast.
9. Historic buildings within the block include the Old Meeting House, which is Grade II listed. This is located immediately adjacent to the rear half of the site as viewed from the Langland Street frontage. Externally, the significance of the building lies in its distinctive hipped roof form, and the round arched windows within the north-west elevation. Principal views of the building are from spaces to the rear of the High Street, including the alley which provides a cut-through to Prosperous Street, High Street Mews, and the car park which lies between. Given its age and distinctive design, the old Meeting House makes a positive contribution to the character, appearance and significance of the Conservation Area.
10. Planning permission APP/18/00390/F (the approved scheme) permitted construction of a 4-storey block of flats on the site. Within this scheme the principal mass of the approved building would have resided in the regular form of first 3-storeys, whilst the fourth storey would appear as a component of the roof. The building would be of clearly greater height and mass than the Old Meeting House, but notwithstanding the fourth storey, the height of the building would otherwise be generally consistent with that of other development within the block.
11. Changes sought to the approved scheme principally entail increasing the height of a large proportion of the building to a full 5-storeys. Within these sections

- there would be a related increase in massing, consistent with that of the first 3-storeys.
12. At 5-storeys the building would be of significantly greater height than that of any other building within the block, and this would be accentuated by the considerable vertical massing of the building, and its starkly monolithic appearance. This would be most apparent in views from the north-east. Though the appearance of other elevations would differ, the asymmetrical composition of these elevations would nonetheless draw further attention viewed against a setting generally characterised by simpler building forms. The altered design would therefore be clearly at odds with the prevailing character and appearance of development within the block, thereby undermining the distinctive role it plays within the townscape of the Conservation Area.
 13. There are some general similarities between the proposed design and that of existing flats in the vicinity of the site. On account of their proximity and/or height, existing flats would also form elements of the same view seen from certain locations. In neither regard however would a relationship formed on the skyline alter the fact that the height, scale and massing of the building would be appreciably at odds with that of other development within the block of which the building would form part.
 14. I acknowledge that some post-war flats which stand on the opposite side of Lagland Street have been included within the Conservation Area. However, this appears to be solely in consequence of including a number of listed and locally listed buildings which stand amongst them. Indeed, the flats make no obvious contribution to the significance of the Conservation Area. The fact that the flats lie within the Conservation Area boundary does not in itself therefore form a basis to justify the proposed design, or again alter the fact that the proposed building would relate poorly to development within the block of which the site forms part.
 15. No increase in height is sought for the part of the building that would stand closest to the Old Meeting House, and relative to the approved scheme, the projection of the fourth storey would be slightly scaled back. In all the principal views of the Old Meeting House however, the development would be perceived as a whole. In this regard, the changes sought would significantly increase the degree of disparity between the building and the Old Meeting House in terms of comparative height, mass and scale, providing an overwhelming level of visual competition. This would greatly harm appreciation of the significance of the old Meeting House, and exacerbate the harm caused to the Conservation Area.
 16. The Council has also drawn attention to locally listed buildings. However, according to the TCHCA, there are none located close to the site within the block of which it forms part. The nearest is otherwise The Cockleshell, which is located on the opposite side of Lagland Street, albeit not directly opposite the site. This modest 2-storey public house appears to be a surviving fragment of an area cleared to provide the post-war flats which currently dominate its setting. It is principally viewed from the north east and west, from locations beyond the site. Though the development would provide an additional tall building within the general streetscene, this would have little direct impact on principal views of The Cockleshell.
 17. In view of my reasons above, I find that the development would not preserve the setting of the old Meeting House, nor preserve or enhance the character or

appearance of the Conservation Area. With regard to paragraph 196 of the National Planning Policy Framework, I find that the development would cause less than substantial harm to the significance of both these heritage assets.

18. Having regard to the considerable importance and weight to be given to the statutory objectives of preserving of the settings of listed buildings, and preserving or enhancing conservation areas, I attach considerable importance and weight to the harm that would arise. I accept that the scheme would see a gap site filled and deliver 10 flats in a sustainable location, which would generate a small boost to the economy during construction, and as a result of on-going use of local services by future occupants. However, given that this would also be true of the approved scheme, no additional public benefit would attach to these matters within the appeal scheme. For this reason, the level of benefit would be insufficient to outweigh the combined harm that the differing design proposed would cause to the setting of the Old Meeting House, and to the character and appearance of the Conservation Area.
19. For the reasons outlined above I conclude that development without complying with the disputed condition would have an unacceptable effect on the character and appearance of the area, both failing to preserve the setting of the Old Meeting House, and failing to preserve or enhance the character or appearance of the Conservation Area. As such it would be contrary to Policy PP27 of the Local Plan, which amongst other things seeks to secure development that reflects or enhances local patterns of development and neighbouring buildings; Policy PP28 of the Local Plan, which amongst other things requires that the scale and massing of flatted development, including the height is in keeping with neighbouring buildings and the established pattern of development in the street, or part of the street, where the site is located; Policy PP30 of the Local Plan, which expects development to preserve or enhance Poole's heritage assets; and Policy PQF3 of the Poole Quays Forum Neighbourhood Plan Adopted February 2017, whose requirements reflect those of each of the Local Plan Policies cited above.

Other Matters

20. The lack of a planning obligation securing contributions to mitigate a likely significant effect on the integrity of the Dorset Heathlands Special Protection Area (SPA), and Ramsar site, and the Poole Harbour SPA, are given by the Council as draft reasons for refusal. The appellant has however provided a Unilateral Undertaking during the course of the appeal committing to pay these contributions. Had I been minded to allow the appeal, and the circumstances therefore existed in which planning permission could be granted, it would have been necessary for me to seek further information and to undertake an Appropriate Assessment in order to confirm the effect and necessity for such a contribution. As I am dismissing the appeal for other reasons it is not necessary for me to consider this matter any further.

Conclusion

21. For the reasons set out above I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR